

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

In the Matter of IVAN DWAYNE DIXON) Complaint #16-042
Respondent.)

CONSENT ORDER FOR RESPONDENT IVAN DWAYNE DIXON

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent IVAN DWAYNE DIXON, 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. That Respondent IVAN DWAYNE DIXON is a state licensed appraiser (“SLA”) in the State of Oklahoma, holding certificate number 10844SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on March 8, 1993.

2. In August of 2016, Respondent was hired by First United Bank and Trust Company (the “client”) to complete an appraisal (the “appraisal”) for a property located at 234 SE 1st Street, Moore, Woodward, Oklahoma (the “subject”). Respondent completed and transmitted the appraisal with an effective date of August 3, 2016. The appraisal’s intended use was for a “Refinance Transaction.”

3. Respondent committed a series of errors in the report which led to a misleading, confusing, and non-credible report.

4. The subject property is a 78 year old home which Respondent gave an effective age of 18 years old. There is little to no data or reporting in the report to support the reported effective age.

5. The data for comparable two contain errors.

6. The square footage of the subject was reported by MLS as 1,150 square feet and also by County records; however, Respondent reported the square footage as 1,350 square feet without explanation for the difference.

7. The comparables were not truly comparable as the Respondent used a short sale and an older home with no updates.

8. The lender requested the Respondent to remedy the errors but Respondent refused.

AGREED CONCLUSIONS OF LAW

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

A) Standard 1, Standards Rules 1-1, 1-2, 1-4, 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; and

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)(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."

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 him; 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. Respondent acknowledges that this Order must be approved by the OREAB. If it is not, Respondent understands that the matter will be reset for further hearing and that the OREAB will vote on any further recommendations or other proposals.

7. Respondent acknowledges that, pursuant to Executive Order 2015-33, this order shall not become effective until the Oklahoma Attorney General reviews and approves this order.

8. 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. The Respondent IVAN DWAYNE DIXON shall successfully complete corrective education as follows:

A. The **FIFTEEN (15) HOUR** Course Number Online 60F or 613:
Residential Sales Comparison and Income Approach. Credit for hours allowed.

The course must be completed with copies of certificates of course completion transmitted to the administrative office of the Board within **SIXTY (60) DAYS** from the date of the Board Order plus a period of thirty (30) days after the Respondent IVAN DWAYNE DIXON is notified of the final agency order either personally or by Certified Mail, Return Receipt Requested. The course may be taken live or online. The course may be counted toward continuing education credit by the Respondent.

B. The **FIFTEEN (15) HOUR** Course Number Online 60D or 611:
Residential Market Analysis and Highest and Best Use Course.

The course must be completed with copies of certificates of course completion transmitted to the administrative office of the Board within **SIXTY (60) DAYS** from the date of

the Board Order plus a period of thirty (30) days after the Respondent IVAN DWAYNE DIXON is notified of the final agency order either personally or by Certified Mail, Return Receipt Requested. The course must be tested and must be a live course, attended in person by the Respondent (not distance and/or correspondence and/or online course). The course shall **not** be counted toward continuing education credit by the Respondent.

C. The **FIFTEEN (15) HOUR** Course Number 60G: Residential Report Writing and Case Studies.

The course must be completed with copies of certificates of course completion transmitted to the administrative office of the Board within **NINETY (90) DAYS** from the date of the Board Order plus a period of thirty (30) days after the Respondent IVAN DWAYNE DIXON is notified of the final agency order either personally or by Certified Mail, Return Receipt Requested. The course may be taken live or online. The course may be counted toward continuing education credit by the Respondent.

3. Failure by Respondent IVAN DWAYNE DIXON to comply with any requirement of this order shall result in his appraisal credential being suspended instantly, with notification forwarded immediately to Respondent by Certified Mail, Return Receipt Requested.

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 ordered to show cause for her failure to comply which could result in additional penalties.

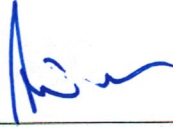
RESPONDENT:


IVAN DWAYNE DIXON

7-18-2017
DATE

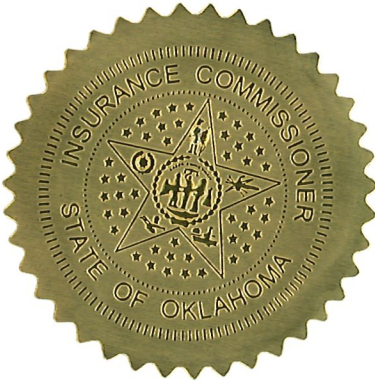
CERTIFICATE OF BOARD PROSECUTING ATTORNEY

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 MCCALED, OBA #15649
Board Prosectuor
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

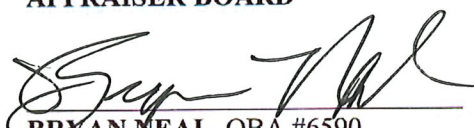
DATE

IT IS SO ORDERED on this 4th day of October, 2017.




ERIC SCHOEN, Board Secretary
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: 
BRYAN NEAL, OBA #6590
Assistant Attorney General
Attorney for the Board
313 NE 21st Street
Oklahoma City, Oklahoma 73105

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that on the 6th day of November, 2017 a true and correct copy of the above and foregoing Consent Order was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

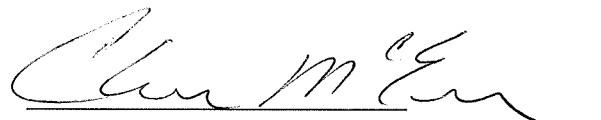
Ivan Dwayne Dixon
5001 Judy Drive
Del City, OK 73115-4551

7016 3010 0000 2706 6827

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



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

RECEIVED
OKLAHOMA INSURANCE DEPT.
NOV 03 2017
Real Estate Appraiser Board

ATTORNEY GENERAL OPINION
2017-769A

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

November 3, 2017

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Real Estate Appraiser Board intends to take pursuant to consent agreement in regard to Complaint #16-042. In preparing a property appraisal for a refinance transaction on a 78-year old home, the licensee committed errors that led to a misleading, confusing, and non-credible report. For example, the appraisal reported the home to be 18 years old with little to no data or reporting to support the reported effective age, the square footage conflicted with MLS and county records, and the comparables used were inapt. The licensee refused when requested to remedy the errors. The Board proposes to require additional education courses.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Oklahoma Real Estate Appraiser Board to discipline licensees who “[v]iolat[e] of any of the standards for the development or communication of real estate appraisals,” “[f]ail[] or refus[e] without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal,” or are “[n]epligen[t] or incompeten[t] in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.” 59 O.S.Supp.2016, § 858-723(C)(6-8). The Act also requires adherence to the Uniform Standards of Professional Appraisal Practice, which contains professional requirements pertaining to ethics, competency, and scope of work. 59 O.S.2011, § 858-726. The Board may reasonably believe that the proposed 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’s policy to uphold standards of competency and professionalism among real estate appraisers.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL