

2. That the proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.

3. That Respondent Tracy A. Streich is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 12417SLA and was first credentialed as a State Licensed Appraiser on March 9, 2001.

FINDINGS OF FACT

The hearing panel finds that the findings of fact as set forth in the subsequent paragraphs were proved by clear and convincing evidence:

1. On or about October 12, 2004, Lighthouse Mortgage Company (the “client”) hired Respondent to appraise a parcel of property located at 3217 East 28th Street, Tulsa, Oklahoma (the “subject property”). In the client’s Request for Appraisal, it suggests the “Sales Price/Value” of the property as One Hundred Eighty Nine Thousand Dollars and 00/100 (\$189,000.00) with a “Loan Amount” of One Hundred Seventy Thousand One Hundred Dollars (\$170,100.00).

2. On or about October 14, 2004, Respondent completed an appraisal on the subject property and submitted it to the client. The effective date of the report is October 14, 2004. Respondent reported the final estimate of value as Two Hundred Fifteen Thousand and 00/100 dollars (\$215,000.00). Respondent indicates on the report that the purpose of the appraisal was for a refinance transaction. Said report was purportedly performed in conformity with the Uniform Standards of Professional Appraisal Practice.

3. Respondent completed a “Satisfactory Completion Certificate” on the subject property. Said completion document is dated October 14, 2004. It states that “[t]he repairs and alterations to the residence are complete to the satisfaction of the appraiser.” This is an incorrect/inaccurate statement.

4. The report contained numerous errors, some of which appear minor, but in the aggregate, led to an inflated value of the subject property and a misleading report. These errors include those identified in the previous three (3) paragraphs and the following paragraphs five (5) through twelve (12).

5. Respondent failed to properly describe the boundaries of the neighborhood.

6. The property value range and predominate values are incorrect. The Respondent states that property values are One Hundred Fifty Five Thousand and 00/100 Dollars (\$155,000.00) to Nine Hundred Nine Thousand and 00/100 Dollars (\$909,000.00) with a predominate value of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00). However, Multi Listing Services (MLS) lists sales in the previous twelve (12) of the effective date of the report from Eighty Five Thousand Dollars and 00/100 (\$85,000.00) to One Million Eight Hundred Fifty Thousand Dollars and 00/100 (\$1,850,000.00) with an average value of Three Hundred Twenty Eight Thousand Eight Hundred Seventy Four and 00/100 Dollars (\$328,874.00) with a typical market time of sixty-one (61) days.

7. The Respondent incorrectly states the neighborhood is Ninety per cent (90%) one family and ten per cent (10%) vacant. However, it is actually about ten per cent (10%) commercial, five per cent (5%) multifamily and about eight five per cent (85%) single family.

8. The subject site is slightly sloping and is irregular in shape not rectangular as reported by the Respondent.

9. The report appraisal is made "SUBJECT TO" renovation and additional gross living area added and a final inspection was made stating "repairs and alterations complete." However, the additional area has not been added and/or completed.

10. The comparables used by Respondent were all from the western part of the subject neighborhood where many of the homes are superior.

11. Respondent chose comparables which are superior to the subject. His adjustments per square foot were insufficient.

12. Respondent ignored available comparables from the subject neighborhood and failed to explain their exclusion.

CONCLUSIONS OF LAW

That the Board adopts in full the Panel's conclusion that it was proven by clear and convincing evidence that Respondent's conduct was in violation of the following:

1. That Respondent has violated 59 O.S. § 858-723(A)(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;
- C) Standard 1 of the Uniform Standards of Professional Appraisal Practice;
- D) Standards Rule 1-1 of the Uniform Standards of Professional Appraisal Practice;
- E) Standards Rule 1-2(e)(i), and 1-2(h) of the Uniform Standards of Professional Appraisal Practice; and
- F) Standard 2 of the Uniform Standards of Professional Appraisal Practice;
- G) Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice; and
- H) Standards Rule 2-2(b)(viii) of the Uniform Standards of Professional Appraisal Practice.

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

3. That Respondent has violated 59 O.S. § 858-723(A)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

4. That Respondent has violated 59 O.S. § 858-723(A)(13), in that Respondent violated 59 O.S. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

FINAL ORDER

The Board, having adopted the Findings of Fact and Conclusions of Law, as set forth above, sets forth the following final order:

Respondent successfully completes corrective education from the AQB Core Curriculum as follows:

- **The FIFTEEN (15) HOUR National USPAP Course;**
- **The THIRTY (30) HOUR Residential Sales Comparison and Income Approaches Course;**
- **The FIFTEEN (15) HOUR Residential Appraiser Site Valuation and Cost Approach Course;**
- **The FIFTEEN (15) HOUR Advanced Residential Applications and Case Studies Course.**

All courses must be successfully completed with copies of the certificates of course completion transmitted to the administrative office of the Board within **SIX (6) MONTHS** from the date of any Board order accepting this recommendation. The courses must be tested, must be provided by one of the sponsoring organizations of the Appraisal Foundation, and must be live courses, attended in-

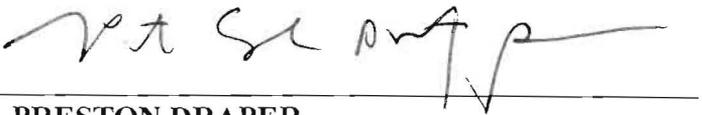
person by Respondent (not distance and/or correspondence courses). Corrective education courses taken to satisfy this requirement shall not be used as continuing education for the purpose of credential renewal.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS THIRTY (30) DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED this 9 day of May, 2008.



KIM HOLLAND, Chairperson
Real Estate Appraiser Board



PRESTON DRAPER
Assistant Attorney General
Counsel to the Board

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendations was mailed postage prepaid by certified mail with return receipt requested on this 12 day of May, 2008 to:

FELDMAN, FRANDEN, WOODARD & FARRIS

Attn: Joseph Farris

1000 Park Centre

525 South Main

Tulsa, Oklahoma 74103-4514

COUNSEL FOR RESPONDENT

CERTIFIED MAIL RECEIPT

7002 2410 0001 7592 7793

Tracy A. Streich

4111 S. Darlington, #120

Tulsa, Oklahoma 74135

7002 2410 0001 7592 7809

and that copies were mailed to:

James R. Harelson

P.O. Box 430

Piedmont, Oklahoma 73078

Nena W. Henderson

1408 Sims Avenue

Edmond, Oklahoma 73013

Philip J. Isaacs

2919 N.W. 122nd Street, Suite E

Oklahoma City, OK 73120

OFFICE OF THE ATTORNEY GENERAL

Attn: Preston Draper

313 N.E. 21st Street

Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP

Attn: Stephen McCaleb

4800 North Lincoln Blvd

Oklahoma City, Oklahoma 73105

OKLAHOMA DEPARTMENT OF CONSUMER CREDIT

4545 North Lincoln Boulevard, Suite 104

Oklahoma City, Oklahoma 73105


Christine M. McEntire