

BEFORE THE REAL ESTATE APPRAISER BOARD  
STATE OF OKLAHOMA

In the Matter of CAROLYN J. COLLINS,             )  
  )     Complaint #13-018  
Respondent.                                     )

CONSENT ORDER FOR RESPONDENT CAROLYN J. COLLINS

COMES NOW the Oklahoma Real Estate Appraiser Board ("OREAB" or "Board"), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent CAROLYN J. COLLINS, and enter into this Consent Order pursuant to Oklahoma Statutes Title 59 §858-700, et seq. and Oklahoma Administrative Code 600:10-1-1, et seq. All sections of this order are incorporated together.

AGREED FINDINGS OF FACT

1. This complaint contains two separate reports completed by the Respondent during the summer of 2013. Both reports contained information provided by the Respondent which resulted in misleading reports.

3450 Hollister Trail, Norman, Oklahoma

2. Upon information and belief, in June of 2013, BOKF NA dba Bank of Oklahoma (the "client"), hired Respondent to complete an appraisal (the "appraisal") for a property located at 3450 Hollister Trail, Norman, Oklahoma (the "subject").

3. Respondent completed the appraisal and transmitted the appraisal to the client, with an effective date of June 25, 2013. The appraisal was for a purchase transaction.

4. Respondent committed a series of errors in the report which led to a misleading report. These errors include, but are not limited to the following in paragraphs 11-22.

5. The appraisal form reflects that the report is a "summary appraisal." The USPAP addendum reflects that it is a "self contained" appraisal.

6. The effective date of the report is 06/25/2013. The appraiser license attached to the report indicates it expired on 02/28/2013.

7. The improvements section is confusing in that it indicates the kitchen and bathrooms have been updated in the past year; however, this is a new home under construction. No updating has taken place. Updating usually takes place after the home is completed.

8. Respondent's prior 3-year sales history indicates the appraiser "did" research the prior 3-year sales/transfer history of the subject property and no sales have been reported; however, the subject property did sell on 01/30/2013.

9. The Respondent's selection of quality ratings are misleading as they do not seem to be indicative of the caliber of housing in her report. Q1 and Q2 quality ratings are reserved for the highest-quality homes, while the subject and comparable sales would typically not be considered indicative of the highest-quality homes as defined by the UAD addendum included in the appraisers report.

10. The appraiser made a \$25,000 quality of construction adjustment to Comparable 1 with no explanation of why or how that adjustment was quantified or warranted.

11. Comp 4 is a Real Estate Owned sale; however, Respondent reported it as an arm's length sale.

12. Comp 4 was built in 2008 and would be considered 5 years old; however, it was reported with an age of 0 and C1 condition which would be reserved for a new home that has not been lived in, when MLS archive search indicates this is a property which has been lived in.

13. The Respondent's sketch is not an accurate reflection of the subject property. Many

walls have an incorrect measurement. The exterior wall where the dining room and garage wall meet is not the correct shape of the exterior. The sketch produced by Respondent estimated the living area about 200 square feet larger than what it actually is.

14. The garage size on the Respondent's sketch reflects 914.5 square feet; however, the size of the garage in Respondent's cost approach reflects 851 square feet.

15. The site value used by the appraiser has no support shown as to how the site value was derived.

**3017 Juan Trail, Moore OK**

16 Upon information and belief, in July of 2013, BOKF NA dba Bank of Oklahoma (the "client"), hired Respondent to complete an appraisal (the "appraisal") for a property located at 3017 San Juan Trail, Moore, Oklahoma (the "subject").

17. Respondent completed the appraisal and transmitted the appraisal to the client, with an effective date of July 20, 2013. The appraisal was for a purchase transaction.

18. Respondent committed a series of errors in the report which led to a misleading report. These errors include, but are not limited to the following in paragraphs 25-30.

19. The appraisal form reflects that the report is a "summary appraisal." The USPAP addendum reflects that it is a "self contained" appraisal.

20. The improvements section reflects some components of this property to be in average condition and other components are listed in good condition. This is a new home that has never been lived in and said condition descriptions are not appropriate for the subject property.

21. Respondent reports that the subject property has exterior gutters; however, there are no gutters on the subject property.

22. The site section states that there are "no" adverse conditions that effect this property. The subject site backs to an active train track that could be considered an adverse location, but no comments were found in the report to disclose this fact. At a minimum, this deserves some comments in the report as this may be an accepted external influence, but may also have an impact on the value or marketability.

23. The final value estimate seems heavily weighted to Comparables 2 and 3 which are located in a superior location away from the train tracks.

24. Respondent's marketing times conflict. Page 1 of Respondent's report shows the market in balance with 3-6 month marketing times. Additional addendum indicates, due to the recent tornado, the demand for housing in Moore is "extreme."

#### **AGREED CONCLUSIONS OF LAW**

1. That Respondent has violated 59 O.S. § 858-723(C)(6) through 59 O.S. §858-726, in that Respondent violated:

A) The Ethics Rule and the Conduct Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

B) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

C) Standard 1, Standards Rules 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6; Standard 2, Standards Rules 2-1, and 2-2 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

2. That 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."

3. That 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."

4. That 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."

5. That Respondent has violated 59 O.S. § 858-723(C)(13) in that 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."

#### CONSENT AGREEMENT

The Respondent, by affixing her signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document, and
2. That Respondent possesses the following rights among others:
  - a. the right to a formal fact finding hearing before a disciplinary panel of the Board;
  - b. the right to a reasonable notice of said hearing;
  - c. the right to be represented by counsel;

- d. the right to compel the testimony of witnesses;
- e. the right to cross-examine witnesses against her; and
- f. the right to obtain judicial review of the final decision of the Board.

3. The Respondent stipulates to the facts as set forth above and specifically waives her right to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.

4. The Respondent consents to the entry of this Order affecting her professional practice of real estate appraising in the State of Oklahoma.

5. The Respondent agrees and consents that this Consent Order shall not be used by her for purposes of defending any other action initiated by the Board regardless of the date of the appraisal.

6. All other original allegations in this matter are dismissed.

#### ORDER

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered and that:

1. Respondent successfully completes corrective education as follows:

THIRTY (30) HOURS – 602: Basic Appraisal Procedures

FIFTEEN (15) HOURS – 612: Residential Site Valuation and Cost Approach

Both of these two courses may be completed via online education, with a successfully passed proctored examination; and both courses must be completed by June 4, 2015, with one of the two (at Respondent's pleasure) courses must be successfully completed by November 4, 2014. To be successfully completed means Respondent successfully passes the proctored exams and proof of

completion must be filed with the office of the OREAB by the deadline date. Failure to do so will result in suspension of Respondent's credential until such time proof of completion is properly filed with the office of the OREAB;

2. Respondent must also complete further corrective education as follows:

FIVE (5) HOURS – 917: Online Business Practices & Ethics

FIVE (5) HOURS – 952: Online Data Verification Methods

Both of these two courses may be completed via online education; and both courses must be completed by June 4, 2015, with one of the two (at Respondent's pleasure) courses must be successfully completed by November 4, 2014. To be successfully completed means Respondent successfully passes the proctored exams and proof of completion must be filed with the office of the OREAB by the deadline date. Failure to do so will result in suspension of Respondent's credential until such time proof of completion is properly filed with the office of the OREAB;

3. Respondent pay an administrative fine in the amount of One Thousand Dollars (\$1,000). Said fine is pursuant to 59 O.S. §858-723; and
4. Respondent acknowledges that she understands that any modifications to the deadlines in paragraphs one and two of this section must be requested to the Board, in accordance with the Oklahoma Open Meetings Act, at a regularly scheduled Board meeting, and the Board's staff does not have the discretion to modify these terms.

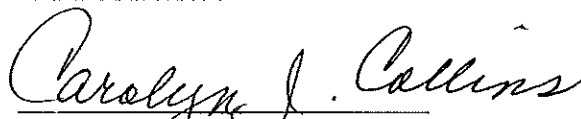
**DISCLOSURE**

Pursuant to the Oklahoma Open Records Act, 51 O.S. §§24-A.1 – 24A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

**FUTURE VIOLATIONS**

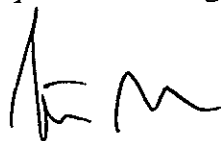
In the event the Respondent fails to comply with any of the terms and conditions of this Consent Order, Respondent will be suspended immediately until said terms and conditions are met.

RESPONDENT:

  
CAROLYN J. COLLINS

**CERTIFICATE OF BOARD PROSECUTING ATTORNEY**

I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.



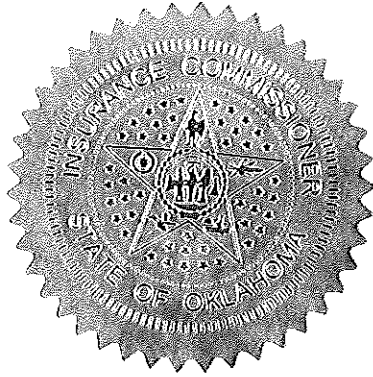
STEPHEN MCCALBB, OBA #15649  
Board Prosecutor  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112

5-22-14

DATE



IT IS SO ORDERED on this 4<sup>th</sup> day of June, 2014.



*Eric M. Schoen*

ERIC SCHOEN, Board Secretary  
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE  
APPRAISER BOARD**

By:

*Bryan Neal*

BRYAN NEAL, OBA #6590  
Assistant Attorney General  
Attorney for the Board

**CERTIFICATE OF MAILING**

I, Ashley Snider, hereby certify that on the 4<sup>th</sup> day of June, 2014 a true and correct copy of the above and foregoing Consent Order as to Respondent Carolyn J. Collins, was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

**Carolyn J. Collins**  
P.O. Box 15537  
Del City, OK 73155

**7013 2250 0000 5046 0830**

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. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

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



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**ASHLEY SNIDER**