

4. Respondent committed errors in his report, leading to an inflated value of the appraisal. These errors include the following contained in paragraphs five (5) – nine (9).

5. Despite the subject property being a manufactured home, Respondent used comparable sales of properties which were not manufactured homes. Respondent failed to explain in the report why available manufactured home sales were omitted in his report.

6. Respondent's site value adjustment for comparable number one (1) was inflated and his explanation for his inflation in his supplemental addendum does not justify his adjustment. More specifically, Respondent's explanation was:

“COMMNET [sic] ON LAND VALUES/ADJUSTMENTS.

The subject and comparable #6 have main street frontage [sic] and are located directly across the street from a new residential [sic] development and a brand new elementary school with this in mind the land value is much higher than most of the surrounding properties that do not have this main street frontage. This was adjusted for accordingly in the report and was considered ion [sic] the final estimation of value for the subject property. THIS ALSO MAY HAVE CAUSED SOME OF THE NET AND GROSS ADJUSTMENTS TO EXCEED LENDERS GUIDLINES [sic], BUT DO [sic] TO THE LACK OF RECENT COMPARABLE SALES THIS COULD NOT BE AVOIDED. THESE [sic] SALES ARE STILL CONSIDERED TO BE THE BEST INDICATORS TO MARKET VALUE AT THE TIME OF THE INSPECTION FOR THE SUBJECT PROPERTY.”

7. Respondent used comparables which were active listings at the time of the appraisal and should have listed them on a sales listing page rather than include them in the comparable sales grid.

8. Respondent inaccurately reported that comparable number three was a manufactured home.

9. Respondent committed numerous grammar and typographical errors in the report causing concern as to possibly misleading and/or confusing the intended user/reader of the report.

AGREED CONCLUSIONS OF LAW

1. That Respondent has violated 59 O.S. § 858-723(A)(6) through 59 O.S. §858-726, in that Respondent violated:

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice in that Respondent should have explained in his report the need to exclude available manufactured home sales;

C) Standards Rules 1 and 1-1 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(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 in developing an appraisal, in preparing an appraisal report, or in 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
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 shall pay an administrative fine in the amount of Five Hundred and 00/100 Dollars (\$500.00).

2. Respondent shall successfully complete the Appraisal Institute's seven hour Manufactured Home online course OR the NAIFA live eight-hour course on Manufactured homes. Proof of course completion should be transmitted to the offices of the OREAB no later than one-hundred eighty (180) days after the effective date of this order.

3. For a period of twelve months, Respondent 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.

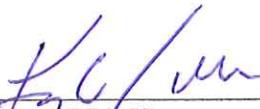
4. Fines and costs prescribed herein shall be paid in the manner contemplated by 59 Okla. Stat. §858-723B4.

5. 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:



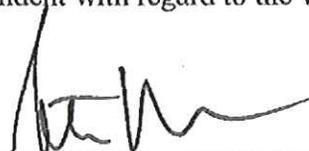
KYLE COLLINS

5/10/2010

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
5 Corporate Plaza
3625 NW 56th, Suite 100
Oklahoma City, Oklahoma 73112

5-10-10

DATE

IT IS SO ORDERED on this 4th day of June, 2010.

IT IS SO ORDERED on this 4th day of June, 2010.

STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD




SHANNON N. GABBERT, Secretary
Real Estate Appraiser Board


BRYAN D. NEAL, OBA #6590
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 Consent Order for Respondent Kyle Collins was mailed on this 27 day of June, 2010 to:

Kyle M. Collins
2504 W. Atlanta Ct.
Broken Arrow, Oklahoma 74012

7009 2820 0001 5683 5907

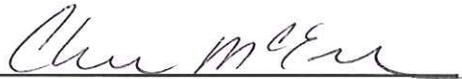
and by First Class Mail to:

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