BEFORE THE REAL ESTATE APPRAISER BOARD
STATE OF OKLAHOMA

In the Matter of JERRY R. BURROWS,	)	
	)	Complaint #10-096
Respondent.	)	

CONSENT ORDER FOR RESPONDENT JERRY R. BURROWS

COMES NOW, the Oklahoma Real Estate Appraiser Board ("OREAB"), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent, Jerry R. Burrows, and enter into this Consent Order in lieu of a formal administrative hearing pursuant to Okla. Stat. tit. 59 § 858-700 *et seq.* and Oklahoma Administrative Code § 600:10-1, *et seq.* All sections of this Consent Order are incorporated together.

AGREED FINDINGS OF FACT

The Respondent and OREAB hereby agree to the following Agreed Findings of Fact in settlement of this matter:

1. On or about August 27, 2010, TSI-Appraisal Services (the "client") hired Respondent to complete an appraisal (the "appraisal") for a property located at 310 Big Rock Road, Medicine Park, Oklahoma (the "subject property").

2. The appraisal's date of appraised value was reported as August 9, 2010. Respondent reported a final estimate of value as Two Hundred Seventeen Thousand Dollars and 00/100 ($217,000.00). The property assignment type was for a refinance transaction. The report was signed by Respondent and submitted to the client.

3. Respondent states in his report that his only data source was county records. The Lawton area has a MLS which is necessary to have access and utilize to produce competent reports. Respondent committed error by not using the appropriate MLS to obtain geographical competency.

4. Respondent incorrectly lists that the sanitary sewer is septic, rather than the City of Medicine Park Sanitary Sewer.

5. In the improvements section, Respondent failed to check garbage disposal, microwave, washer, and dryer; all appliances that are in the subject property.

6. Respondent writes that the roof is composition shingles, when it is actually 29 gauge commercial metal.

7. Respondent incorrectly lists that the subject property has no gutters, downspouts, or window screens.

8. The subject property's driveway is concrete and asphalt; Respondent reports that it is gravel. Respondent also failed to report that the driveway is a seven (7) car driveway.

9. The subject property has three bedrooms. Respondent incorrectly reports that it has four (4) bedrooms.

10. Respondent incorrectly reports the materials used to build the home.

11. Respondent's appraisal report states, in the Appraiser's Certification, that the appraisal was developed and the report prepared in conformity with the Uniform Standards of Professional Appraisal Practice. It also states that the Respondent was aware of, and has access to, the necessary and appropriate public and private data sources, such as multiple listing services,...for the area in which the property is located.

AGREED CONCLUSIONS OF LAW

1. That Respondent has violated 59 O.S. § 858-723(C)(6) through 59 O.S. §858-726, in that Respondent violated:

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

B) Standard 1, Standards Rules 1, and 1-1; Standard 2, and Standards Rules 2-1 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

2. That Respondent has 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 his signature hereto, acknowledges:

1. That Respondent has been advised of his right to seek the advice of counsel prior to signing this document;

2. That Respondent possesses the following rights, including but not limited to:

a. The right to a formal fact finding hearing before a disciplinary panel of OREAB;

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 OREAB.

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

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

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

6. That all other original allegations in this matter are dismissed; and

7. That this Consent Order is for the purpose of settlement only. Neither the fact that Respondent and OREAB have agreed to this Consent Order, nor the Findings of Fact or Conclusions of Law contained herein, shall be used for any purpose in any proceeding, except by the OREAB. Nothing contained in this Consent Order is an admission by the Respondent of liability.

ORDER

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

1. Respondent successfully completes corrective education as follows:
    i. FIFTEEN (15) HOURS – 611: Residential Market Analysis & Highest and Best Use; and
    ii. FIFTEEN (15) HOURS – 612: Residential Site Valuation and Cost Approach

Said courses shall be completed within one hundred eighty days after the approval date of this order.

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.

RESPONDENT:

JERRY R. BURROWS

9-28-2011
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 MCCALEB, OBA #15649
Board Prosecutor
2401 NW 23rd Street, Suite 28
Oklahoma City, Oklahoma 73152

9-29-11
DATE

IT IS SO ORDERED on this 7th day of October, 2011.

INSURANCE COMMISSIONER STATE OF OKLAHOMA

SHANNON N. GABBERT, Secretary
OKLAHOMA REAL ESTATE APPRAISER BOARD

By:
BRYAN NEAL, OBA #6590
Assistant Attorney General
Counsel 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, Jerry R. Burrows was mailed postage prepaid by certified mail with return receipt requested on this 19th day of October, 2011 to:

Jerry R. Burrows **7010 3090 0000 3334 7158**
901 N. Cook Street
Cordell, Oklahoma 73632

and that copies were mailed to:

Bryan Neal, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Stephen L. McCaleb
DERRYBERRY & NAIFEH
4800 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105

CHRISTINE MCENTIRE