



2. That Respondent's appraisal of the 1.07 acre taking was recorded on a Land Appraisal Report Form and Freddie Mac Form 439 and said appraisal contained the signature of the Respondent stating that it was developed in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP"). Said appraisal failed to explain her analysis as to how she derived market value, although Respondent gave an oral report at trial.

3. That at trial in the case of WFEC v. Joe Heim, Love County District Court Case No. C-05-39, Respondent testified and was cross-examined as to the accuracy and methodology used by Respondent in forming the opinion of value.

4. That the resulting opinion of value in the February 28, 2007 appraisal and the methodology testified to at trial testimony are appropriate and appear to be within the range of reasonable values for similar land in Love County, Oklahoma, as of the date of taking of the 1.07 acre easement.

#### **CONCLUSIONS OF LAW**

1. That Respondent has violated 59 O.S. § 858-723(A)(6): "Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Real Estate Appraisers Act." Although Respondent disputes this, this is agreed to settle this matter.

#### **CONSENT AGREEMENT**

The Respondent, by affixing her signature hereto, acknowledges:

1. That Respondent has been advised of her right to seek the advice of counsel prior to signing this document, and has in fact retained Clint Russell as her legal counsel, 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 her 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 her 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.

7. This Consent Order is for the purpose of settlement. Neither the fact that Respondent and Board have agreed to this Consent Order, nor the Findings of Fact or Conclusions of Law in it, shall be used for any purpose in any proceeding, except by the Board. Nothing contained in this Consent Order is an admission by the Respondent of Liability.

**ORDER**

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered and that:

1. Respondent, MICHELLE PORTER, agrees to take the following corrective education class, provided by one of the sponsoring organizations of the Appraisal Foundation

<u>NUMBER</u>	<u>HOURS</u>	<u>COURSE NAME</u>
600	15	National USPAP Course:1112

These hours shall be successfully completed within one hundred twenty 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, MICHELLE PORTER, agrees to affiliate with an experienced condemnation/eminent domain appraiser for any future appraisal for properties in a condemnation proceeding and should continue to do so until she makes successful application with the OREAB to remove said condition.

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

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

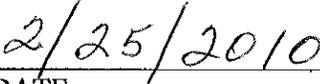
5. Failure to comply with the provisions of this Order will cause Respondent's license to be suspended instanter until compliance occurs.

**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:

  
MICHELLE PORTER

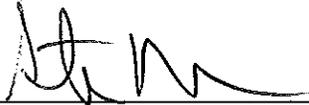
  
DATE

  
CLINT RUSSELL, Attorney for Porter

2/25/2010  
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  
2401 NW 23<sup>rd</sup> Street, Suite 28  
Oklahoma City, Oklahoma 73152

3-3-10  
DATE

IT IS SO ORDERED on this 5<sup>th</sup> day of March, 2010.

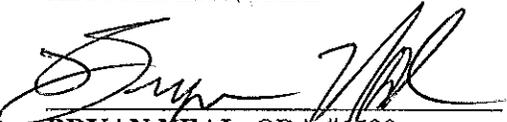


  
KIM HOLLAND, Chairwoman  
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE**

**APPRAISER BOARD**

By:



**BRYAN NEAL**, OBA #6590  
Assistant Attorney General  
Attorney for the Board  
2401 NW 23<sup>rd</sup> 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 Michelle Porter was sent by certified mail, return receipt requested, on this    day of March, 2010 to:

**TAYLOR, BURRAGE, FOSTER, MALLETT,  
DOWNS & RAMSEY**

**7009 2820 0001 5683 5273**

Attn: Clint Russell  
400 West Fourth Street  
Claremore, Oklahoma 74017

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  
4800 North Lincoln Blvd.  
Oklahoma City, Oklahoma 73105

**Michelle P. Porter**  
501 N.E. 4<sup>th</sup> Avenue  
Marietta, Oklahoma 73448

  
Christine McEntire, Legal Secretary