

Portland to the West and NW 192nd on the South. The land use is described incorrectly. The present land use is approximately 30% single family and 70% vacant/agricultural. The narrative portion of the neighborhood section is a canned comment that describes most neighborhoods in the United States of America.

6. The data in the improvements section is not complete and accurate. The subject neighborhood is gated and the streets are private. The actual lot dimensions are 198 feet by 220 feet.

7. The data and analysis in the sales comparison approach is not complete and accurate. All comparables are new construction built by DR Horton homes. The appraiser states that comparables 1 and 3 are one year old, insinuating that they are resales of existing construction. Comparable 1 was listed for \$238,900 and sold for \$248,629. No explanation was given for the price increase. Comparable 1 is the only comparable that supports the final value. Comparables 2 and 3 were financed through the mortgage comparables owned by the builder.

8. The income approach is invalid. Rent 1 is \$1700 per month, not \$1850 as reported. Rent 2 is \$1800 per month, not \$2200 as reported. Both of these rents were verified by a review appraiser with the Realtors involved. Rent 3 has been owner occupied since July 11, 2003. The lease listing in the MLS system for rent 3 expired January 31, 1999.

AGREED CONCLUSIONS OF LAW

1. That Respondent has violated 59 O.S. § 858-723(C)(5): "An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person."

2. 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;

C) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;

D) Standards Rules 1, 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 2, 2-1, 2-2, 2-3 and 8-2 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

3. 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."

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

5. That Respondent has violated 59 O.S. § 858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

6. That Respondent has violated 59 O.S. § 858-723(C)(10): "Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment."

7. That Respondent has violated 59 O.S. § 858-723(C)(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."

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
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, JUDD RAILEY, agrees to take the following corrective education classes, all provided by one of the sponsoring organizations of the Appraisal Foundation

<u>NUMBER</u>	<u>HOURS</u>	<u>COURSE NAME</u>
613	30	Residential Sales Comparison and Income Approaches

614	15	Residential Report Writing and Case Studies
622	15	Advanced Residential Applications and Case Studies

These hours shall be successfully completed within one hundred eighty days of the adoption of this order. Certificates of course completion shall be filed in the administrative office of the Board within the time prescribed.

2. Respondent, JUDD R. RAILEY, is placed on probation for one year with the following stipulations:

(1) JUDD R. RAILEY shall transmit a log on the REA Form 3 of all appraisal reports rendered during each month to the administrative office of the Board, to arrive by the fifth calendar day of the following month, with the understanding that the Board will request work product from such logs for the purpose of review for compliance with USPAP.

3. Respondent shall pay an administrative fine in the amount of Five Hundred and 00/100 Dollars (\$500.00).

4. Respondent shall pay the prosecution costs incurred by the OREAB in this matter.

5. Fines and costs prescribed herein shall be paid in the manner contemplated by 59 Okla. Stat. §858-723B4.

6. Failure to comply with the provisions of this Order will cause Respondent's license to be suspended instanter until compliance occurs.

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:

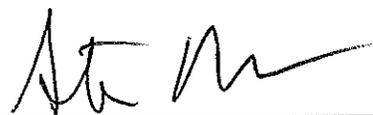


JUDD R. RAILEY

10-26-09
DATE

CERTIFICATE OF BOARD PROSECUTING ATTORNEY

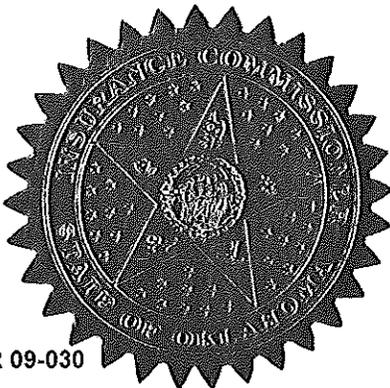
I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.



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

10-28-09
DATE

IT IS SO ORDERED on this 6th day of November, 2009.

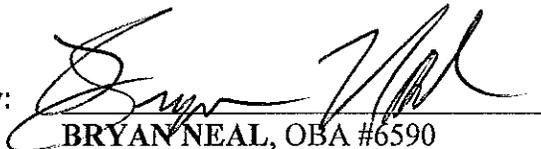




KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By:

A handwritten signature in black ink, appearing to read "Bryan Neal", is written over a horizontal line.

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 Judd R. Railey was mailed Certified Mail, Return Receipt Requested on this 17th of November, 2009 to:

Judd R. Railey
13400 Pinehurst Road
Oklahoma City, Oklahoma 73120

7008 3230 0000 8455 3523

and by First Class Mail 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


Christine McEntire