

**BEFORE THE REAL ESTATE APPRAISER BOARD
STATE OF OKLAHOMA**

In the Matter of BEN B. BOOTHE and)
RICHARD J. TIBBENHAM,)
) Complaint #14-024
Respondents.)

**BOARD’S DECISION AS TO RESPONDENTS’ MOTION FOR REHEARING,
REOPENING OR RECONSIDERATION OF COMPLAINT**

ON THE 6th day of January, 2016, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the “Board” or “OREAB”) on the Respondents’ Motion for Rehearing, Reopening or Reconsideration filed herein on November 12, 2015 (the “Motion for Rehearing”). The Motion for Rehearing, without citing to 75 O.S. §317, basically stated the grounds for such action as being the five grounds listed in 75 O.S. §317, including, but not limited to, a need for additional evidence adequately to develop the facts essential to proper decision, but provided no details as to any of the grounds listed. Subsequently, the Respondents filed a Brief in Support of Motion for Rehearing, Reopening or Reconsideration on December 14, 2015 (the “Respondents’ Brief”), in which the Respondents alleged that the Board committed probable error through a lack of authority to penalize Respondent Boothe under 59 O.S. §858-723, through failure to adhere to minimum standards of due process and by violation of its own rules regarding notice of disciplinary proceedings, and through improperly excluding relevant evidence necessary to develop facts essential for a proper decision. In response, the Board filed an Objection to Respondents’ Motion for Rehearing, Reopening or Reconsideration on December 28, 2015 (the “Board Objection”), asserting that the Board provided proper notice to the Respondents, that striking the Respondents’ “Written Protest” was proper and not grounds for rehearing, reopening or reconsideration, and that Respondent Boothe

has asserted himself to the jurisdiction of the Board under Oklahoma law and the Appraisal Sub Committee's Policy Statement 2.

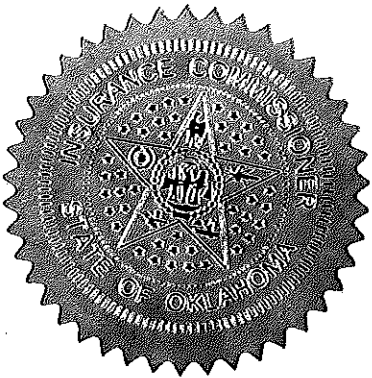
The Board, having read the Motion for Rehearing, the Respondents' Brief, the Board Objection, having heard the arguments of counsel for both sides and otherwise being fully advised in this matter, as grounds recognizes the need for additional evidence adequately to develop the facts essential to a proper decision, has determined that the Motion for Rehearing should be and is hereby is GRANTED.

IT IS THEREFORE ORDERED THAT:

This Complaint should be and hereby is remanded back to an appropriate and duly authorized Disciplinary Hearing Panel for rehearing, reopening or reconsideration, on the grounds of the need for additional evidence adequately to develop facts essential to a proper decision.

IT IS SO ORDERED on this 19th day of January, 2016.

OKLAHOMA REAL ESTATE
APPRAISER BOARD



By:


BRYAN NEAL, Assistant Attorney General
Attorney for the Board


ERIC SCHOEN, Board Secretary
Oklahoma Real Estate Appraiser Board

CERTIFICATE OF MAILING

I, Sherry Ainsworth, hereby certify that on the 20th day of January, 2016 a true and correct copy of the above and foregoing Board's Decision as to Respondents' Motion for Rehearing, Reopening and Reconsideration of Complaint was served by Certified Mail Return Receipt Requested to the following:

Thomas W. Gruber
GABLEGOTWALS
One Leadership Square, Suite 1500
211 North Robinson Avenue
Oklahoma City, OK 73102

7015 1520 0003 4174 1454

and by First Class Mail to:

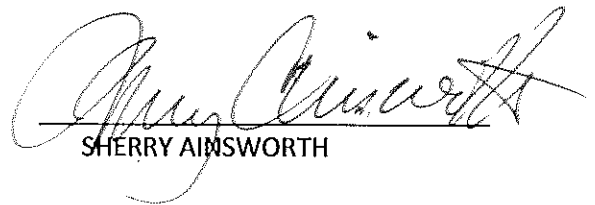
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