



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

August 3, 2016
Date

289
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held a regular session meeting on August 3, 2016 at 9:30 a.m. The meeting was held in the Public Meeting Room of the offices of the Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25 O.S. §301 et seq., the agenda for this meeting was posted at the main entrance of the Oklahoma Insurance Department at 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma on Monday, August 1, 2016 at 9:00 a.m., and transmitted to the offices of the Board members on July 27, 2016 and posted to the REAB website on August 1, 2016. The agenda is attached as Exhibit "A".

- I. **CALL TO ORDER.** Stephen C. Walton called the meeting to order at 9:30 a.m. The roll of Board members was called to establish a quorum.

Board members present were: Stephen C. Walton;
James R. Artman;
Betty J. Cagle;
H.E. Ted Smith;
Becky Zarecki;
John Smithson

Board members excused were: John D. Doak and Shelley Pruitt.

Based on the result of the roll call, a quorum was declared present by the Chair.

Others in attendance were: Christine McEntire, Director; Bryan Neal, Assistant Attorney General; Sara Worten, OID Counsel; Eric Schoen, Board Secretary. Others present were: Steve McCaleb, Peter Fulmer, Patricia Podolec & Molly Orman.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit "B")

Ms. Cagle moved that the reading of the minutes of the July 6, 2016 session be waived and approved as published and distributed. The Motion was seconded by Mr. Smithson. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

- III. **DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF PETER FULMER TO INCLUDE A REQUEST FOR ORAL ARGUMENT; COMPLAINT #15-034; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.** (Exhibit "C")

Mr. Walton is recused from consideration of Agenda Item III. in his capacity as former Chair of the Probable Cause Committee.

Mr. Smithson moved to nominate Betty Cagle as temporary vice-chairperson. The Motion was seconded by Mr. Smith. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Following an oral argument by Patricia Podolec, Peter Fulmer and Steven McCaleb regarding Agenda Item III, Mr. Artman moved that the Board go into executive session. The Motion was seconded by Mr. Smith. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

After coming out of executive session, the Chair ordered a roll call with the following results:

| | | |
|------------|--------------|---------|
| ROLL CALL: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |
| | Com. Doak | Excused |

Mr. Artman moved to adopt the Disciplinary Hearing Panel Recommendation as listed in Agenda Item III. The Motion was seconded by Mr. Smith. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

At the request of Patricia Podolec, Mr. Smith moved to stay the disciplinary hearing panel order for thirty days as listed in Agenda Item III. The Motion was seconded by Mr. Artman. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

IV. DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF CODY J. BALES; COMPLAINT #15-022; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit "D")

Mr. Walton is recused from consideration of Agenda Item IV. in his capacity as former Chair of the Probable Cause Committee.

Following a brief discussion by Steve McCaleb, Mr. Smith moved to accept the Disciplinary Hearing Panel Recommendation as listed in Agenda Item IV. The Motion was seconded by Mr. Artman. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

X. DISCUSSION AND POSSIBLE ACTION REGARDING A CONSENT AGREEMENT IN THE MATTER OF RYAN BAKER; COMPLAINT #15-042; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit "E")

Mr. Walton is recused from consideration of Agenda Item X. in his capacity as former Chair of the Probable Cause Committee.

After a brief discussion by Steve McCaleb, Mr. Artman moved to accept the Consent Agreement as listed in Agenda Item X. The Motion was seconded by Ms. Zarecki. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Recused |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED, ONE RECUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING A SURRENDER IN LIEU OF DISCIPLINARY PROCEEDINGS IN THE MATTER OF JASON W. WILLIAMS; COMPLAINT #15-046; #16-001; #16-002; #16-033; #16-010 AND #16-011; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.

Tabled until the September 7, 2016 Board meeting due to lack of a quorum.

V. CHAIRPERSON'S REPORT. The Chairperson offered no report.

VICE-CHAIRPERSON'S REPORT. The Vice-Chairperson offered no report.

DIRECTOR'S REPORT.

A. Discussion and possible action regarding suspension of an individual for non-payment of annual fees due on May 31, 2016. (Exhibit "F")

Mr. Artman made a Motion and it was seconded by Mr. Smith to suspend an individual for nonpayment of annual fees listed in Agenda Item V., Director's Report A. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED, AND NONE OPPOSED. THE MOTION WAS AGREED TO.

B. Discussion and possible action regarding approval of renewal applications due by September 30, 2016 and authority to issue certificates. (Exhibit "G")

Mr. Artman made a Motion and it was seconded by Mr. Smith to approve Board staff to issue renewal certificates to the individuals listed in Agenda Item V, Director's Report B. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

C. Discussion and possible action regarding approval of original certificate of registration for appraisal management companies. (Exhibit "H")

Mr. Artman made a Motion and it was seconded by Mr. Smith to approve Board staff to issue an original certificate of registration to the company listed in Agenda Item V, Director's Report C. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

D. Discussion and possible action regarding approval of an AMC renewal application due by September 30, 2016 and authority to issue certificates. (Exhibit "I")

Mr. Artman made a Motion and it was seconded by Mr. Smith to issue a renewal certificate to the company listed in Agenda Item V, Director's Report D. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

VI. COMMITTEE REPORTS:

A. Standards and Disciplinary Procedures Committee. No report.

B. Education, Experience and Testing Committee:

1. Discussion and possible action regarding approval of course submittals. (Exhibit "J")

Mr. Smith made a Motion and it was seconded by Mr. Artman to approve the recommendation as presented in Agenda Item VI. B. 1. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Mr. Smith made a Motion and it was seconded by Mr. Artman to approve the education provider SWREA and to deny the SWREA course application as presented in Agenda Item VI. B. 1. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

2. Discussion and possible action regarding approval or disapproval of reciprocal applications received and authority to issue certificates. (Exhibit "K")

(A) Mr. Artman made a Motion and it was seconded by Mr. Smith to allow staff to be given authority to issue original certificates to the individuals listed in Agenda Item VI. B. 2 (A). The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants. (Exhibit "L")

(A) Mr. Artman made a Motion and it was seconded by Ms. Zarecki to allow staff to be given authority to issue upgrade certificates to the individuals listed in Agenda Item VI. B. 3 (A). The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|------------|-----|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |

| | |
|--------------|---------|
| Ms. Pruitt | Excused |
| Mr. Smithson | Yes |
| Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

C. **Legislation & Rules Committee.** No report.

D. **Probable Cause Committee.**

1. **Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee.** No action.

2. **Discussion and possible action regarding standing operating procedures for the Probable Cause Committee.** No action.

3. **Discussion and possible action regarding Probable Cause Committee disciplinary recommendations.** No report.

VII. **DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED BOARD MEETING DATES FOR CALENDAR YEAR 2017.** (Exhibit "M")

Mr. Smith made a Motion and it was seconded by Mr. Artman to accept the proposed board meeting dates for calendar year 2017, however, using the July 12 alternative date instead of July 5 listed in Agenda Item VII. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Mr. Artman | Yes |
| | Ms. Cagle | Yes |
| | Mr. Smith | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Ms. Zarecki | Yes |

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

VIII. **DISCUSSION AND POSSIBLE ACTION REGARDING ADMINISTRATIVE POLICIES AND PROCEDURES RELATED TO THE ENFORCEMENT OF PROBATION ON A RESPONDENT IN A COMPLAINT FILING TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.**

Tabled until the September 7, 2016 Board meeting.

XI. **NEW BUSINESS.**

XII. **ADJOURNMENT.** The Board adjourned by general consent.

OFFICIAL MINUTES.

The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after Motion duly made and seconded has been noted, herein, and made a part of these minutes. The Board caused the entire proceeding of the meeting, excepting any executive sessions, to be recorded on a digital audio recording device to be retained as a record in the office of the Board. Exhibits are A through M.




STEPHEN C. WALTON, VICE-CHAIRPERSON
OKLAHOMA REAL ESTATE APPRAISER BOARD


ERIC M. SCHOEN, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD