

was sold with an adjoining 1.2 acre tract, totaling 4.07 acres. Respondent failed to report and/or analyze that sale five contained a 10,695 square foot motel that was in operation at the time of the Respondents' report. This effected the final estimate of value and inflated the value.

6. Respondents' sale six was reported as having 1.47 acres when it actually has 3.44 acres. This resulted in an inflated price per square foot for this sale and inflated the final estimate of market value. Respondents also reported an incorrect instrument number for sale six.

7. Respondents' sale seven was reported as having 12.1 acres when it actually was a sale of 22.1 acres. Respondents failed to report that sale seven contained an industrial building of approximately 16,892 square feet.

8. Respondents omitted a comparable sale in the report from the subject addition which should have been included. This November 17, 2005 sale (a tract consisting of lots 1,2,5,6, and 7 of the Yahgnee addition) was for 6.32 acres and sold for \$2.18 per square foot. This sale was an arms length transaction of the only tract that has frontage on the highway.

9. Respondents reported that the subject site had 50 acres, more or less. The zoning request to the City of Shawnee cited the tract size as 55.9 acres, more or less.

10. Respondents incorrectly report that the site is rectangular in shape.

11. On page 12 of Respondents' report, they write that for the "front/west portions" of the tract, 762,300 square feet is to be valued at \$8 per square foot, while the remainder, approximately 1,807,740 square feet is to be valued at \$1.06 per square foot. Respondents failed to identify anywhere in the report as to which lots or tracts are to be valued at the selected amounts per square foot. The report does not communicate to the reader the areas that are valued at the higher or lower estimate.

12. The subject land contained either a retention or detention pond ("pond"). It is unclear what value per square foot Respondents give to the pond.

13. Respondents failed to mention and/or analyze Reserve A, which is a 3.06 acre, more or less, tract that is also considered a utility easement. It is not reasonable to assume that

this 3.06 acre tract would bring the same price per square foot as the other tracts along the road west of the subject.

14. Since Respondents failed to identify which tracts were valued at what square footage value, the report is misleading.

15. The report appears to be "as is" but does not address and/or analyze the need and/or cost to take the utilities to the east and northeastern portions of the development

16. Respondents failed to report that tracts on either side of Transportation Parkway are owned by other landowners; resulting in a limited amount of frontage to Highway 18.

17. Respondents failed to calculate the appropriate absorption rate and discount the final estimate of value accordingly.

18. Respondents describe their report as a summary appraisal report when it read more like a restricted-use report.

AGREED CONCLUSIONS OF LAW

1. That Respondents have violated 59 O.S. § 858-723(C)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

CONSENT AGREEMENT

The Respondent, by affixing her signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document, and
2. That Respondent possesses the following rights among others:
 - a. the right to a formal fact finding hearing before a disciplinary panel of the Board;
 - b. the right to a reasonable notice of said hearing;
 - c. the right to be represented by counsel;
 - d. the right to compel the testimony of witnesses;
 - e. the right to cross-examine witnesses against him; and

f. the right to obtain judicial review of the final decision of the Board.

3. The Respondent stipulates to the facts as set forth above and specifically waives his right to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.

4. The Respondent consents to the entry of this Order affecting his professional practice of real estate appraising in the State of Oklahoma.

5. The Respondent agrees and consents that this Consent Order shall not be used by him for purposes of defending any other action initiated by the Board regardless of the date of the appraisal.

6. All other original allegations in this matter are dismissed.

ORDER

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered and that:

1. Respondent, JUDY OLIVER, is assessed an administrative fine in the amount of five hundred dollars (\$500.00) to be paid in accordance with the board's rules.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. §§24-A.1 – 24A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

FUTURE VIOLATIONS

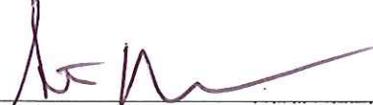
In the event the Respondent fails to comply with any of the terms and conditions of this Consent Order, Respondent will be suspended immediately until said terms and conditions are met.

RESPONDENT:


JUDY OLIVER
5/24/11
DATE

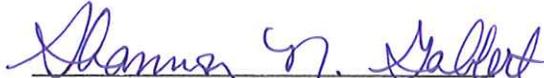
CERTIFICATE OF BOARD PROSECUTING ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.


STEPHEN MCCALED, OBA #15649
Board Prosecutor
2401 NW 23rd Street, Suite 28
Oklahoma City, Oklahoma 73152

6-2-11
DATE

IT IS SO ORDERED on this 3rd day of June, 2011.


SHANNON GABBERT, Secretary
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**



By: 
BRYAN NEAL, OBA #6590
Assistant Attorney General
Attorney for the Board
2401 NW 23rd Street, Suite 28
Oklahoma City, Oklahoma 73152

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Consent Order for Respondent Judy Oliver was mailed postage prepaid by certified mail with return receipt requested on this 16th day of June, 2011 to:

Judy K. Oliver
632 Smalley Drive
Norman, Oklahoma 73071

7010 3090 0000 3334 5048

and that copies were mailed to:

OFFICE OF THE ATTORNEY GENERAL

Attn: Bryan Neal
313 N.E. 21st Street
Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP

Attn: Stephen McCaleb
4800 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105

Stephen C. Walton, Hearing Panel Officer

8282 S. Memorial, Suite 201
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Adam K. Adwon, Hearing Panel Officer

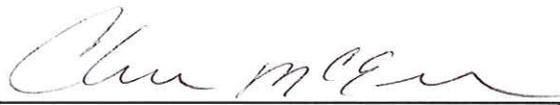
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Christine McEntire