

evidence, documents or witnesses that Respondent was prohibited from, or incapable of, presenting at the time of the disciplinary hearing. Mr. McCaleb further asserts that if the evidence Respondent wishes to now present had been critical to his defense, Respondent failed to exercise due diligence in his preparation for the hearing. Accordingly, Mr. McCaleb sets forth an objection to rehearing, reopening, or reconsideration of the instant matter.

Based on Board Rules at **OAC 600:15-1-18. Rehearing, reopening or reconsideration of Board decision** that state in pertinent part:

- (a) An Order issued by the Board shall be subject to rehearing, reopening or reconsideration by the board within then (10) days of the date of its entry. The grounds for such action shall be either:
 - (1) newly discovered or newly available evidence relevant to the issues;
 - (2) need for additional evidence adequately to develop the facts essential for a proper decision;
 - (3) probable error committed by the Panel or Board in the proceeding or in its decision that would be grounds for reversal on judicial review of the Order;
 - (4) need for further consideration of the issues and the evidence in the public interest; or
 - (5) a showing that issues not previously considered should be examined in order to properly dispose of the matter.
- (b) ... the petition of a party therefore, shall set forth the grounds which justify such action.

In that Mr. Ward's Application for Rehearing, Reopening or Reconsideration does not show proper cause for a rehearing, reopening or reconsideration, based on **Board Rule OAC 600:15-1-18**, set forth above, that all of the items outlined in Mr. Ward's Application could have been presented at the time of subject disciplinary hearing, and that Respondent, Gregory K. Ward, had

opportunity to be represented by counsel, and present all available evidence at the time of the subject disciplinary hearing, including calling any witness.

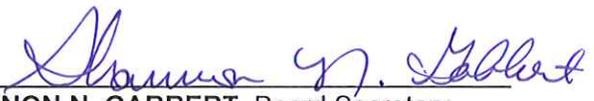
IT IS THEREFORE ORDERED that that the Respondent, Gregory K. Ward's Application for Rehearing is denied.

IT IS FURTHER ORDERED that the \$2,000 fine set out in Board Order 10-021 is due and payable thirty (30) days from the date of this Order.

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 5th day of November, 2010





SHANNON N. GABBERT, Board 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 Respondent's Application for Rehearing, Reopening or Reconsideration was mailed by Certified Mail, Return Receipt Requested on this 10 day of November, 2010 to:

RIGGS, ABNEY, et al.
Attn: Vaughn Iskanian
502 West Sixth Street
Tulsa, Oklahoma 74119

7009 2820 0001 5683 8106

and that copies were mailed to:

DERRYBERRY & NAIFEH, LLP
Attn: Stephen McCaleb
4800 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105

OFFICE OF THE ATTORNEY GENERAL
Attn: Bryan Neal
313 N.E. 21st Street
Oklahoma City, OK 73105


Christine McEntire, Legal Secretary