

appraisal for Quality Mortgage Service Corporation, 4101 Perimeter Center Drive, Suite 240, Oklahoma City, Oklahoma.

3. That among other errors, the report contained an incomplete and misleading description of the subject neighborhood, which failed to mention a number of for rent signs, Section 8 signs, and numerous abandoned cars on the street and in yards.

4. In addition, the report included five comparable sales, the first two of which appear to be the subjects of “flipping”. Those properties theoretically increased in value in a three month period from \$15,000 to \$60,000 in one case and from \$18,000 to \$62,500 in the other. Respondent Cook reported the higher values with no mention of the values three months earlier. Comparable 3 was a sale of two properties, which was not reflected in the report. Comparable 4, as identified by address in the report, had not sold since 1994. Comparable 5 was in a superior neighborhood and included the transfer of three lots not shown in the report.

5. That the trainee appraiser erred in selecting one of the comparable sales by failing to determine that its reported sales price was not for one property but for two, caused by relying on the Assessor records and a program that relied on the Assessor records.

6. That these errors and others resulted in Respondent giving the subject property a grossly inflated estimate of value.

7. That Respondent Smith signed the above appraisal report as the supervisor and indicated that he did inspect the property.

8. That by signing the report as a supervising appraiser, Respondent Smith accepted the responsibility for any errors or omissions in the report, as required by the OREAB

Rules for Supervising Appraisers, and as assumed by signing an REA Form 8 and placing it on file with the Board.

AGREED CONCLUSIONS OF LAW

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause pursuant to Oklahoma law as set forth at Title 59 of the Oklahoma Statutes, Sections 858-701 et seq. and the Rules of the Real Estate Appraiser Board at OAC 600:10-1-1 et seq.
2. That the Respondents were properly notified of the charges and of their right to counsel and that Gordon Cook hereby expressly waives his right to counsel.
3. That the Respondents hereby expressly waive any objections to the timeliness of the Notice, the specificity of the statement of charges, and the procedures of the Board.
4. That the Findings of Fact stipulated to by the Respondents constitute violations of the Statutes and Rules Governing Real Estate Appraisers, specifically: 59 O.S. § 858-723(A)(7),(8),(9) and (13), 59 O.S. § 858-723(A)(6) by violation of Ethics Rule, Conduct Section USPAP 2004 Edition, Competency Rule, USPAP 2004 Edition, Standard 1 and Standards Rules 1-1(a), 1-1(b), 1-1(c) and 1-2(e)(1) & (4), Standard 2 and Standards Rules 2-1(a) & (b) as well as 59 O.S. § 858-732 A.1.

CONSENT AGREEMENT

The Respondents, by affixing their signatures hereto, acknowledge that:

1. Respondents have been advised to seek the advice of counsel prior to signing this document, and
2. That Respondents possess 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 them; and
 - f. the right to obtain judicial review of the final decision of the Board.
3. The Respondents stipulate to the facts as set forth above and specifically waive their right to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.
4. The Respondents consent to the entry of this Order affecting their professional practice of real estate appraising in the State of Oklahoma.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law:

1. Respondent Gordon Cook's trainee appraiser certification 90441TRA will be suspended for a period of forty-five (45) days. During this forty-five day period, Respondent Cook shall not perform or sign any appraisals or appraisal reports of any kind. THE FORTY-FIVE DAY SUSPENSION WILL COMMENCE ON THE DATE THE BOARD RECEIVES RESPONDENT COOK'S SURRENDERED LICENSE AND POCKET CARD. Respondent shall surrender his credentials to the Board immediately upon receipt of this executed and filed Consent Order. The Board will inform Respondent Cook of the date it receives his surrendered credentials. During the forty-five days suspension period, the conditions set out in OAC 600:15-1-15 shall apply.

2. Respondent Roger Smith's appraiser certification 12083SLA will be suspended for a period of forty-five (45) days. During this forty-five day period, Respondent Smith shall not perform or sign any appraisals or appraisal reports of any kind. THE FORTY-FIVE DAY SUSPENSION WILL COMMENCE ON THE DATE THE BOARD RECEIVES RESPONDENT SMITH'S SURRENDERED LICENSE AND POCKET CARD. Respondent shall surrender his credentials to the Board immediately upon receipt of this executed and filed Consent Order. The Board will inform Respondent Smith of the date it receives his surrendered credentials. During the forty-five days suspension period, the conditions set out in OAC 600:15-1-15 shall apply.

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 Respondents fail to comply with any of the terms and conditions of this Consent Order, the Board reserves the right to prosecute Respondents for the violations contained in the Formal Complaint as well as any further actions.

RESPONDENTS:



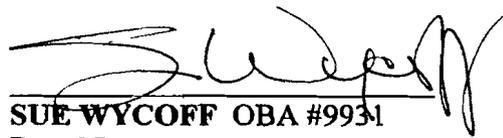
ROGER SMITH
10/4/06

DATE


GORDON COOK
10/4/06
DATE

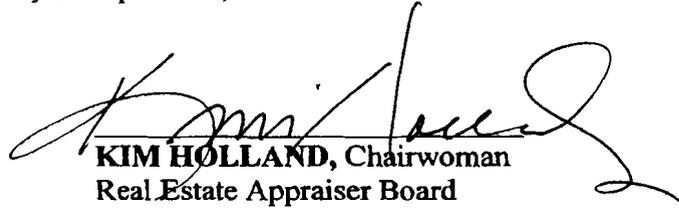
CERTIFICATION OF BOARD PROSECUTING ATTORNEY

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

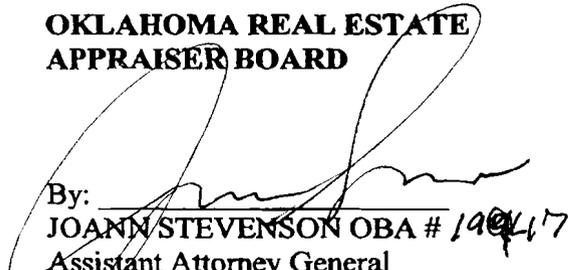


SUE WYCOFF OBA #9931
Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152
10/5/06
DATE

IT IS SO ORDERED on this ~~9th~~ ^{NOVEMBER} day of ~~September~~, 2006.


KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**


By: _____
JOANN STEVENSON OBA # ~~1904~~ 17
Assistant Attorney General
Attorney for the Board
2401 NW 23rd. Street, Suite 28
Oklahoma City OK 73152

CERTIFICATE OF MAILING

I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed by certified mail, return receipt requested, on the 7th day of November, 2006 to:

Roger L. Smith
c/o James S. Matthews Jr.
3524 NW 50th St
Oklahoma City, OK 73112

VIA CERTIFIED MAIL
7006 0100 0000 9939 4990

and

Gordon A. Cook
8408 Meadow Lark Ln
Oklahoma City, OK 73132

VIA CERTIFIED MAIL
7006 0100 0000 9939 5003

and that copies were mailed by first class mail to:

Jeanette S. Snovel, Hearing Panel Member, PO Box 225, Chandler, OK 74834;
William F. Stephens Jr., Hearing Panel Member, PO Box 871, Pauls Valley, OK 73075;
David W. Story, Hearing Panel Member, PO Box 985, Woodward, OK 73802;
John M. Travers, Alternate Panel Member, 9028 S. Norwood Ave, Tulsa, OK 74137;
Sue Wycoff, Board Prosecutor, Moore and Vernier, 301 NW 63rd St, Ste 550, OK City, OK 73105; and
Joann Stevenson, Board Counsel, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.



GEORGE R. STIRMAN III, Director
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