



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

December 4, 2009
Date

209
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting December 4, 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 November 24, 2009 at 1:30 p.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on November 24, 2009. The addendum to the agenda was posted in the main entrance to the offices of the Oklahoma Insurance Department on December 2, 2009 at 8:30 a.m., and was e-mailed or hand-delivered to the offices of the Board members and posted to the REAB website on December 2, 2009. The agenda and addenda are attached as Exhibit A.

- I. **CALL TO ORDER.** Vice-Chairperson Lee R. Caesar Jr. called the meeting to order at 9:30 a.m. The roll of Board members was called to establish a quorum.

Board members present were: Lee R. Caesar Jr.;
Patti L. Fisher;
Betty J. Cagle;
P. Lane Wheeler;
Kim N. Allen;
Jana S. Barker; and
Harold J. Snyder III

Board members excused were: Kim Holland, Chairperson;

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

Others in attendance were: Rod Stirman, Director; Melanie Pouncy, attorney for Commissioner Kim Holland; Bryan Neal, Assistant Attorney General; Shannon Gabbert, Board Secretary; and Christine McEntire, Board Legal Secretary. Others present were: Andrea Teter; Michael Bounds; Hal Hartsock; Joe Garnand; DeKay Bayliffe; Janet Braswell; Brett Robinson, Legislative Liaison; and Steve McCaleb, Board Prosecutor.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Allen moved that the reading of the minutes of the November 6, 2009 session be waived and approved as published and distributed. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Abstain
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Mr. Allen moved that the reading of the minutes of the November 20, 2009 special session be waived and approved as published and distributed. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS SEVEN 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 September 30, 2009.** (Exhibit C) A motion was made by Ms. Fisher 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

B. **Discussion and possible action regarding approval of renewal applications due January 31, 2010 and authority to issue certificates.** (Exhibit D) A motion was made by Ms. Fisher 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

IV. **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. Allen and seconded by Mr. Snyder to approve the recommendation as presented in Agenda Item IV B (1). The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS SEVEN 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 Ms. Barker and seconded by Mr. Wheeler to approve the application for Trainee credential for the individual listed in agenda item IV B 2 (A). The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS SEVEN 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. Wheeler to allow staff to be given authority to issue reciprocal licenses to the individuals listed in agenda item IV B 2 (B). The Chair ordered a roll call vote with the following results:

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

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

2(C) A motion was made by Mr. Wheeler and seconded by Ms. Barker to approve reinstatement of credential for the individual listed in Agenda Item IV B 2 (C). The Chair ordered a roll call vote with the following results:

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

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

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

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

THE RESULT WAS SEVEN 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. No action.

C. Legislation and Rules Committee.

1. Discussion and possible action regarding AMC Legislation.

Legislative Liaison Brett Robinson presented his oral report.

2. Discussion and possible action regarding report from Legislative

Liaison. (Exhibit G) After discussion of the most recent revisions to the Board's draft AMC Legislation, a motion was made by Ms. Fisher and seconded by Mr. Wheeler to strike items A (E); A (F); A (G); A (H); and A (I) and to allow correction of any scrivener's errors as needed. The Chair ordered a roll call vote with the following results:

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

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

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.

Mr. Allen recused himself from consideration of Agenda Item IV due to Probable Cause Committee service.

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

Following a short discussion of the issues pertaining to Grievance 09-072, a motion was made by Mr. Wheeler that the matter be closed without further action. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Abstain
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Following discussion of Grievance 09-103, a motion was made by Mr. Wheeler that a letter of warning be issued and placed in the appraiser's file. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Following discussion of Grievance 09-108, a motion was made by Ms. Barker that a letter of warning be issued and placed in the appraiser's file. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	No

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

Following discussion of the issues pertaining to 09-118, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to prosecution for further action. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Following discussion of Grievance 09-119, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to prosecution for further action. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Following discussion of the issues pertaining to Grievance 09-083 (Closed), a motion was made by Ms. Barker that the matter be reopened and adopted as a formal complaint and forwarded to prosecution for further action. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Recuse
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

V. **DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF INDIVIDUALS TO REAL ESTATE APPRAISER BOARD STANDING COMMITTEES AND CONCURRENT APPOINTMENT OF MEMBERS OF THE STANDARDS AND DISCIPLINARY PROCEDURES COMMITTEE AS APPRAISER HEARING OFFICERS FOR CALENDAR YEAR 2010.** (Exhibit I)

A motion was made by Mr. Allen and seconded by Ms. Fisher to accept the appointments as presented, appending Charles Dobbs to the Legislation and Rules Committee. The Chair ordered a roll call vote with the following results:

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

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

VI. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF COMMITTEE CO-CHAIRS FOR CALENDAR YEAR 2010. (Exhibit J)

Mr. Allen made a motion to approve the recommendations as presented. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

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

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

Mr. Wheeler recused himself from consideration of Agenda Item VII due to Probable Cause Committee service.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FROM TONY M. HENSLEY TO MODIFY DEADLINE FOR PAYMENT OF FINES AND COSTS ASSOCIATED WITH ORDER NUMBER 09-027, COMPLAINT NUMBER 08-076, IN THE MATTER OF TONY M. HENSLEY. (Exhibit K)

Ms. Barker made a motion to approve request for extension with respect to payment of fines and costs. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Recuse
	Mr. Caesar	Yes

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING A NOTICE TO APPEAR AND ORDER TO SHOW CAUSE IN THE MATTER OF MICHAEL R. BOUNDS, CREDENTIALING MATTER NUMBER 09-120, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS. (Exhibit L)

Ms. Barker made a motion for the Board to enter executive session. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

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

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

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.;
Patti L. Fisher;
Betty J. Cagle;
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.

Ms. Fisher made a motion that the application be approved contingent upon remittance of an amended application to include a corrected course completion certificate and corrected education grid. The motion was seconded by Mr. Wheeler. The Chair ordered a roll call vote with the following results:

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

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

VIII(A). DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST BY JANET BRASWELL TO ADDRESS THE BOARD REGARDING RENEWAL APPLICATIONS FOR BASIC APPRAISAL PRINCIPLES AND BASIC APPRAISAL PROCEDURES.

A motion was made by Mr. Wheeler and seconded by Ms. Fisher that the applications be approved contingent upon receipt of all proper documentation and any required fees. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	No
	Ms. Barker	Yes
	Mr. Snyder	No
	Ms. Fisher	Yes
	Ms. Cagle	Abstain
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

VIII(B). DISCUSSION AND POSSIBLE ACTION REGARDING PRELIMINARY FINDINGS OF THE APPRAISAL SUBCOMMITTEE OF ITS SEPTEMBER 30 - OCTOBER 2 COMPLIANCE REVIEW. (Exhibit M) No action.

IX. **NEW BUSINESS.** No new business.

X. **ADJOURNMENT.**

The Board adjourned by general consent.

OFFICIAL MINUTES.

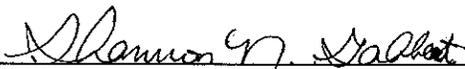
The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after motion duly made and seconded has been noted herein and made a part of these minutes.

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 M.



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



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