



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

June 5, 2009
Date

203
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting June 5, 2009 at 9:30 a.m. The Meeting was held in the Boardroom of the offices of the Oklahoma Insurance Department at 2401 Northwest 23rd Street, Suite 28, Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25 O.S. § 301 et seq., the Agenda for this meeting was posted at the main entrance of the Oklahoma Insurance Department with a copy at Entrance A to Shepard Mall, at 2401 Northwest 23rd Street, Suite 28, Oklahoma City, Oklahoma on May 26, 2009 at 11:30 a.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on May 26, 2009. The agenda is attached as Exhibit A.

- I. **CALL TO ORDER.** Vice-Chairperson Lee R. Caesar Jr. called the meeting to order at 9:32 a.m. The roll of Board members was called to establish a quorum.

Board members present were: Lee R. Caesar Jr., Vice-Chairperson;
James W. Hoyt;
P. Lane Wheeler;
Kim N. Allen;
Jana S. Barker; and
Harold J. Snyder III

Board members excused were: Kim Holland, Chairperson
Patti L. Fisher, Board member

Based on the result of the roll call, a quorum was declared present by the Chair.

Others in attendance were: Rod Stirman, Director; Caleb Muckala, attorney for Commissioner Kim Holland; Bryan Neal, Assistant Attorney General; Shannon Gabbert, Board Secretary; and Christine McEntire, Board Legal Secretary. Others present were: Joseph Garnand; and Brett Robinson, Legislative Liaison.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Hoyt moved that the reading of the minutes of the May 1, 2009 session be waived and approved as published and distributed. The motion was seconded by Ms. Barker. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

- III. **CHAIRPERSON'S REPORT.** The Chairperson offered no report.

VICE-CHAIRPERSON'S REPORT. The Vice-Chairperson offered no report.

DIRECTOR'S REPORT.

A. **Discussion and possible action regarding suspension of individuals for non-payment of annual fees due March 31, 2009.** (Exhibit C) A motion was made by Mr. Allen and seconded by Ms. Barker to issue an order to suspend individuals listed in Agenda Item III, Director's Report A. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

B. Discussion and possible action regarding approval of renewal applications due July 31, 2009 and authority to issue certificates. (Exhibit D) A motion was made by Mr. Hoyt and seconded by Ms. Barker to approve board staff to issue renewal certificates to the individuals listed in Agenda Item III, Director's Report B. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

IV. RECEIVE REMARKS BY KRISTI KLAMET & LORI SCHUSTER OF THE APPRAISAL SUBCOMMITTEE, FFIEC REGARDING THEIR FIELD REVIEW OF JUNE 3-5, 2009. Field visit rescheduled for September 30, 2009 to October 2, 2009.

V. COMMITTEE REPORTS:

A. Standards and Disciplinary Procedures Committee. No report.

B. Education, Experience and Testing Committee:

1. Discussion and possible action regarding approval of course submittals. (Exhibit E) A motion was made by Mr. Hoyt and seconded by Mr. Allen to approve the recommendation as presented in Agenda Item V B (1). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

2. Discussion and possible action regarding approval or disapproval of various applications received and authority to issue certificates. (Exhibit F)

2(A) A motion was made by Mr. Wheeler and seconded by Ms. Barker to approve the applications for Trainee certification for the individuals listed in Agenda Item V B 2 (A). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

2(B) A motion was made by Ms. Barker and seconded by Mr. Snyder to allow staff to be given authority to issue reciprocal licenses to the individuals listed in agenda item V B

2 (B). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

2(C) A motion was made by Mr. Hoyt and seconded by Ms. Barker to approve reinstatement of licensure for the individual listed in agenda item V B 2 (C). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

2(D) A motion was made by Mr. Hoyt and seconded by Ms. Barker to approve transfer of licensure of the individual listed in agenda item V B 2 (D). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants. (Exhibit G)

3(1) A motion was made by Ms. Barker and seconded by Mr. Hoyt to disapprove experience documentation of applicant listed in agenda item V B 3 (1). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	No

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE AND ONE OPPOSED.
THE MOTION WAS AGREED TO.

At this point, Agenda Item V (D) was taken out of order, by order of the Chair.

D. Probable Cause Committee.

1. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee. No action.

2. Discussion and possible action regarding standing operating procedures for the Probable Cause Committee. No action.

3. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations.(Exhibit H)

Mr. Allen recused himself from consideration of Agenda Item V(D) 3 due to Probable Cause Committee service.

Following a short discussion of the issues pertaining to 09-009, a motion was made by Mr. Wheeler that the matter be closed without further action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-010, a motion was made by Mr. Hoyt to issue a letter of warning to the respondent and that the file be closed

The motion was withdrawn.

Mr. Wheeler made a motion that a letter of warning be issued to the respondent and that the file be closed. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	No
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE, ONE RECUSED AND ONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of the issues pertaining to 09-011, a motion was made by Mr. Hoyt that the matter be closed without further action. Mr. Wheeler seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-012, a motion was made by Mr. Wheeler that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following a short discussion of the issues pertaining to 09-015, a motion was made by Mr. Wheeler that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Wheeler	Yes
Mr. Hoyt	Yes
Mr. Allen	Recused
Mr. Snyder	Yes
Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-016, a motion was made by Mr. Wheeler that a letter of warning be issued with a strong recommendation that respondent take course 612: Residential Site Valuation and Cost Approach and that file be closed. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Wheeler	Yes
Mr. Hoyt	Yes
Mr. Allen	Recused
Mr. Snyder	Yes
Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of the issues pertaining to 09-022, a motion was made by Mr. Wheeler that the matter be closed without further action. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Wheeler	Yes
Mr. Hoyt	Yes
Mr. Allen	Recused
Mr. Snyder	Yes
Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-017, a motion was made by Mr. Wheeler that a letter of warning be issued with a strong recommendation that respondent take course 612: Residential Site Valuation and Cost Approach and that file be closed. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Wheeler	Yes
Mr. Hoyt	Yes
Mr. Allen	Recused
Mr. Snyder	Yes
Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of the issues pertaining to 09-023, a motion was made by Mr. Wheeler that a letter of warning, to include verbiage related to scope of practice, competence and failing to respond to a grievance, be issued to the respondent and that the file be closed. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Wheeler	Yes
Mr. Hoyt	Yes
Mr. Allen	Recused
Mr. Snyder	Yes
Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following a short discussion of the issues pertaining to 09-026, a motion was made by Mr. Wheeler that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-027, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of the issues pertaining to 09-030, a motion was made by Mr. Wheeler that the matter be closed without further action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 09-042, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 08-095, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Mr. Wheeler seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following discussion of the issues pertaining to 02-041, a motion was made by Mr. Wheeler that the matter be closed. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Recused
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

At this point, the Session returned to regular order.

C. Legislation and Rules Committee. Legislative Liaison Brett Robinson presented his oral report.

At this time the Board took a five (5) minute recess.

The Chair declared the Board to be back in open session. The Chair ordered a roll call to establish a quorum.

Board members present were: Lee R. Caesar Jr., Vice-Chairperson;
James W. Hoyt;
P. Lane Wheeler;
Kim N. Allen;
Jana S. Barker; and
Harold J. Snyder III;

Based on the result of the roll call, a quorum was declared present by the Chair.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF THE REAL ESTATE APPRAISER BOARD BUDGET FOR FISCAL YEAR 2010 (Exhibit I)

A motion was made by Ms. Barker and seconded by Mr. Hoyt to accept the budget as presented. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

VII. NEW BUSINESS. No new business.

VIII. ADJOURNMENT.

The Board adjourned by general consent.

OFFICIAL MINUTES

The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after motion duly made and seconded has been noted herein and made a part of these minutes.

The Board caused the entire proceeding of the meeting, excepting any executive sessions, to be recorded on a digital audio recording device to be retained as a record in the office of the Board.

Exhibits are A through I.



LEE R. CAESAR JR., VICE-CHAIRPERSON
OKLAHOMA REAL ESTATE APPRAISER BOARD



SHANNON N. GABBERT, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD