

**BEFORE THE REAL ESTATE APPRAISER BOARD  
STATE OF OKLAHOMA**

In the Matter of **DARRIN F. BAILEY** )  
 )  
Respondent ) Complaint #09-062  
 )  
Disciplinary Hearing. )

**BOARD'S DECISION ON  
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 4th day of June, 2010, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Oklahoma Real Estate Appraiser Board (the Board) was represented by a Disciplinary Hearing Panel consisting of three members, Richard E. Riley, Timothy G. Wolzen, and Albert A. Wooldridge. Albert A. Wooldridge was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's attorney, Assistant Attorney General Bryan D. Neal. Both cases were prosecuted by the Board's prosecutor, Stephen L. McCaleb. The Respondent, Darrin F. Bailey, appeared represented by counsel, R. J. Bob Moore, after having been mailed a copy of the respective Notice of Disciplinary Proceedings and Appointment of Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Certified Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, being fully advised in the matter, makes the following Order adopting the Panel's Recommendation

**JURISDICTION**

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Certified Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*

2. That the proceedings were conducted in accordance with the Oklahoma Certified 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 DARRIN F. BAILEY is a state licensed appraiser in the State of Oklahoma, holding credential number 12641SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on August 4, 2005.

#### **FINDINGS OF FACT**

The Board adopts in full the finding of the hearing panel that the following facts were proved by clear and convincing evidence:

1. All of the statements in the Jurisdiction section of this pleading are incorporated herein.

2. On or about May 14, 2009, Respondent, a state licensed appraiser, was hired by Advanced Financial Services (the "client") to appraise a parcel of property located at 1708 NE 47<sup>th</sup> Street, Oklahoma City, Oklahoma 73111 (the "subject property").

3. On or about May 17, 2009, Respondent completed an appraisal of the subject property (the "appraisal"). The appraisal's date of appraised value was reported as May 17, 2009. Respondent reported a final estimate of value as Twenty-Eight Thousand Dollars and 00/100 (\$28,000.00). The report was submitted to the client.

4. Said appraisal states in the appraiser's signed certification that the appraiser's analyses, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP").

5. In the appraisal, Respondent failed to properly develop the Cost Approach. This finding includes failure by Respondent to report a value regarding the opinion of site value. The Respondent admitted that he failed to properly develop the Cost Approach and to provide an opinion of site value.

6. On or about June 12, 2009, a subpoena was issued to Respondent requesting documents pertaining to the appraisal.

7. Respondent responded with documents per the subpoena. Included in his

response was an appraisal purported to be the appraisal for the subject property.

8. However, the appraisal report was not a replica of the report attached to the grievance by the grievant and the submitted appraisal report by the Respondent included changes in the calculation and entries made in the cost approach. Respondent failed to submit his complete work file as he omitted the appraisal originally submitted to the client.

### **CONCLUSIONS OF LAW**

The Board adopts in full the conclusion of the Hearing Panel:

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, Management and Record Keeping 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 and Standards Rules 1-1, 1-4; Standard 2 and Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice.

2. That Respondent, by not providing the OREAB all of his records, has violated 59 O.S. § 858-723(A)(6) in that he has violated 59 O.S. § 858-729(A): "Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act."

3. 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."

4. 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."

**FINAL ORDER**

The Board, having adopted the Findings of Fact and Conclusions of Law as set forth above, sets forth the following Final Order confirming the recommendation of the Hearing Panel: that Respondent be required to successfully complete corrective education as follows:

- **FIFTEEN (15) HOURS** of Residential Appraiser Site Valuation and Cost Approach;

The course must be completed with a copy of the certificate of course completion transmitted to the administrative office of the Board within **ONE (1) YEAR** from the date of any Board order accepting this recommendation. The course must be tested, must be provided by one of the sponsoring organizations of the Appraisal Foundation, and must be a live course, attended in-person by Respondent (not a distance and/or correspondence course), with Respondent not to receive any credit towards the 42 hours of continuing education he is to take every three-year licensing cycle.

**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 4th day of June, 2010



  
**SHANNON N. GABBERT**, Secretary  
Real Estate Appraiser Board

  
**BRYAN D. NEAL**, 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 Recommendation was mailed on this 21 day of June, 2010 to:

**Darrin F. Bailey**

P.O. Box 462

El Reno, Oklahoma 73036

**7009 2820 0001 5683 5914**

**R.P. "Bob" Moore, Jr.**

311 N. Harvey, Suite 103

Oklahoma City, Oklahoma 73102

**7009 2820 0001 5683 5921**

and by First Class Mail to:

**OFFICE OF THE ATTORNEY GENERAL**

Attn: Bryan Neal

313 N.E. 21<sup>st</sup> Street

Oklahoma City, OK 73105

**DERRYBERRY & NAIFEH, LLP**

Attn: Stephen McCaleb

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Christine McEntire