

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

In the Matter of GARY D. FULLERTON,)
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)
Respondent.)

**BOARD'S DECISION AS TO ACCEPTANCE OF
AFFIDAVIT OF VOLUNTARY SURRENDER
IN LIEU OF DISCIPLINARY PROCEEDINGS**

ON THE 6th day of July, 2016, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board" or "OREAB"). The Board was represented by its counsel, Bryan Neal, Assistant Attorney General. Respondent appeared not. On the 23rd day of June 2016, the Respondent filed with the administrative office of the Board a properly executed Affidavit of Voluntary Surrender of Appraiser Credential in Lieu of Disciplinary Proceedings (the "Affidavit") dated the 23rd day of June, 2016. The contents of the Affidavit are incorporated herein by reference, and the Affidavit is attached hereto as Exhibit "A."

The Board, being fully advised in this matter, hereby makes the following Order:

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 through 600:15-1-22, including, but not limited to, administrative disciplinary hearings and informal disposition of any individual proceeding by stipulation, agreed settlement, consent order or default.

3. The Respondent Gary D. Fullerton, is a State Licensed Real Estate Appraiser in the State of Oklahoma, holding License Number 10305SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 4, 1991.

FINAL ORDER

WHEREFORE, the Board hereby accepts the Affidavit of Voluntary Surrender of Appraiser Credential in Lieu of Disciplinary Proceedings under the terms and conditions set forth herein, inclusive, of the Affidavit of the Respondent, Gary D. Fullerton, evidencing his knowing and voluntary surrender of his appraiser credential in lieu of disciplinary proceedings by the Board.

IT IS SO ORDERED this 6th day of July, 2016.



By: 
BRYAN NEAL, Assistant Attorney General
Counsel to the Board

By: 
ERIC SCHOEN, Board Secretary

CERTIFICATE OF MAILING

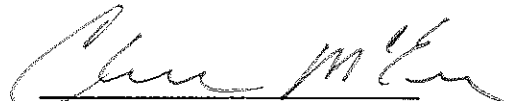
I, Christine McEntire, hereby certify that on the 7 day of August, 2016 a true and correct copy of the above and foregoing Board's Decision as to Acceptance of Affidavit of Voluntary Surrender In Lieu of Disciplinary Proceedings was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

Gary D. Fullerton 7015 1520 0003 4174 3694
1675 Cherry Street
Davis, Oklahoma 73030

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



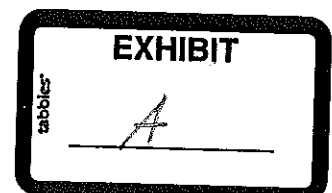
**STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD**

5 Corporate Plaza
3625 NW 56th, Suite 100
Oklahoma City, OK 73112

**AFFIDAVIT OF VOLUNTARY SURRENDER OF APPRAISER CREDENTIAL
IN LIEU OF DISCIPLINARY PROCEEDINGS**

I, Gary D. Fullerton, being of lawful age, swear and affirm under penalty of perjury, that:
(Print full name of individual surrendering credential)

1. I previously held an appraiser credential as a Oklahoma Certified Residential Appraiser, credential # 10305SLA. I understand that since my actions in case number 15-037 occurred while I had an active credential, the Board has jurisdiction over me.
2. I desire to surrender my appraisal credential and/or whatever rights I currently have under my previously issued credential.
3. I am freely and voluntarily surrendering my appraisal credential.
4. In surrendering my credential, I am not subject to any duress or coercion.
5. I am aware that following grievance(s), investigation(s), and/or board complaint(s) are pending against me (please enter grievance, complaint, and/or control number(s); if there are more than 18 pending matters, complete another affidavit):
 1. 15-037
6. The contents of the above grievance(s), investigation(s), and/or board complaint(s) and the contents of any investigative or disciplinary files of the above pending grievance(s), investigation(s), and/or board complaint(s) are incorporated herein by reference.
7. I am aware that the allegations set forth in the above pending grievance(s), investigation(s), and/or board complaint(s), if proven, would constitute violations of the Oklahoma Real Estate Appraiser Act and/or the rules promulgated pursuant thereto, for which I could be subject to discipline by the Board, up to and including revocation of my appraiser credential.
8. I am fully aware of my rights to contest the allegations pending against me. These rights include: representation by an attorney at my own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify against me; the right to present evidence on my own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on my own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of a complaint and the right to obtain judicial review of the Board's decision. In exchange for the Board's acceptance of the surrender of my appraiser credential, I voluntarily waive all of these rights.



9. I am aware that surrender of my credential shall not become effective until it has been approved by a majority of the Board.
10. I acknowledge this affidavit shall be presented to the Board with a recommendation from Board staff at the next available scheduled meeting of the Board.
11. I understand that the Board is free to accept or reject my surrender of my credential and, if rejected by the Board, a formal disciplinary hearing on the above pending matters may be held.
12. I understand that if the surrender is not accepted by the Board, it shall be regarded as null and void. Any admissions I make in this affidavit will not be regarded as evidence against me in the subsequent disciplinary hearing. I will be free to defend myself and no inferences will be made from my willingness to submit this affidavit.
13. I understand and agree that neither the presentation of this affidavit nor the Board's consideration of this affidavit will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in this affidavit.
14. I understand and agree that should the Board accept my surrender of my appraiser credential that:
 - I cannot be identified as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser;
 - All reference(s) to certification/licensure must be immediately removed from all letterheads, business cards, appraisal report covers and other printed materials under my reasonable control; and
15. **My real estate appraiser credential and pocket card are attached hereto.**
16. I understand and agree that should the Board accept my surrender of my appraiser credential, I cannot and will not apply for reinstatement for a period of at least five (5) years.
17. I further state that (check one):

I do not have a license, certificate or credential as an appraiser in the following jurisdiction(s) (LIST ALL JURISDICTIONS):

Jurisdiction and Certificate or License Number

Jurisdiction and Certificate or License Number

Jurisdiction and Certificate or License Number

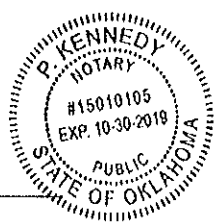
Jurisdiction and Certificate or License Number

FURTHER AFFIANT SAYETH NOT.

Signed: *[Signature]*
(Signature of individual surrendering credential)

STATE OF Oklahoma)
COUNTY OF Murray) ss.

Subscribed and sworn to before me this 23rd day of June, 2016.



My Commission expires:
10-30-2019

[Signature]
Notary Public
My Commission Number is:
15010105

State of Oklahoma



John D. Doak, Insurance Commissioner

Oklahoma Real Estate Appraiser Board

This is to certify that:

Gary D. Fullerton

has complied with the provisions of the Oklahoma Real Estate Appraisers Act to transact business as a State Licensed Real Estate Appraiser in the State of Oklahoma.

In Witness Whereof, I have hereunto set my hand and caused the seal of my office to be affixed at the City of Oklahoma City, State of Oklahoma, this 3rd day of December A.D. 2012.

John D. Doak

*John D. Doak, Insurance Commissioner
Chairperson, Oklahoma Real Estate Appraiser Board*

Members, Oklahoma Real Estate Appraiser Board

Patti Jensen

Jana S. Barker

P. Gene Wheeler

Stephen L. Walker

Betty G. Cagle

John P. [Signature]

[Signature]



Expires: 12/31/2015

Oklahoma Appraiser Number: 10305SLA