

Eight Thousand Dollars and 00/100 (\$338,000.00) and had 3,500 square feet of gross living area. This conflicts with the county records, which show that the property sold on July 24, 2009 for Two Hundred Ninety Seven Thousand Dollars and 00/100 (\$297,000.00) had 2,700 square feet of gross living area. There is no August 14, 2009 sale for comparable #1. Respondent's sale was not verifiable because the information was not yet recorded with the county clerk. Respondent did not verify the sale through county records but relied on information obtained from the builder of the sale for verification, a party to the transaction. Respondent did not disclose in his report that he used the builder as his data source.

4. Comparable #2 was listed on the report as having 3,500 square feet but there does not appear to be any data sourced that Respondent used that supports his number.

5. Comparable #3 was listed on the report as having 3,550 square feet but there does not appear to be any data sourced that Respondent used that supports his number.

6. Respondent reports in appraisal 1 that his opinion of site value in the cost approach is Thirty Five Thousand Dollars and 00/100 (\$35,000.00).

7. Upon information and belief, in October of 2010, Bank of Oklahoma, LLC (the "client") hired Respondent to complete an appraisal on the subject property (the "appraisal 2") which is located at 6778 East 125th Place, Bixby, Oklahoma (the "subject property").

8. The appraisal's date of appraised value was reported as October 29, 2010. Respondent reported a final estimate of value as Three Hundred Thousand Dollars and 00/100 (\$300,000.00). The property assignment was for a refinance transaction. The report was submitted to the client.

9. Respondent reports in appraisal 1 that his opinion of site value in the cost approach is Fifty Thousand Dollars and 00/100 (\$50,000.00), which contradicts the appraised value and his statements concerning declining market in appraisal 2.

10. Respondent acknowledges these errors.

11. Respondent was cooperative and pro-active in responding to this complaint.

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 Conduct and Management Sections of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

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

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, and has in fact retained counsel;

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 shall pay an administrative fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00);

2. Respondent shall take a 15 hour course designated and approved by the Board which must be completed within 9 months of the entry of this Consent Order.

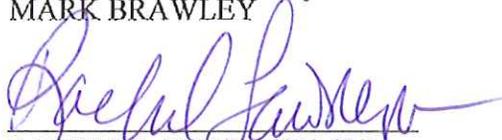
DISCLOSURE

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:



MARK BRAWLEY



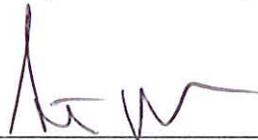
RACHEL LAWRENCE MOR,
Attorney for Respondent

03/21/2012

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
3625 N.W. 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

3-30-12

DATE

IT IS SO ORDERED on this 30th day of March, 2012.



Christen Watson

CHRISTEN WATSON, Secretary
OKLAHOMA REAL ESTATE
APPRAISER BOARD

By:

Bryan Neal

BRYAN NEAL, OBA #6590
Assistant Attorney General
Counsel for the Board
313 NE 21st Street
Oklahoma City, Oklahoma 73105

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that on the 12th day of April, 2012 a true and correct copy of the above and foregoing Consent Order for Respondent Mark E. Brawley was placed in the U.S. Mail by certified mail, return receipt requested to:

Mark E. Brawley
9932 S. 93rd E. Place
Tulsa, OK 74133

7010 3090 0000 3334 9473

Rachel Lawrence Mor
3037 N.W. 63rd Street, Suite 205
Oklahoma City, Oklahoma 73116

7010 3090 0000 3334 9626

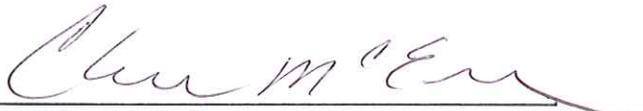
and that copies were forwarded by first class mail to the following:

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


Christine McEntire