

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

In the Matter of GREGORY L. GOODPASTURE,)
Respondent.) Complaint #16-023

**BOARD'S DECISION AS TO
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 3rd day of May, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board" or "OREAB") following a disciplinary hearing held on March 13, 2017. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, William M. Kilpatrick of Oklahoma City, Oklahoma, Philip J. Isaacs of Oklahoma City, Oklahoma, and Jay P. "Pat" McGlamery of Muskogee, Oklahoma, each of whom is a current Member of the Board's Standards and Disciplinary Procedures Committee. William M. Kilpatrick was elected and served as Hearing Panel Chairman at the hearing. The Hearing Panel was represented by the Board's attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board's Prosecutor, Stephen L. McCaleb. On behalf of the Board, Mr. McCaleb elected to have this matter recorded by electronic device and to rely on the electronic recording.

The Respondent, Gregory L. Goodpasture, of Terlton, Oklahoma (the "Respondent"), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel (the "Notice") by first class U.S. certified mail with return receipt requested to his then-last known address, on February 8, 2017, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the Administrative Procedures Act, 75 O.S. §§250-323, appeared in person and was not represented by an Attorney. The Respondent elected to have this matter recorded by electronic device and to rely on the electronic recording.

As the Board's Prosecutor, Mr. McCaleb presented his opening statement on behalf of the Board and the Respondent likewise presented his opening statement in his defense at the beginning of the Hearing.

PRELIMINARY MATTERS

The Board's Prosecutor initially moved for the admission of four (4) exhibits for the Board (Exhibits 1, 2, 3, and 4, respectively) to which there was no objection and all four such Board exhibits were admitted into evidence.

Exhibit 1 was the three page grievance against the Respondent, together with an attached one page First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent (not signed), in this matter filed by Joshua Leitner on behalf of First Citizens Bank, Columbia, South Carolina, signed and dated May 23, 2016 (the "Grievance"); Exhibit 2 was from "In the Matter of GREGORY L. GOODPASTURE", the Board's Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #10-007; Exhibit 3 was from "In the Matter of GREGORY L. GOODPASTURE, ANNEMEIKE E. ROELL, and OAKCREST APPRAISAL ACADEMY", the Board's Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #12-060; and, Exhibit 4 was the Respondent's email dated June 3, 2016, in response to the Grievance. There being no objection, all four (4) of the Board's Exhibits (the first three of which are Bates-stamped), were admitted into evidence.

Subsequently during the hearing, the Board's Prosecutor presented another document for admission as an exhibit which was marked as Exhibit 5 which document was a one page color copy of the Respondent's Application for Approved Appraiser that included an electronic signature of the Respondent in the center of the page superimposed over a large yellow question mark (Exhibit 5). The Board's Exhibit 5 was admitted into evidence over the objection of the Respondent during the

hearing.

The Respondent did not submit any documents for admission as evidence in this matter. Neither party to these proceedings requested that a court reporter record this matter and neither party to these proceedings submitted any proposed findings of fact or proposed conclusions of law to the Disciplinary Hearing Panel for their consideration.

WITNESSES AND EVIDENCE PRESENTED

The Board's Prosecutor presented four (4) witnesses in support of the case against the Respondent: Christine McEntire, the Board's Director; the Respondent Gregory L. Goodpasture of Terlton, Oklahoma; Annemieke E. Roell, 12775CRA, a Certified Residential Appraiser of Terlton, Oklahoma; and, Joshua Leitner, Residential Appraisal Supervisor, of First Citizens Bank, Columbia, South Carolina.

The Respondent presented one (1) witness in his defense: Annemieke E. Roell, 12775CRA, a Certified Residential Appraiser of Terlton, Oklahoma.

The Board's Prosecutor called the Board's Director, Christine McEntire, to testify as the Board's first witness.

Christine McEntire Testimony (Summary)

Upon being duly sworn, Ms. McEntire testified that she is the Director of the Board, that she has been the Board's Director since 2011, and that in her capacity as the Director she receives grievances on behalf of the Board that are filed against appraisers.

Ms. McEntire identified Exhibit 1 as a grievance from Josh Leitner against the Respondent that was filed with the Board on May 24, 2016, that had as an attachment (Exhibit 1, page 4), an Application for Approved Appraiser filled out in the name of the Respondent and dated March 15, 2016.

Ms. McEntire identified Exhibit 2 as “In the Matter of GREGORY L. GOODPASTURE”, the Board’s Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #10-007, Board Decision #11-005.

Ms. McEntire identified Exhibit 3 as “In the Matter of GREGORY L. GOODPASTURE, ANNEMEIKE E. ROELL, and OAKCREST APPRAISAL ACADEMY”, the Board’s Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #12-060, Board Decision #14-003.

In response to a question, Ms. McEntire stated that the Respondent has had two disciplinary orders issued after disciplinary hearings in two different cases.

Ms. McEntire identified Exhibit 4 as an email sent by the Respondent to her at the Board in response to the Grievance dated June 3, 2016. At the request of the Board’s Prosecutor, Ms. McEntire read the Respondent’s email into the record as follows:

Good afternoon,

I am in receipt of the above referenced matter and would like this opportunity to respond.

When we filled out the application and came to the question of whether or not I had been disciplined by the Board I solely considered any disciplinary actions pertaining to my role as a fee appraiser. It never occurred to me that the disciplinary action that I went through with the school in 2014 was relevant to my work as an appraiser and that action never entered my mind when I applied with this.

There was no malice or dishonesty intended; In fact, it would not be too bright for anybody to even think about fudging on this issue as this information is easily available on the Board website.

One of our appraisers who did have disciplinary actions against her and her application

(which are done on line and when an internet connection is not very stable it is easy for a cursor to “jump” somewhat and check a wrong box) was submitted showing “no” instead of “yes” by accident was contacted by that lender and asked for clarification because they found the disciplinary action of the Board website. After an explanation she was added to the roster as this particular lender had no problem with it. If First Citizen had given me the opportunity to do so instead of immediately filing a grievance this could have been avoided. Greg Goodpasture.

The Board’s Prosecutor called the Respondent, Gregory L. Goodpasture, to testify as the Board’s second witness.

Gregory L. Goodpasture Testimony (Summary)

The Respondent, Gregory L. Goodpasture, upon being duly sworn, was asked by the Board’s Prosecutor to look at information in the attachment to the Grievance (Exhibit 1, page 4), which is the First Citizens Bank form Application for Approved Appraiser (the “Application”), which he did, and the Respondent testified that his name was correct on the Application, that the firm name was correct on the Application, that his address was correct on the Application, that his Oklahoma appraiser credential number was correct, that both he and Annemieke Roell serve as the Firm Principal, that his telephone number and email address were correct, and so forth until the Board’s Prosecutor reached a question near the bottom of the form which reads as follows:

“Have you ever been sanctioned or disciplined by a State Appraisal Licensing/Standards Board or appraisal organization of which you are a member”.

When asked by the Board’s Prosecutor asked if the “yes” box or the “no” box was marked after this question, the Respondent said that the “no” box was marked but that “no” as it appears [on the form] is incorrect. Continuing, the Respondent said that he does most of the appraising for the firm

named “Oakcrest Appraisal Services” (the “Firm”), that the administration and day to day operation of the Firm is handled by Ms. Roell and another assistant whom he identified only as “Megan”, and that he did not fill out the form Application.

In response to a question of whether he sent the email response to the Grievance marked as Exhibit 4, the Respondent testified that he did not recall sending the email grievance response but that he was sure that he read the email grievance response before it was sent out.

In discussing his prior discipline, the Respondent said that the 2011 incident [Exhibit 2] is relevant but that it was not really discipline as he was only issued a letter of warning by the Board unlike the other incident involving discipline [Exhibit 3].

In response to a question about performing appraisal work for First Citizens Bank, the Respondent said that he did no appraisal work for First Citizens Bank.

In response to a question about who filled out the form Application, the Respondent said that he did not know who filled out the Application, that it could have been filled out by the assistant named Megan Murphy, that Megan Murphy worked for them at that time and has done so in the past, that Megan Murphy is being treated for drug issues, that the Application was most likely filled out by Annemieke Roell, that he and Annemieke Roell are not husband and wife, that Annemieke Roell carries a Dutch passport, that although it may be hard to tell that English is not her first language, that they live in the country at the end of a DSL loop that frequently loses stability of connection.

The Respondent testified that Annemieke Roell explained her discussion with First Citizens Bank to him after which discussion, Annemieke Roell was added to the First Citizens Bank appraiser panel, after she said that yes she had been disciplined, and that Annemieke Roell has been dealing with cancer for the last year.

In response to a question about his membership in any appraiser organizations, the Respondent said that he used to be in the National Association of Independent Fee Appraisers (NAIFA) but that he dropped out when NAIFA moved from St. Louis in 2011 or 2007.

In response to a question about his contacts with First Citizens Bank, the Respondent said that First Citizens Bank never contacted him that he knows of.

When asked about the correctness of the information on the First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent (Exhibit 1, page 4), the Respondent said that everything was correct except as to the indication that the Respondent had not been previously disciplined.

The Board's Prosecutor next called Annemieke Roell to testify as the Board's third witness.

Annemieke Roell Testimony (Summary)

Upon being duly sworn, Ms. Roell testified that she works for Oakcrest Appraisal Services, that she is its Managing Partner, that the Respondent is her only other partner, that she usually fills out all applications for appraiser panels, that she fills out such applications for the Respondent, that the name of their assistant is Megan Murphy, that the process to fill out applications is that the appraiser looks it over at the time an application is completed and signs the application, that she vaguely recognizes the First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent (Exhibit 1, page 4), and that Megan Murphy may have done this application [referring to Exhibit 1, page 4] as she was new at the time.

Continuing, Ms. Roell testified that she did not consider "In the Matter of GREGORY L. GOODPASTURE", the Board's Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #10-007 (Exhibit 2) as discipline, that "In the Matter of GREGORY L. GOODPASTURE, ANNEMEIKE E. ROELL, and OAKCREST APPRAISAL ACADEMY", the

Board's Decision on Disciplinary Hearing Panel Recommendation regarding Complaint #12-060 (Exhibit 3) is discipline, that there was no intentional misrepresentation intended about discipline in the Application, and that living in the country, they have a hard time with their internet connection remaining stable, that the cursor moves or jumps around and somethings get mismarked such as the "no" box after the question as to past discipline.

When questioned about her performing any appraisals for First Citizens Bank, Ms. Roell stated that she had no recollection of doing any appraisals for First Citizens Bank, that she gets inquiries about appraisal services off the internet, and that she doubts that she had communications with First Citizens Bank after the Application was filed with First Citizens Bank.

In response to a question about the identity of the lender in the Respondent's email dated June 3, 2016, in response to the Grievance (Exhibit 4), Ms. Roell stated that the lender referred to in the last paragraph of Exhibit 4 is a different lender than First Citizens Bank, that the word "lender" was missing from the last line of the second paragraph of Exhibit 4, and that she could not authenticate the Respondent's email dated June 3, 2016, in response to the Grievance marked as Exhibit 4.

Ms. Roell stated that there was no misrepresentation intended as to past discipline in the Application, that no one in their right mind would deny the past discipline as its easily found on the Board's website, that she does not know why a lender even asks the question about past discipline when they can look it up on the Board's website, that she is currently licensed as an appraiser, that she is not on First Citizens Bank's appraiser panel, that she was not too keen to get on the appraiser list of First Citizens Bank, that she did not want to do any appraising for First Citizens Bank anyway, and that First Citizens Bank did send her a packet for the Respondent to apply to be on its appraiser panel.

In response to a question about the Respondent's past record of discipline where she claimed the "no" box was mismarked in response and the answer was "yes", there was past discipline, where are the documents that were required to be provided as an explanation, Ms. Roell claimed that the computer took the application and closed it before she could attach any documents as an explanation. When asked about any attempt to send another email with such documents to explain the past discipline, Ms. Roell said that the computer wouldn't let her attach anything else.

The Board's Prosecutor next called Joshua Leitner , Residential Appraisal Supervisor, of First Citizens Bank, Columbia, South Carolina, to testify by telephone as the Board's fourth witness.

The Respondent objected to the telephone testimony of Joshua Leitner on various grounds including, but not limited to, the fact that the witness was not physically present at the hearing and that no one could be sure of the identity of the witness. The members of the Hearing Panel each indicated that they wanted to hear the testimony of Mr. Leitner and the objections to Mr. Leitner testifying were overruled.

Joshua Leitner Testimony (Summary)

Upon being duly sworn, Mr. Leitner testified by phone that he is now working as a Senior Compliance Officer for First Citizens Bank in Elgin, South Carolina, that he has worked for First Citizens Bank for 3½ years, and that he filed the grievance against the Respondent.

According to Mr. Leitner, on behalf of First Citizens Bank, his co-worker, Nancy McCarrol, called Ms. Roell about an appraisal assignment in Davenport, Oklahoma, that Ms. Roell said that she could not do the appraisal but the Respondent could do so, that Ms. Roell was sent an application for the Respondent to complete to be included on their bank appraiser panel, that the Application answer as to the Respondent's past discipline was "no", and that First Citizens Bank engaged the Respondent for the appraisal assignment in Davenport, Oklahoma on March 18, 2016,

with a due date of April 1, 2016.

Continuing, Mr. Leitner said that on April 5, 2016, First Citizens Bank sent an email to the Respondent with a request for the past due appraisal report, that on April 11, 2016, Megan Murphy emailed First Citizens Bank that the appraisal assignment was not complete, and that First Citizens Bank hired a different appraiser to complete an appraisal in lieu of the Respondent.

Mr. Leitner testified that Ms. Roell was on the bank approved list until she was removed in 2015 due to a notice of her suspended license, that it was noted in 2016 that Ms. Roell's licensure was once again active and that she was no longer suspended, and that Ms. Roell noted to First Citizens Bank that did have prior discipline.

It was noted through a question that the copy of First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent previously provided in the hearing (Exhibit 1, page 4) was not signed and Mr. Leitner said that the copy he had in front of him [in South Carolina] had an electronic signature and that such a signature was acceptable to First Citizens Bank, that he did not know that the copy previously sent to the Board as an attachment to the Grievance (Exhibit 1, page 4) was not signed at all, and that he would immediately email a copy of the First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent with the Respondent's electronic signature to the Board.

Upon receipt of the new email from the witness, Mr. Lietner, identified the one-page document marked as Exhibit 5 to be a copy of the First Citizens Bank form Application for Approved Appraiser filled out in the name of the Respondent with the Respondent's electronic signature, date and time of delivery, and that as he is not a computer guru, he did not why the form Application says the signature is not marked "verified".

The Respondent objected to the admission of Exhibit 5 into evidence and Exhibit 5 was

admitted into evidence over the Respondent's objection.

Mr. Leitner stated that First Citizens Bank is a national bank that lends in all 50 states and that 19 states have bank locations.

At this point in the hearing, the State rested.

The Respondent called Ms. Roell to be a witness for his defense.

Annemieke Roell Continued Testimony (Summary)

Upon being reminded that she remained under oath, Ms. Roell testified that she was unable to verify that the Respondent electronically affixed his signature to the Application, that sometimes she is authorized to use the Respondent's electronic signature when he is out of the office, that it was her understanding, other than the question mark on Exhibit 5, that if an electronic signature goes through, it says signature verified, that she really doesn't understand electronic signatures, that she now uses a printer again to copy, scan and send out, and that she has no recall of being engaged by First Citizens Bank to do an appraisal.

At this point in the proceedings, the Respondent rested his defense.

The Respondent presented no witnesses in his defense other than Annemieke Roell and at no time introduced any exhibits into evidence on his own behalf.

The Respondent did not file a Request for Oral Argument and did not appear at the Board Meeting to present oral argument to the Board.

JURISDICTION

1. The OREAB has the duty to carry out the provisions of the Oklahoma Certified Real Estate Appraisers Act as set forth at Title 59 of the Oklahoma Statutes, §§858-701, *et seq.* and to establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

2. The OREAB has promulgated rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act in regard to disciplinary proceedings as set forth at the Oklahoma Administrative Code, §§600:15-1-1 thru 600:15-1-22, including administrative hearings.

3. The Respondent, GREGORY L. GOODPASTURE, is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on July 2, 1998.

FINDINGS OF FACT

The Board hereby adopts in full the Findings of Fact of the Disciplinary Hearing Panel:

1. The Respondent, GREGORY L. GOODPASTURE, is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on July 2, 1998.

2. On March 14, 2016, First Citizens Bank contacted Annemieke Roell with Oakcrest Appraisal Services in regard to an appraisal assignment for a property located in Davenport, Oklahoma.

3. Ms. Roell advised that appraiser Gregory L. Goodpasture, who has a working relationship with Ms. Roell, could handle the assignment. Since Mr. Goodpasture was not on the First Citizens Bank appraisal panel, an application package was sent to Ms. Roell for Mr. Goodpasture to complete.

4. The application was completed and received (Exhibit 1, page 4, and Exhibit 5). One question in the Application was *"Have you ever been sanctioned or disciplined by a State Appraisal Licensing/Standards Board or appraisal organization of which you are a member?"* Mr. Goodpasture answered no to this question.

5. Upon further investigation by First Citizens Bank, it was discovered that Mr. Goodpasture had in fact been disciplined by the Oklahoma Real Estate Appraiser Board on March 5, 2014 (Complaint #12-060, Order 14-003) (Exhibit 3). Mr. Goodpasture had his instructor credentials withdrawn with no right to reapply to the Board for a 1 year period. Mr. Goodpasture was placed on probation for 1 year requiring Mr. Goodpasture to keep an appraisal log detailing all appraisal activities and provide this log for review once per month.

CONCLUSIONS OF LAW

The Board adopts in full the Conclusions of Law of the Disciplinary Hearing Panel:

1. The Respondent has violated 59 O.S. §858-723(C)(6) through 59 O.S. §858- 726, in that the Respondent violated the Ethics Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule.

2. The Respondent has violated 59 O.S. §858-723(C)(5): "An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person."

3. The Respondent has violated 59 O.S. §858-723(C)(9), "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act".

4. The Respondent has violated 59 O.S. §858-723(C)(13) in that Respondent violated 59 O.S. § 858-732(A)(4): "Advertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated is unethical".

[It should be noted that the Disciplinary Hearing Panel, on behalf of the Board, exercised the right reserved by the Board in the Notice (Alleged Violations of Law §6), to amend the alleged violations of law as the evidence presented and discovered during the proceeding herein collectively constitute clear and convincing proof that such amendment is warranted to amend the alleged violation of 59 O.S. §858-723(C)(13) in that Respondent violated 59 O.S. § 858-

732(A)(1) more properly to that of a violation of 59 O.S. §858-723(C)(13) in that Respondent violated 59 O.S. § 858-732(A)(4).]

FINAL ORDER

WHEREFORE, having adopted in full the Findings of Fact and Conclusions of Law entered by the Disciplinary Hearing Panel, the Board hereby makes its Final Order as follows:

1. The appraiser credential of the Respondent Gregory L. Goodpasture shall be **SUSPENDED** for a period of **ONE (1) YEAR** from the date that any final order is entered in this matter plus a period of thirty (30) days after the Respondent is notified of the final agency order either personally or by certified mail, return receipt requested.

2. Respondent Gregory L. Goodpasture shall pay an administrative fine in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)** to the Board. Payment of the fine shall be remitted to the Board in accordance with the manner contemplated by 59 O.S. § 858-723(B).

3. Respondent Gregory L. Goodpasture shall pay the costs expended by the Board for legal fees and travel costs incurred in this matter. The Board staff will provide a statement of the costs incurred to Respondent with the final order. Costs shall be fully paid within thirty (30) days from the date of any final order of the Board.

4. Failure by Respondent to comply with any requirement of this order shall result in his appraisal credential being suspended instanter, with notification forwarded immediately to Respondent by Certified U. S. mail, return receipt requested.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS 30 DAYS FROM THE DATE HE IS FIRST NOTIFIED OF THIS ORDER, EITHER PERSONALLY OR BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED, TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED on this 3rd day of May, 2017

Eric M. Schoen

ERIC SCHOEN, Administrative Officer
Real Estate Appraiser Board

5-3-2017

Date

Bryan Neal

BRYAN NEAL
Assistant Attorney General and
Counsel to the Board

5/3/17

Date



CERTIFICATE OF MAILING

I, Sherry Ainsworth, hereby certify that on the 18th day of May, 2017 a true and correct copy of the above and foregoing Notice of Disciplinary Proceedings and Appointment of Hearing Panel was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

Gregory L. Goodpasture
PO Box 83
Terlton, OK 74081

7016 0340 0000 7986 7264

and that copies were forwarded by first class mail to the following:

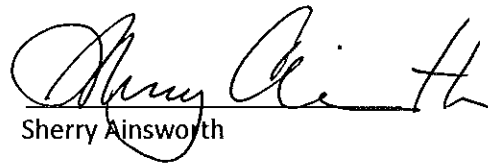
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Sherry Ainsworth



RECEIVED
OKLAHOMA INSURANCE DEPT.

MAY 17 2017

Real Estate Appraiser Board

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-380A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
3625 N.W. 56th St., Ste. 100
Oklahoma City, OK 73112

May 17, 2017

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Real Estate Appraiser Board intends to take with respect to licensee 11855CRA. The proposed action is to impose a one-year period of suspension and require payment of a \$2,000 fine and all prosecutorial costs. A mortgage lender filed a complaint against the licensee concerning an application the licensee completed to be an appraiser on the mortgage lender's fee panel. In response to the question about prior disciplinary actions, the licensee responded in the negative. However, the mortgage lender later found that the licensee was disciplined in 2014. Subsequently, the Board discovered that the licensee had also been disciplined in 2011.

The Oklahoma Certified Real Estate Appraisers Act, 59 O.S.2011 & Supp.2016, §§ 858-700–858-732, authorizes the Oklahoma Real Estate Appraiser Board to discipline licensees based on “[a]n act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person,” “[v]iolation of any of the standards for the development or communication of real estate appraisals,” “[w]illfully disregarding or violating any of the provisions of the...Act or the regulations of the Board for the administration and enforcement of the provisions of the...Act,” or “[v]iolat[ion] of any of the provisions in the code of ethics set forth in [the Act],” 59 O.S.Supp.2016, § 858-723(C)(5),(6),(9),(13). The Act prohibits licensees from “engage[ing] in conduct that is unlawful, unethical or improper,” including “[a]dvertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated.” 59 O.S.2011, § 858-732(A)(1),(4). Further, the Act requires adherence to the “current edition of” the Uniform Standards of Professional Appraisal Practice (“USPAP”), 59 O.S.2011, § 858-726, which is the 2016-2017 edition.

The USPAP contains professional requirements pertaining to ethics and requires appraisers to “promote and preserve the public trust inherent in appraisal practice by observing the highest standards of professional ethics” and to comply with USPAP standards. USPAP-8. The action seeks to enforce requirements of professionalism embodied in the Act and in the USPAP. The Board may reasonably believe that the disciplinary action is necessary to prevent future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Appraiser Board has adequate support for the conclusion that this action advances the State of Oklahoma's policy to uphold standards of competency and professionalism among real estate appraisers.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL