

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

In the Matters of ANNEMIEKE E. ROELL,)
) Complaints #17-020 & #17-025
Respondent.)

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

ON THE 2ND day of May, 2018 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 that was held on March 13, 2018. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, Mark C. Thompson of Oklahoma City, Oklahoma, John M. Travers of Tulsa, Oklahoma, and Michael G. Stacy of Edmond, Oklahoma, each of whom is a current Member of the Board's Standards and Disciplinary Procedures Committee. Mark C. Thompson 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, Annemieke E. Roell, of Oakcrest Appraisal Services, whose last-known residence and work address is P. O. Box 83, Terlton, Oklahoma 74081 (the "Respondent"), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 17-020 and Complaint No. 17-025 (collectively referred to as the "Notice"), by first class U.S. certified mail with return receipt requested to her then-last known residence and work address, on February 8, 2018, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59

O.S. § 858-724, and the Administrative Procedures Act, 75 O.S. §§250-323, that was not claimed by the Respondent. A copy of the Notice was also sent by first class U.S. certified mail with return receipt requested to the Respondent's Attorney, Philip O. Watts, Watts & Watts, Attorneys at Law, Edmond, Oklahoma 73083, on February 8, 2018, that was delivered to Philip O. Watts on February 9, 2018, as verified by an email from the Board's Director, Christine McEntire, dated February 23, 2018, to Philip O. Watts, wattslaw@cox.net with a copy to the Respondent at her most current email address, which email memorialized the delivery of the Notice to the Respondent through her Attorney, Philip O. Watts, and a subsequent email from Philip O. Watts to the Board's Prosecutor, Stephen McCaleb, on March 13, 2018, at 8:34 a.m. the morning of the scheduled hearing in this matter, notifying Mr. McCaleb that neither Attorney Philip O. Watts nor the Respondent would appear at the hearing scheduled for March 13, 2018, at 9:00 a.m. and that the Respondent was requesting a continuance as her significant other was ill and she needed to be with him that day, and that at the hearing scheduled March 13, 2018, the Respondent failed to appear in person and was not represented by an Attorney.

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

Christine McEntire Testimony as to Notice (Summary)

Upon being duly sworn, Ms. McEntire testified that she is the Director of the Board, that in her capacity as the Director she is involved with and oversees the appraiser disciplinary process on behalf of the Board, including this matter involving the Respondent Annemieke E. Roell, having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 17-020 and Complaint No. 17-025, both sent by first class U.S. certified mail with

return receipt requested to her then-last known residence and work address, both were mailed on February 8, 2018, that the Notice was not claimed by the Respondent, that the Notice was also sent to the Respondent's Attorney, Philip O. Watts, Watts & Watts, Edmond, Oklahoma, both were mailed on February 8, 2018, that was delivered by mail to Philip O. Watts on February 9, 2018, as verified by an email from the Board's Director, Christine McEntire, dated February 23, 2018, to Philip O. Watts, wattslaw@cox.net identified by Ms. McEntire as Exhibit E with a copy to the Respondent at her most current email address, which email memorialized the delivery of the Notice to the Respondent through her Attorney, Philip O. Watts, and that she had seen and read a subsequent email identified by Ms. McEntire as part of Exhibit E from Philip O. Watts to the Board's Prosecutor, Stephen McCaleb, on March 13, 2018, the morning of the scheduled hearing in this matter, notifying Mr. McCaleb that neither Attorney Philip O. Watts nor the Respondent would appear at the hearing scheduled for March 13, 2018, and that the Respondent was requesting a continuance as her significant other was ill and she needed to provide care for him, and that the Board had good service on the Respondent. The Board's Prosecutor stated that he would have a copy of the latest Philip Watts email from March 13, 2018, sent to the Board's Director, have it printed and attached as a part of Exhibit E.

The Board's Prosecutor moved to admit Exhibit E into evidence and there being no objection, Exhibit E was admitted into evidence.

In light of the absence of the Respondent or any Attorney appearing on her behalf, the Board's Hearing Panel Counsel asked the Board's Prosecutor how he wished to proceed. The Board's Prosecutor informed the Hearing Panel that [under the Board's Rules OAC 600: 15-1-12 for a Failure to Appear], the Hearing Panel could proceed with this matter either as a Default as to the

Respondent due to the absence of the Respondent or proceed with the formal hearing against the Respondent and determine the matter in the absence of Respondent. The Board's Prosecutor stated his preference would be to proceed with the formal hearing and present the case in chief against the Respondent. After a brief discussion, the three members of the Hearing Panel each expressed their view to proceed with the formal hearing in this matter with the Respondent.

PRELIMINARY MATTERS

The Board's Prosecutor initially moved for the admission of four (4) exhibits for the Board (Exhibits A, B, C, and D, and respectively) which he indicated were four Board disciplinary decisions previously issued against the Respondent in which Annemieke E. Roell was a named respondent. There being no objection, all four (4) exhibits were admitted into evidence.

Exhibit A was Board Order No. 14-003 entitled "Board's Decision as to Disciplinary Hearing Panel Recommendation" in the case styled as "In the Matter of GREGORY L. GOODPASTURE, ANNEMIEKE E. ROELL, and OAKCREST APPRAISAL ACADEMY", Complaint No. 12-060, issued on March 5, 2014, Conclusions of Law included violations of 59 O.S. §858-723(C)(1), 59 O.S. §858-723(C)(2) through 59 O.S. §858-720(4) and 59 O.S. §858-722(B), 59 O.S. §858-723(C)(5), 59 O.S. §858-723(C)(9), and, 59 O.S. §858-723(C)(13) in that 59 O.S. §858-732(A)(1) was in part violated.

Exhibit B was Board Order No. 14-004 entitled "Board's Decision as to Disciplinary Hearing Panel Recommendation" in the case styled as "In the Matter of ANNEMIEKE E. ROELL", Complaint No. 13-004, issued on March 5, 2014, Conclusions of Law included violations of 59 O.S. §858-723(C)(6) through 59 O.S. §858-726 (USPAP Competency Rule, USPAP Std.1, Std. Rules 1-1,1-2,1-3,1-4,1-5, and 1-6; USPAP Std.2, Std. Rules 2-1 and 2-1, 59 O.S. §858-723(C)(7), 59 O.S. §858-723(C)(8), and, 59 O.S. §858-723(C)(13) in that 59 O.S. §858-732(A)(1) was violated.

Exhibit C was Board Order No. 15-010 entitled "Consent Order for Annemieke E. Roell" in the case styled as "In the Matter of ANNEMIEKE E. ROELL", Complaints 14-019, 14-029, 14-030, 14-034, 14-045, 15-001, 15-004, 15-011, 15-021, issued on July 1, 2015, Conclusions of Law included violations of 59 O.S. § 858-723(C)(6) through 59 O.S. §858-726 (USPAP Competency Rule, Scope of Work Rule, USPAP Std.1, Std. Rules 1-1,1-2,1-3,1-4, and 1-6; USPAP Std.2, Std. Rules 2-1 and 2-1, 59 O.S. §858-723(C)(7), and, 59 O.S. §858-723(C)(8).

Exhibit D was Board Order No. 17-020 entitled "Board's Decision as to Disciplinary Hearing Panel Recommendation" in the case styled as "In the Matter of GREGORY L. GOODPASTURE, and ANNEMIEKE E. ROELL", Complaint Nos. 16-034 and 16-037, issued on October 4, 2017, Conclusions of Law included violations of 59 O.S. § 858-723(C)(6) through 59 O.S. §858-726 (USPAP Ethics Rule and Conduct Section of USPAP Ethics Rule, Competency Rule, Scope of Work Rule, USPAP Std.1, Std. Rules 1-1, and 1-4,; USPAP Std.2, Std. Rules 2-1 and 2-1, 59 O.S. §858-723(C)(6), 59 O.S. §858-723(C)(7), 59 O.S. §858-723(C)(8), 59 O.S. §858-723(C)(9), and, 59 O.S. §858-723(C)(13) in that 59 O.S. §858-732(A)(1) was violated.

The Board's Prosecutor noted that Exhibit C was a Consent Order for nine (9) Complaints in which none of the Respondent's nine (9) appraisal reports included in the aforesaid nine (9) Complaints passed review by the Board's review appraisers, that the discipline ordered and agreed to in those nine (9) Complaints included a requirement that the Respondent Annemieke E. Roell complete all qualifying education known as the "core curriculum" totaling 200 hours of education as currently required of an appraiser applicant for the Certified Residential Appraiser credential under the Appraiser Qualification [Board] (AQB) Criteria within a twelve (12) month period [sixty hours of which through three identified courses (Nos. 600 (15 hours); 613 (30 hours); and, 614 (15

hours)) were noted therein as already completed] and represented that the Respondent had indeed completed all required hours of such education prior to the filing of the two (2) Complaints in this matter (Complaints Nos. 17-020 and 17-025).

Subsequently, the Board's Prosecutor moved to admit a document from the Board that provided a listing of appraisal education courses taken by the Respondent for the three year period beginning December 31, 2016, marked as Exhibit F. There being no objection, Exhibit F was admitted into evidence.

Complaint No. 17-020 (Exhibits)

The Board's Prosecutor moved for the admission of four (4) exhibits for the Board (Exhibits 1, 2, 3, and 4, respectively) presented in a trial notebook for Complaint No. 17-020 to which there was no objection by the Respondent and all four such Board exhibits were admitted into evidence.

Exhibit 1 was a copy of subject appraisal report signed by Respondent of Oakcrest Appraisal Services; Exhibit 2 was County data for the subject property and sales (prepared by Board Witness, Rodney Bien, CRA); Exhibit 3 is an Aerial photograph of the subject property (provided by Board Witness, Rodney Bien, CRA); and, Exhibit 4 was the Respondent's work file for the subject property (provided by the Respondent). There being no objection by the Respondent (who was absent), all four (4) of the Board's Exhibits marked as Exhibits 1, 2, 3, and 4, respectively (of which Exhibit 4 was Bates-stamped), were admitted into evidence.

Complaint No. 17-025 (Exhibits)

The Board's Prosecutor moved for the admission of three (3) exhibits for the Board

(Exhibits 1, 2, and 3, respectively) presented in a trial notebook for Complaint No. 17-025 to which there was no objection by the Respondent and all three such Board exhibits were admitted into evidence.

Complaint No. 17-025 Exhibit 1 was a copy of subject appraisal report signed by Respondent of Oakcrest Appraisal Services; Exhibit 2 was County data for the subject property and sales (prepared by Board Witness, Rodney Bien, CRA); and Exhibit 3 was the Respondent's work file for the subject property (provided by the Respondent). There being no objection by the Respondent (who was absent), all three (3) of the Board's Exhibits marked as Exhibits 1, 2, and 3, respectively (of which Exhibit 3 was Bates-stamped), were admitted into evidence.

The Respondent (who was absent) submitted no documents for admission as evidence in this matter. Further, no party in these proceedings requested that a court reporter record this matter and no party to these proceedings submitted any proposed findings of fact or proposed conclusions of law to the Disciplinary Hearing Panel for its consideration.

WITNESSES AND EVIDENCE PRESENTED

The Board's Prosecutor presented two (2) witnesses in support of the case against the Respondent: Christine McEntire, the Board's Director who testified about service of the Notice; and, Rodney Bien, 10013CRA, a Certified Residential Appraiser, of Oklahoma City, Oklahoma.

The Respondent, who was absent, presented no defense.

The Board's Prosecutor called Rodney Bien, a Certified Residential Appraiser, to testify as the Board's second witness.

Rodney Bien Testimony (Summary)

Complaint No. 17-020

Upon being duly sworn, Mr. Bien testified that he is licensed in the State of Oklahoma as a Certified Residential Appraiser [10013CRA], that he has been appraising real estate for 34 years which included appraising real property before state licensing was required, that he previously worked a second job for a year as a Police Officer in Moore, Oklahoma, and had worked a second job serving Oklahoma County as a Reserve Officer for nine years, that he is now an appraiser full-time, that he has a contract as an investigator for the Board, and that in that capacity he was providing assistance to the Board's Prosecutor in this matter.

Continuing, Mr. Bien stated that the adjustments in the appraisal report for the subject property at 3829 Scarlet Lane, Enid, Oklahoma 73703 (Exhibit 1) in Exhibit 1, page 4, in the section entitled "Sales Comparison Analysis", are not supported.

Upon request of the Board's prosecutor, Mr. Bien read into the record, the language under the sub-heading "All Square Footage Adjustments" in the Comment Addendum (Exhibit 1, page 11).

According to Mr. Bien, the statement in the subject appraisal report in the Comment Addendum (Exhibit 1, page 11) under the sub-heading "All Square Footage Adjustments" appears to be a canned comment except for the dollar amounts in the last sentence thereof.

Mr. Bien noted that on page 11 (Comment Addendum) of the subject appraisal report (exhibit 1) in the section entitled "All Square Footage Adjustments", there is reference to a "ratio" but there is no explanation of what the "ratio" is and that the percentage figure is not provided in the subject appraisal report (Exhibit 1). Mr. Bien identified Exhibit 4 to be the Respondent's work file and that on page 144 of Exhibit 4, that the GLA of Comparable Sale 1 is listed in the Garfield County Assessor's records as being 1,877 square feet but that the Respondent, claiming her data

source to be the County Records, in her appraisal report (Exhibit 1, page 4) stated that the GLA of Comparable Sale 1 was 1,655 square feet. Mr. Bien stated that in his examination of the Respondent's work file (Exhibit 4), he could not find that any MLS data sheets were in the Respondent's work file even though the Respondent claimed that she used MLS data sheets as a data source in the subject appraisal report (Exhibit 1, page 4).

Mr. Bien also noted that in the subject appraisal report (Exhibit 1, page 4) that the GLA for Comparable Sale 2 was reported to be 2,052 square feet while the Respondent's reported data source, Garfield County Records (copy in the Respondent's work file - Exhibit 4), provided that the GLA for Comparable Sale 2 is 2,009 square feet (Exhibit 4, page 146), and that no explanation is provided in the appraisal report for the differences in GLA. According to Mr. Bien, the subject appraisal report (Exhibit 1, page 4) stated that the GLA for Comparable Sale 3 was reported to be 1,636 square feet while the Respondent's reported data source, Garfield County Records (copy in the Respondent's work file - Exhibit 4), provided that the GLA for Comparable Sale 3 is 2,040 square feet (Exhibit 4, page 145), with no explanation provided in the appraisal report for the differences in GLA.

Mr. Bien questioned whether the Respondent's choices of comparables are actually comparable noting that the subject property, 3829 Scarlet Lane, Enid, Oklahoma 73703, is reported to be a two-story structure (Exhibit 1, page 3) while the three (3) photos of the three sales chosen as comparables by the Respondent are each only one-story structures (Exhibit 1, page 21) and structure depicted in the photograph of Comparable 3 in the Garfield County Records with a dormer with a window (Exhibit 4, page 145) does not match the structure without a dormer or a second floor window depicted in photograph of Comparable 3 in Exhibit 1, page 21.

Mr. Bien identified Exhibit 3 to be an aerial photo of the subject property, 3829 Scarlet Lane, Enid, Oklahoma 73703, that he pulled noting that the neighborhood backs up to a major thoroughfare.

With regard to the Cost Approach (Exhibit 1, page 5) in the subject appraisal report, Rod Bien was asked if he was able to replicate the determination of site value, to which he responded that he could not do so.

Complaint No. 17-025

The Board's Prosecutor stated that he was going to ask Mr. Bien the same preliminary questions as he asked in connection with Complaint No. 17-020 and proceeded to do so. While still sworn, Mr. Bien testified that he is licensed in the State of Oklahoma as a Certified Residential Appraiser [10013CRA], that he has been appraising real estate for 34 years, which included appraising real property before state licensing was required, that he previously worked a second job for a year as a Police Officer in Moore, Oklahoma, and had worked a second job serving Oklahoma County as a Reserve Officer for nine years, that he is now an appraiser full-time, that he has a contract as an investigator for the Board, and that in that capacity he was providing assistance to the Board's Prosecutor in this matter.

According to Mr. Bien, the statement in the subject appraisal report in the Comment Addendum (Complaint 17-025 Exhibit 1, page 11) under the sub-heading "All Square Footage Adjustments" appears to be a canned comment except for the dollar amounts in the last sentence thereof (same comment in Complaint No. 17-020 presented earlier in the same hearing other than the dollar amounts used), that it is difficult for a reader to understand, and that it needs to be a clearer explanation than was used.

As to the Respondent's room count adjustments (Complaint 17-025, Exhibit 1, page 4), Comparable 1 has 2.1 baths (which used to be reported by appraisers as 2.5 baths) with the one-half (1/2) bath adjusted at \$2,500.00 while Comparable 2 has 2 baths adjusted at \$6,000.00, with no explanation given as to the difference in her calculations (such as if a one-half is adjusted at \$2,500.00 then why isn't a full bath adjusted at \$5,000.00 rather than \$6,000.00) and her calculations should be consistent.

Mr. Bien noted that the GLA of the subject property, 11600 E. 103rd Street N., Owasso, Oklahoma 74055, is reported in (Complaint 17-025, Exhibit 1, page 3), to be 2,800 sq. ft. while the Respondent's reported data source, Tulsa County Records or "CHR" [Court House Records] (Complaint 17-025, Exhibit 1, page 3), in (Complaint 17-025, Exhibit 2, page 1), states the GLA to be 2,654 sq. ft.

Continuing, Mr. Bien stated that the GLA of Comparable 1 is reported in the subject appraisal report as 2,431 sq. ft. (Complaint 17-025, Exhibit 1, page 3), while the Respondent's reported data source, Tulsa County Records or "CHR" [Court House Records] (Complaint 17-025, Exhibit 1, page 3), in (Complaint 17-025, Exhibit 2, page 3), states the GLA to be 2,220 sq. ft. Also, it was noted by Rod Bien that the GLA of Comparable 2 was reported in the subject appraisal report to be 2,868 sq. ft. (Complaint 17-025, Exhibit 1, page 4), while her data source, Tulsa County Records, (Complaint 17-025, Exhibit 3, page 92 and 99) state that the GLA is 2,829 sq. ft. Further, it was noted by Mr. Bien that the GLA of Comparable 3 was reported in the subject appraisal report to be 2,717 sq. ft. (Complaint 17-025, Exhibit 1, page 4) while her data source, Tulsa County Records, (Complaint 17-025, Exhibit 3, page 93 and 102) state that the GLA is 2,532 sq. ft.

As to these differences in GLA data, Mr. Bien said that such difference should be reconciled

by the appraiser and that no explanation was given by the Respondent as to the differences.

Mr. Bien noted that each of the three comparables had GLA adjustments reported in the subject appraisal report (Complaint 17-025, Exhibit 1, page 4), with Comparable 1 having a +\$44,600.00 adjustment, Comparable 2 having a -\$1,900.00 adjustment, and Comparable 3 having a +\$20,800.00 adjustment. In her Comment Addendum (Complaint 17-025, Exhibit 1, page 11), the Respondent made an adjustment in Comparable 1 of \$76.89/sq. ft., which should have been \$122.87, an adjustment in Comparable 2 of \$64.08/sq. ft., which should have been \$27.94/sq. ft., and an adjustment in Comparable 3 of \$77.49/sq. ft., which should have been \$250.60, which dollar amounts should match the adjustments stated in the Comment Addendum (Complaint 17-025, Exhibit 1, page 11).

According to Mr. Bien, a sale involving Comparable 2 in June of 2015 was missed by the Respondent based on data in the Respondent's work file (Complaint 17-025, Exhibit 3, page 92) which was not included in the subject appraisal report (Complaint 17-025, Exhibit 1, page 4) contrary to the requirement on the appraiser to show twelve months of sales and that this should have been reconciled by the Respondent with the available data.

Mr. Bien noted that the subject appraisal report (Complaint 17-025, Exhibit 1, page 3) stated that the contract price of the subject property is \$233,000.00 while the Respondent's estimate of market value or appraised value (Complaint 17-025, Exhibit 1, page 4) is \$250,000.00 with no explanation provided by the Respondent about the difference between the contract price of the subject property and the Respondent's estimate of market value.

As to the adjustments in effective age (Complaint 17-025, Exhibit 1, page 4) made by the Respondent in the subject appraisal report, the Respondent provided no explanation in the subject

appraisal report or in the Comment Addendum (Complaint 17-025, Exhibit 1, page 11) and provided no specifics as to age.

The Board's Prosecutor announced at this point that the State rested and recommended Revocation.

A Request for Oral Argument before the full Board was not filed by the Respondent and neither the Respondent nor her attorney appeared to address 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, ANNEMIEKE E. ROELL, is a state certified residential appraiser in the State of Oklahoma, holding certificate number 12775CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 3, 2007.

FINDINGS OF FACT

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

1. The Respondent, ANNEMIEKE E. ROELL, is a state certified residential

appraiser in the State of Oklahoma, holding certificate number 12775CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 3, 2007.

Complaint No. 17-020

2. On July 1, 2015, the Board issued Consent Order #15-010 (Exhibit C), in resolution of multiple complaints as to Respondent Annemieke E. Roell. As part of the consent order, the Respondent was placed on probation for a period of thirty (30) months (Exhibit C, page 15). During this probation, the Respondent was/is required to submit monthly work logs for all appraisal assignments performed during the month prior. From each work log, appraisal assignments may be randomly requested for review. On May 8, 2017, pursuant to a request from Board Staff, the Respondent submitted her appraisal report for 3829 Scarlet Lane in Enid, Oklahoma 73703 (effective date of April 2, 2017, with Mortgage Lenders of America VA listed as the client), which was listed on her work log for appraisal assignments completed for the month of April, 2017. This appraisal report was submitted to a member of the Board's Standards and Disciplinary Procedures Committee for review. The Respondent did submit her work file (Exhibit 4) to the Board.

3. On May 17, 2017 the Board Staff received the committee member's review of the subject appraisal report (Exhibit 1). On a scale of 4 to 20, the reviewer scored this appraisal report a "10". The bar for passing a review is "12". Thus, this appraisal report (Exhibit 1) would be considered failing. More importantly, the Respondent scored two "2's" in the categories of "Logic and Reasoning" and "Comparables" which is the rating for "unacceptable".

4. Errors and concerns within the subject appraisal report (Exhibit 1) include no

development, support or identification of sales for the site value (Exhibit 1, page 5); the Gross Living Area ("GLA") and condition adjustments in the appraisal report section entitled "Sales Comparison Analysis" are not adequately supported (Exhibit 1, page 4); the builder is also the developer and this is not disclosed in the appraisal report; all of the sales are from the same builders; no explanation is provided of the reason the Respondent's final opinion of value (Exhibit 1, page 4 of \$182,000) is so far away from the Contract price (Exhibit 1, page 3 of \$172,340), and in the section of the appraisal report entitled "Reconciliation" (Exhibit 1, page 4), the Income Approach was not developed (Exhibit 1, pages 4 and 5) and there is no explanation why the Income Approach was not performed. Based on the errors discovered in the subject appraisal report (Exhibit 1), this appraisal report is a misleading report.

5. Pursuant to Board Order #15-010 (Exhibit C), the Respondent was required to complete all qualifying education (otherwise known as the "Core Curriculum") required of an applicant for licensure as a Certified Residential Appraiser. Based upon the testimony presented and the contents of Exhibit C and Exhibit F, the Respondent completed the "core curriculum" of two hundred (200) hours of the qualifying education prior to the filing of the two complaints addressed in this matter (Complaints Nos. 17-020 and 17-025). The findings of the Board's reviewer identified problems which should have been remediated by the previously ordered corrective education (Exhibit C, Board Order #15-010).

6. Additionally, a copy of the subject appraisal report submitted by the Respondent to the client, Mortgage Lenders of America VA, was received directly from the lender client and revealed several areas which differed from the version provided by the Respondent to Board Staff. On page 4 of 27 under "Analysis of prior sale or transfer history of the subject property

and comparable sales” a sentence was added at the end of the paragraph which states “Sale two was sold within 12 months prior to the recent sale as described in the grid.”

7. On page 11 of 27 “Comment Addendum” the Respondent added to the Board staff version of this appraisal report: (Paragraph 2) *“It is accessed by N. Oakwood Rd which leads Enid for shopping, dining and entertainment. Enid has several school districts representing all levels of primary education. It has a hospital and all emergency services.”*

8. The Respondent embellished the appraisal report she submitted to the Board from that of the original appraisal report submitted to her client. Work product is to be submitted to the Board in the same manner in which it was provided to the client. Accordingly, there are material misrepresentations in the appraisal report submitted for review (Exhibit 1).

Complaint No. 17-025

9. On July 1, 2015, the Board issued Consent Order #15-010 (Exhibit C), in resolution of multiple complaints as to Respondent Annemieke E. Roell. As part of the consent order, the Respondent was placed on probation for a period of thirty (30) months (Exhibit C, page 15). During this probation, the Respondent was/is required to submit monthly work logs for all appraisal assignments performed during the month prior. From each work log, appraisal assignments may be randomly requested for review. On April 7, 2017, pursuant to a request from Board Staff, the Respondent submitted her appraisal report for 11600 E. 103rd Street N in Owasso, Oklahoma 74055, which was listed on her work log for appraisal assignments completed for the month of March, 2017. This appraisal report was submitted to a member of the Board’s Standards and Disciplinary Procedures Committee for review.

10. On May 22, 2017 the Board staff received the committee member’s review of the

subject appraisal report (Complaint 17-025, Exhibit 1). On a scale of 4 to 20, the reviewer scored this appraisal report an "11". The bar for passing a review is "12". Thus, this appraisal report (Complaint 17-025, Exhibit 1) would be considered failing. More importantly, the Respondent scored three "2's" in the categories of "Appraisal Practices and Procedures", "Logic and Reasoning", and "Adjustments" which is the rating for "unacceptable".

11. Pursuant to Board Order #15-010 (Exhibit C), the Respondent was required to complete all qualifying education (otherwise known as the "Core Curriculum") required of an applicant for licensure as a Certified Residential Appraiser. Based upon the testimony presented and the contents of Exhibit C and Exhibit F, the Respondent completed the "core curriculum" of two hundred (200) hours of the qualifying education prior to the filing of the two complaints addressed in this matter (Complaints Nos. 17-020 and 17-025). The findings of the Board's reviewer identified problems which should have been remedied by the previously ordered corrective education (Exhibit C, Board Order #15-010).

SALES COMPARISON APPROACH

12. The Respondent has not analyzed comparable sales data and used appropriate appraisal methods and techniques that support the conclusions.

13. The Respondent has not provided adequate reasoning for adjustments, analysis, opinions, and conclusions in the sales comparison approach.

14. The Respondent did not correctly employ recognized methods and techniques in the sales comparison approach.

15. Commentary in the sales comparison approach indicates that adjustments were

based on typical reactions by the market (page 5 of 9). The condition of the subject property (11600 E. 103rd Street N, Owasso, Oklahoma 74055), and Sales 1 & 3 are reported as C2 (Complaint 17-025, Exhibit 1, page 4), which conflicts with the definitions found in the appraisal report (Complaint 17-025, Exhibit 1, page 26). By definition, all the sales would either be C3, in varying levels of condition, or Sale 2 would have been C4. The rationale for the ranking of the sales has not been provided, which is covered by USPAP Standards Rule 1-1 and USPAP Standards Rule 2-2.

16. The Gross Living Area adjustments are atypical for residential assignments, and are not adequately explained. There is no requirement that the adjustments be equal across the board, although they typically are done in a close and possibly rounded manner by peers. It is concerning that Sales 2 and 3 are each within 100 square feet of the subject property yet one is adjusted at -\$1,900 and the other at +\$20,800. It is also of concern that the final opinion of value falls \$16,500 above the sales price of \$233,500 and there are no comparable sales in the neighborhood during the past year above the unadjusted \$241,000 of Sale 3. It appears that the indicated value of Sale 3 may have been overstated. The sales are not consistently adjusted for GLA differences according to market reactions and the rationale for the inconsistent adjustments is not fully presented.

17. The Respondent's size adjustments are inconsistent. Sales 2 and 3 have 68 and 83 square foot differences, yet one is adjusted at \$1,900 and the other is adjusted at \$20,000. There is a \$44,000 adjustment on Sale 1 with no explanation.

GENERAL

18. The appraisal results (Complaint 17-025, Exhibit 1) were not conveyed in an

appropriate manner and the Respondent does not appear to understand the appraisal process. The Respondent did not develop the Income Approach (Complaint 17-025, Exhibit 1, page 5) and the Respondent provided no explanation as to the reason she did not use the Income Approach. The Respondent used a canned comment in the section entitled "Cost Approach to Value" about support for the opinion of site value in Complaint 17-025, Exhibit 1, page 5, that matches the comment in the section entitled "Cost Approach to Value" in Complaint 17-020, Exhibit 1, page 5, about support for the opinion of site value in that companion complaint.

19. The subject appraisal report (Complaint 17-025, Exhibit 1), does not contain sufficient information to enable the reader to understand it properly. The Respondent provided no explanation of the reason her final opinion of value (Complaint 17-025, Exhibit 1, page 4 of \$250,000) is so far away from the Contract price (Complaint 17-025, Exhibit 1, page 3 of \$233,500).

20. Inconsistent adjustments were made without full explanation or evidence of calculations for the basis of the adjustments. The Respondent has not used an adjustment methodology that is typical of this type of assignment, and does not have adequate basis for depreciation adjustments to the sales since those properties were not observed at the effective date of their sales. The value is possibly overstated as a result of some inconsistent adjustments.

CONCLUSIONS OF LAW

The Board hereby adopts in full the Conclusions of Law of the Disciplinary Hearing Panel, as follows:

COMPLAINT NO. 17-020

1. It is the adopted finding of the Board that such conduct by the Respondent is in violation of 59 O.S. §858-723(C)(6) through 59 O.S. §858- 726, in that the Respondent violated:

- A. The Ethics Rule and Conduct Section of the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule;
- B. The Record Keeping Rule of the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule;
- C. The Competency Rule of the Uniform Standards of Professional Appraisal Practice (USPAP);
- D. Standard 1, Standards Rules 1-1, 1-4 and 1-6; Standard 2, Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice (USPAP). These include the sub sections of the referenced rules.

2. The Respondent has violated 59 O.S. § 858-723(C)(6): "Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act".

3. The Respondent has violated 59 O.S. §858-723(C)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

4. The Respondent has violated 59 O.S. §858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

5. 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".

6. The Respondent has violated 59 O.S. §858-723(C)(13) in that the Respondent violated 59 O.S. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

COMPLAINT NO. 17-025

1. It is the adopted finding of the Board that such conduct by the Respondent is in violation of 59 O.S. §858-723(C)(6) through 59 O.S. §858- 726, in that the Respondent violated:

- A. The Ethics Rule and Conduct Section of the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule;
- B. The Competency Rule of the Uniform Standards of Professional Appraisal Practice (USPAP);
- C. Standard 1, Standards Rules 1-1, 1-4 and 1-6; Standard 2, Standards Rule 2-1 and 2-2 of the Uniform Standards of Professional Appraisal Practice (USPAP).
These include the sub sections of the referenced rules.

2. The Respondent has violated 59 O.S. § 858-723(C)(6): "Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act".

3. The Respondent has violated 59 O.S. §858-723(C)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

4. The Respondent has violated 59 O.S. §858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

5. 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".

6. The Respondent has violated 59 O.S. §858-723(C)(13) in that the Respondent violated 59 O.S. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

FINAL ORDER

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

The appraiser credential of the Respondent Annemieke A. Roell shall be **REVOKED** immediately from the date that any final order is entered in this matter plus a period of thirty

(30) days after Respondent, Annemieke A. Roell, is notified of the final agency order either personally or by certified mail, return receipt requested.

1. The Respondent Annemieke A. Roell, shall pay all of the costs expended by the Board for legal fees and travel costs incurred in the matter of Complaint #17-020 and #17-025. The Board staff will provide a statement of the costs incurred to Respondent, Annemieke A. Roell, with the final order. Costs shall be fully paid by Respondent, Annemieke A. Roell, within thirty (30) days from the date of any final order of the Board.

2. Failure by Respondent, Annemieke A. Roell, to comply with any requirement of this order shall result in her appraisal credential being suspended instanter, with notification forwarded immediately to Respondent either personally or by Certified U. S. mail, return receipt requested.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT SHE HAS 30 DAYS FROM THE DATE HE OR SHE 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.

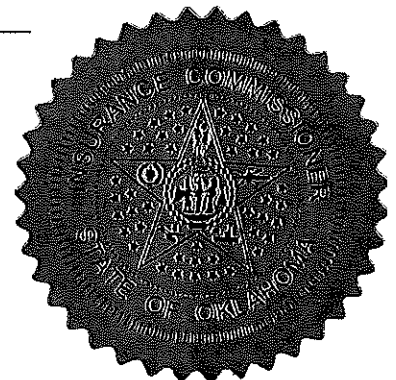
IT IS SO ORDERED on this 2nd day of May, 2018

Eric M. Schoen

ERIC SCHOEN, Administrative Officer
Real Estate Appraiser Board

Date

5-2-2018





BRYAN NEAL
Assistant Attorney General and
Attorney for the Board

Date

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that on the 29th day of May, 2018 a true and correct copy of the above and foregoing Board's Decision as to Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

Philip O. Watts
WATTS & WATTS
P.O. Box 3287
19 N. Broadway
Edmond, OK 73083-3287
Attorney for Respondents

9214 8902 0982 7500 0088 82

Annemieke E. Roell
PO Box 83
Terlton, OK 74081

9214 8902 0982 7500 0088 99

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

Bryan Neal, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, OK 73105

Stephen L. McCaleb
DERRYBERRY & NAIFEH
4800 N. Lincoln Boulevard
Oklahoma City, OK 73105



Christine McEntire