

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

In the Matters of GREGORY L. GOODPASTURE)
and ANNEMIEKE E. ROELL;)
Respondents.) Complaints #16-034 and #16-037

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

ON THE 4th day of October, 2017 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 held on June 12, 2017. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, Craig L. Wittmer of Ponca City, Oklahoma, Albert A. Wooldridge of Altus, Oklahoma, and Robert Kerbo of Glenpool, Oklahoma, each of whom is a current Member of the Board’s Standards and Disciplinary Procedures Committee. Craig L. Wittmer 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, Gregory L. Goodpasture, whose last-known residence and work address is P. O. Box 83, Terlton, Oklahoma 74081 (the “Respondent 1”), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 16-034 (the “Notice 1”), by first class U.S. certified mail with return receipt requested to his then-last known residence and work address, on May 2, 2017, 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 received by Respondent 1 on May 11, 2017, as verified by the return receipt for the

Notice 1 (green card) that was returned to the Board and signed by the Respondent 1 on May 11, 2017, and evidenced by the return receipt bearing the Respondent 1's signature, failed to appear in person and was not represented by an Attorney.

In response to a question from the Board's Hearing Panel Counsel, the Board's Prosecutor indicated that as of the date and time of the scheduled hearing, he had received no word from Respondent 1 as to whether the Respondent 1 or an attorney on his behalf would or would not appear for the hearing. Also in response to a question from the Board's Hearing Panel Counsel, the Board's Director, Christine McEntire, indicated that as of the date and time of the scheduled hearing, she had not heard from Respondent 1 by telephone or otherwise as to whether Respondent 1 or an attorney on his behalf would or would not appear for the hearing.

The Respondent, Annemieke E. Roell, of Terlton, Oklahoma (the "Respondent 2"), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel, as one of the two respondents named therein, in Complaint No. 16-034 by first class U.S. certified mail with return receipt requested to her last known address, on May 2, 2017 (the "Notice 1"), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel, as the only respondent therein named, in Complaint No. 16-037 by first class U.S. certified mail with return receipt requested to her last known address, on May 10, 2017, and having been mailed a copy of the First Amended Notice of Disciplinary Proceedings and Appointment of Hearing Panel, as the only respondent therein named, in Complaint No. 16-037 by first class U.S. certified mail with return receipt requested to her last known address, on May 11, 2017 (collectively referred to as "Notice 2"), all pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323, appeared in person and was represented by an Attorney at the hearing named Philip O. Watts, Watts & Watts,

P. O. Box 3287, 19 N. Broadway, Edmond, Oklahoma 73083-3287, which Attorney filed an Entry of Appearance in this matter in his representation of only Respondent 2 on June 12, 2017, immediately prior to the scheduled starting time of the hearing. Respondent 2 elected to have this matter recorded by electronic device and to rely on the electronic recording.

In light of the absence of Respondent 1 or any Attorney appearing on his 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 Respondent 1 due to the absence of Respondent 1 or proceed with the formal hearing against Respondent 1 and determine the matter in the absence of Respondent 1. The Board's Prosecutor stated his preference would be to proceed with the formal hearing and present the case in chief against the Respondent 1. After a brief discussion, the three members of the Hearing Panel each expressed their view to proceed with the formal hearing in this matter to include Respondent 1.

As the Board's Prosecutor, Mr. McCaleb presented his opening statement on behalf of the Board. Mr. McCaleb stated that Respondents 1 and 2 have a business relationship, that the appraisal reports have a number of errors, and that both Respondents 1 and 2 completed the appraisal and appraisal reports in this matter. As part of his opening statement, Mr. McCaleb noted that Board Rules at OAC §600:15-1-11 provide that a hearing panel's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence, or in other words, the hearing panel can use its own judgment in its evaluation of the evidence in this matter.

Respondent 2, through her Attorney, Mr. Watts, presented her opening statement in her defense at the beginning of the Hearing. Respondent denied that she was the appraiser in this matter but that Respondent 1 was the appraiser, that she made no substantial contribution to the appraisal in

this matter, and that she did accompany Respondent 1 on his visit to the subject property.

PRELIMINARY MATTERS

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

Exhibit 1 was the two page grievance from Desiree Bricks (the "Grievant") against Respondent 1 and Respondent 2, as well as Oakcrest Appraisal Services, filed with the Board on August 18, 2016; an attached email string from the Grievant to the Better Business Bureau (BBB) serving Eastern Oklahoma, Tulsa, Oklahoma, from the BBB back to the Grievant with an email response from Respondent 2 to the BBB; a copy of appraisal report #1 signed by Respondent 1 of Oakcrest Appraisal Services; and a copy of appraisal report #2 signed by Respondent 1 of Oakcrest Appraisal Services (collectively referred to as the "Grievance"); Exhibit 2 was the response from Respondent 1 to the Grievance No. 16-034; Exhibit 3 was the response to the Grievances No. 16-034 and No. 16-037 from Respondent 2 filed with the Board on September 13, 2016. There being no objection by Respondent 2 or Respondent 1 (who was absent), all three (3) of the Board's Exhibits marked as Exhibits 1, 2 and 3, respectively (each of which are Bates-stamped), were admitted into evidence.

Subsequently during the hearing, the Board's Prosecutor presented three (3) other documents for admission as exhibits, the first of which, marked as Exhibit 4, is the first class U.S. certified mail receipt with return receipt requested and the return receipt for the Notice 1 (green card) that was returned to the Board and signed by the Respondent 1 on May 11, 2017 (Exhibit 4). The next document presented by the Board's Prosecutor marked as Exhibit 5 is a copy of a one page email from Respondent 1 to the Board's Director, Christine McEntire, dated April 3, 2017, notifying

the Board of his retirement from the practice of appraising effective April 5, 2017 (Exhibit 5). The final exhibit presented by the Board's Prosecutor, marked as Exhibit 6 is a Board Order 15-010 entitled "Consent Order for Respondent Annemieke E. Roell" issued in the "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 (Exhibit 6). There being no objection by Respondent 2 or Respondent 1 (who was absent), the three Board Exhibits marked as Exhibits 4, 5, and 6, respectively, were admitted into evidence through the course of the hearing.

Neither Respondent 1 (who was absent) nor Respondent 2 submitted any 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 three (3) witnesses in support of the case against the Respondents: Christine McEntire, the Board's Director; the Respondent 2, Annemieke E. Roell, 12775CRA, a Certified Residential Appraiser of Terlton, Oklahoma; and, Stephen Meyer, 10194CRA, a Certified Residential Appraiser, of Oklahoma City, Oklahoma.

The Respondent 2 presented no witnesses in her defense and the Respondent 1, who was absent, presented no defense.

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

Christine McEntire Testimony (Summary)

Upon being duly sworn, Ms. McEntire testified that she is the Director of the Board, that she has worked for the Board since 2007, that she has been the Board's Director since 2011, and that in

her capacity as the Director she is involved with and oversees the appraiser disciplinary process on behalf of the Board.

Ms. McEntire identified Exhibit 4 as the first class U.S. certified mail receipt with return receipt requested and the return receipt for the Notice 1 (green card) that was returned to the Board and signed by the Respondent 1 on May 11, 2017, which evidences the receipt of Notice 1 by Respondent 1. Ms. McEntire read aloud the article number from the mail receipt which matched the article number of the return receipt for the Notice 1 (green card) that she read likewise read aloud and which return receipt was signed by Respondent 1 as the Addressee. According to Ms. McEntire, the address on the return receipt matches the current address given to the Board by Respondent 1 as his address. There being no objection by Respondent 2 or by Respondent 1, who was absent, Exhibit 4 was admitted into evidence.

Ms. McEntire identified Exhibit 5 as is a copy of a one page email from Respondent 1 to the Board's Director, Christine McEntire, dated April 3, 2017, with a subject line that reads "Time to retire", notifying the Board of the retirement of Respondent 1 from the practice of real estate appraising effective April 5, 2017, stating that he will be returning his certifications later the week of April 5, 2017, and that he is no longer accepting new assignments. Continuing, Ms. McEntire stated that Respondent has not returned any of his certifications to the Board as of the date of the hearing.

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

Stephen Meyer Testimony (Summary)

Upon being duly sworn, Mr. Meyer testified that he is licensed in the State of Oklahoma as a Certified Residential Appraiser [10194CRA], that he has been appraising real estate for 36 years, that he is a member of the Board's Standards and Disciplinary Committee, that in that capacity he

was providing assistance to the Board's Prosecutor in this matter, and as a general matter in his opinion, the appraisal reports on the subject property collectively constitute a negligent appraisal report.

Mr. Meyer noted that in this matter the Respondents produced two appraisal reports on one property with the same date, that the first appraisal report (Exhibit 1, page 9), only identifies Respondent 1 with Oakcrest Appraisal Services as the appraiser, that this transaction involved a sales contract and was a "purchase transaction" according to Exhibit 1, page 13, that the Gross Living Area (GLA) as listed in the first appraisal report in Exhibit 1, page 14, at 2,493 square feet includes the garage as part of the GLA, that the GLA provided in the second appraisal report in Exhibit 1, page 41, lists the GLA (without the garage) as being 1,853 square feet, that in Exhibit 2, page 86, entitled "Lender Inquiries 7/20/2016 and 7/24/2016", it is noted that the GLA is 1,144 meaning the garage was accidentally included in GLA.

In response to questions about the adjustments provided in the second appraisal report in Exhibit 1, page 41, Mr. Meyer stated that there is a reference to square footage adjustments in the second appraisal report provided in Exhibit 1, page 48, that states a method to calculate adjustments and that through such method the adjustments on the three comparables (from Exhibit 1, page 41) are that comparable #1 is adjusted at \$100.10 per square foot, comparable #2 is adjusted at \$68.65 per square foot, and comparable #3 is adjusted at \$63.47 per square foot, that he was never taught the method that was stated on page 48 of Exhibit 1, that the adjustments made in Exhibit 1, page 41 are not consistent with each other, that the adjustment on comparable #2 was not accurate, that he did not agree with any of the adjustments that were made, that there are double adjustments with adjustments for age and for condition, that the adjustments made take all of this into account twice, and that the adjustments are hard to follow.

As to the “Reconciliation Comments” in Exhibit 1, at the bottom of page 49, Mr. Meyer said that he disagrees with the comments and that such items can be quantified.

According to Mr. Meyer, the first appraisal report gave no support for its given site value (Exhibit 1, page 14) and that the second appraisal report (Exhibit 1, page 40) gave no support for its site value.

Mr. Meyer stated that the “Cost Approach” was developed in the first appraisal report (Exhibit 1, page 15) but that no “Cost Approach” was developed in the second appraisal report (Exhibit 1, page 42) and that he did not know why no cost approach was developed in that second appraisal report as the cost approach is proper because the subject property is only 4 years old, and that it should have been explained that there were two appraisal reports.

Mr. Meyer stated that both appraisal reports contained lots of mistakes, that such number of mistakes weakens the value of the appraisal reports and that the name of Respondent 2 is not included in either of the appraisal reports on the subject property.

In response to questions from the Attorney for Respondent 2, Mr. Meyer said that he works for himself, that he works out of his house, that he worked for himself for 4 years, that he first worked in the appraisal practice for his Dad in Michigan in 1981, that he married an Okie and moved to Oklahoma in 1983, that he is licensed by the Appraisal Institute (AI), that an appraisal is an estimate of value, and that Respondent 2 assisted in the appraisal as she went to the inspection of the subject property with Respondent 1 and that she displayed knowledge of the appraisal as she wrote the response to the BBB Complaint.

The Board’s Prosecutor next called Respondent 2, Annemieke E. Roell, to testify as the Board’s third witness.

Annemieke E. Roell Testimony (Summary)

Upon being duly sworn, Respondent 2, Annemieke E. Roell, testified that she has a working relationship with Respondent 1, Gregory L. Goodpasture, that she was once his trainee appraiser, that Respondent 1 and she are business partners, that she has been a Certified Residential Appraiser since 2007, that she is the Managing Partner of Oakcrest Appraisal Services, that she and Respondent 1 always go on appointments for property inspections together (when not medically prohibited), that she carried the clipboard, and that, depending on whose file it is, one talks with the owner, the other takes care of business such as measuring the property.

Continuing, Respondent 2 said that this appraisal was that of Respondent 1, that this appraisal assignment was his file, and that she only pulls data within the parameters Respondent 1 establishes for her, that her partnership with Respondent 1 is being dissolved right now as Respondent 1 is retiring from real estate appraisal practice, that in this case the lender Bank of America and the VA were the client, that this appraisal assignment was a VA assignment, that Desiree Bricks was the borrower, and that as of the effective date of the appraisal report, July 8, 2016 (Exhibit 1, page 9), she was on probation by the Board and that she has to provide logs of her appraisal work each month.

The Board's Prosecutor, handed Respondent a document marked as Exhibit 6, entitled "Consent Order for Respondent Annemieke E. Roell" issued in the "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 (Exhibit 6) and asked the Respondent if she recognized the document. In response to the question, Respondent 2 identified Exhibit 6 to be the Consent Order she entered into with the Board dated July 1, 2015 (Exhibit 6, page 16). There being no objection from Respondent 2, Exhibit 6 was admitted into evidence. With regard to Exhibit 6, Respondent 2 said that she is on probation ordered by the Board for 30 months on July 1, 2015, that she is required to provide logs of her appraisal

work each month as part of her probation, that she has been on medical leave, that her cancer has returned, that she took time off from work, and that she accompanies Respondent 1 on his appointments.

In response to questions about the emailed BBB complaint (Exhibit 1, pages 5 and 6) to which Respondent 2 provided an email response, Respondent 2 said that her partner Respondent 1 could have responded but she did so as she is more diplomatic than is Respondent 1, that she is a better at responses as she is the Managing Partner of Oakcrest Appraisal Services (the “Oakcrest”), that she used the word “we” in her email response in ¶ 2 meaning the company Oakcrest, that the appraisal report was that of Respondent 1, that Respondent 1 dictated the email response, that the email response was that of Respondent 1 and not her, that she was acting as the Oakcrest Manager, that the client was that of Respondent 1 and not her, that she did not even pull up the appraisal report and look at it, that the first full paragraph of the email response to the BBB Complaint included an unfortunate choice of words, that Oakcrest only has two appraisers Respondents 1 and 2, that both Respondents 1 and 2 are Appraisal Institute (AI) educated, and that the phrase “We are highly educated and respected appraisers...” were her words.

In response to questions from her Attorney, Respondent 2 testified that while she was at the subject property with Respondent 1, she took no photos, that she took no measurements, that she and Respondent 1 only use lasers for measurements, that she held the clipboard, that Respondent 1 gave her parameters on possible comparables and that she only pulled what data he said to pull, that she is a better PR lady than is Respondent 1, and that she does not know why she responded to the BBB Complaint because who cares?

At the conclusion of this witness’ testimony, the State rested.

At this point in the proceedings, the Respondent 2, having already testified at the call of the

Board's Prosecutor, declined to provide a defense. The Respondent 2 presented no witnesses in her defense and at no time introduced any exhibits into evidence on her own behalf.

CONSOLIDATION OF COMPLAINTS #16-034 & #16-037 BY AGREEMENT

At the conclusion of the hearing, the Board's Prosecutor and Respondent 2 announced to the Hearing Panel that due to the evidence presented and the testimony given in Complaint #16-034, that the hearing in Complaint #16-037 to be held on June 14, 2017, would not be required, that both the Board's Prosecutor and Respondent 2 mutually agreed to cancel the separate June 14, 2017, hearing and consolidate the related allegations of fact and alleged violations of law of Complaint #16-037 with the allegations of fact and alleged violations of law of Complaint #16-034 into this combined proceeding, that Respondent 2, as the only respondent named in Complaint #16-037, had determined to waive her right to a separate hearing on Complaint #16-037 together with a separate recommendation on Complaint #16-037.

Both the Board's Prosecutor and Respondent 2 presented closing arguments that included arguments on the consolidated Complaint #16-037.

As part of his closing, the Board's Prosecutor noted Advisory Opinion 31 from the current edition of USPAP, page 182 on the Subject entitled "Assignments Involving More than One Appraiser" that provides guidance on the Issue entitled "What are the specific USPAP obligations when an appraisal or appraisal review assignment involves more than one appraiser?" The Board's Prosecutor read an excerpt aloud

Continuing as part of his closing, the Board's Prosecutor also noted FAQ 248 from the current edition of USPAP, page 327 entitled "Significant Appraisal Assistance" that addresses the question as to "What is significant appraisal assistance?" The FAQ provides that USPAP does not define the phrase significant appraisal assistance but that aspects of the phrase can be explored to

clarify its meaning.

As part of his closing, the Board's Prosecutor noted that Respondent did contribute to the appraisal process, that she did provide significant appraisal assistance in the appraisal and with the appraisal reports, and that it was difficult to believe that there was no collaboration between her and Respondent 1 on the appraisal and appraisal reports as she and Respondent 1 traveled together on appraisal assignments for 12 years.

As part of her closing arguments, Respondent 2 said that she had no substantive contribution in this appraisal report, that she played no role in the valuation process, that there was no proof that she participated in the appraisal report and that in writing a response to the BBB Complaint, she was representing Oakcrest.

COMES NOW the Oklahoma Real Estate Appraiser Board Disciplinary Hearing Panel being duly appointed in this matter as aforesaid hereinabove, after having received all evidence and being fully advised in the premises as to the above matter, and recommends that the Board find by clear and convincing evidence as follows, and make the following disciplinary recommendations as set forth at OAC §600: 15-1-14, to wit:

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 1, GREGORY L. GOODPASTURE, is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on July 2, 1998.

4. The Respondent 2, 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 1, GREGORY L. GOODPASTURE, is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on July 2, 1998.

2. The Respondent 2, 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.

3. On or about June 27, 2016 (Exhibit 2, page 2), Respondent 1, Gregory L. Goodpasture, was hired by Bank of America NA/VA (the “client”) to complete an appraisal (the “appraisal”) and provide an appraisal report for an appraisal assignment for a property located at 11010 Buggy Whip, Waukomis, Oklahoma (the “subject property”). Respondent 2, Annemieke E. Roell, is a licensed appraiser and she provided assistance on the appraisal and the appraisal reports.

4. Respondents 1 and 2 completed and transmitted two appraisal reports to the client

with an effective date of July 8, 2016, the first with a signature date of July 18, 2016 (Exhibit 1, page 22), the second with a signature date of July 20, 2016 (Exhibit 1, page 45). The appraisal's assignment type was for a "Purchase Transaction".

5. Previously, on July 1, 2015, the Board issued Consent Order #15-010 in (the "Order") resolution of Complaints 14-019, 14-029, 14-030, 14-034, 14-045, 15-001, 15-004, 15-011, 15-021 as to Respondent 2 (Exhibit 6). As part of the Order, Respondent 2 was placed on probation for a period of thirty (30) months. Commencing six (6) months after the Order was approved, Respondent 2 was to begin providing Board staff with an appraisal log on REA Form 3, no later than the fifth day of each month detailing her "appraisal activity" during the preceding month. Beginning January 1, 2016, work logs have been received in a timely fashion from Respondent 2. Each month, Respondent 2's appraisal work log contains a hand-written note stating "none" with a line crossed through her work log. On August 1, 2016, Board staff received Respondent's work log for the month of July which again stated "none" across the front of her work log.

6. On August 18, 2016, Board staff received a grievance filed against Oakcrest Appraisal Services (Exhibit 1) which is owned by Respondent 1 and Respondent 2. While the subject appraisal report is signed by Respondent 1, Respondent 2's partner, all associated communications with the borrower and the Better Business Bureau, with whom the grievant also filed a complaint (Exhibit 1, pages 3 through 8), are with Respondent 2. Respondent 2's communications make it very clear that she performed the appraisal inspection and assisted in the completion of this appraisal. In response to a complaint with the Better Business Bureau, Respondent 2 (Exhibit 1, pages 5 and 6) states in pertinent part:

1. "*We are in receipt of your letter.*"
2. "*We usually do not respond...*"

3. "I cannot address (some of the allegations) due to confidentiality issues which were imposed on us by the Dodd Frank Act as well as Uniform Standards of Professional Appraisal Practice (USPAP)."

4. "Ms. Bricks called me."

5. "I advised Ms. Bricks that under the aforementioned laws and confidentiality clause it is illegal for an appraiser to discuss the appraisal with anyone but his/her client. Our client was Bank of America..."

6. "... it took longer than it should have. Again, confidentiality prevents me from expanding on this."

7. "Ms. Brick's mother was visiting from out of state... and I had a very pleasant conversation with her."

8. "When the appointment was set up I made it clear that as rural appraisers..."

9. "We are highly educated and respected appraisers."

7. On May 2, 2016, concerned with Respondent 2's work logs in which she is identifying no appraisal assignments, Board staff sent her an email communication in response to one from her asking if she is now in compliance with the educational components of Board Order 15-010. In the email to Respondent 2, Board staff clarified that the baseline is not whether she signs the appraisal, but whether or not she assists in the appraisal process. On May 5, 2016, Respondent 2 responded to the email with the following: "*As far as performing appraisals, I have no intentions one way or the other. Late last year I advised my clients that I would be on medical leave for an undetermined amount of time. I have not performed any appraisals since that time nor have I contributed to any reports.*"

8. Under Board Order 15-010 (Exhibit 6) Respondent 2 is required to identify any "appraisal activity". The Uniform Standards of Professional Appraisal Practice (USPAP) defines Appraisal (USPAP, Definitions page 1) as "The act or process of developing an opinion of value ... or pertaining to appraising and related functions such as appraisal practice or appraisal services." USPAP defines Appraisal Practice (USPAP, Definitions page 1) as "Valuation services performed by an individual acting as an appraiser..." USPAP defines Valuation Services (USPAP Definitions page 4) as "services pertaining to aspects of property value," with

the Comment (USPAP Definitions page 4) adding “[v]aluation services pertain to all aspects of property value and include services performed both by appraisers and by others.”

9. Based on her own comments, Respondent 2 was acting as an appraiser performing valuation services with respect to this appraisal. In violation of the terms of her probation, she did not identify this appraisal on her work log. Further, she was not identified in the appraisal report as contributing assistance as required by USPAP. USPAP’s FAQ 248 provides examples for contributions by appraisers which should be disclosed in appraisal reports as contributing significant real property assistance. These include identification of comparable properties and data as well as inspection of the subject property and comparables.

10. By not identifying her appraisals, Respondent 2 does not expose herself to the peer review process which, should her appraisal report not receive a passing score, could result in additional enforcement actions. The nine (9) complaint files that were adjudicated under Board Order 15-010 (Exhibit 6) were staff grievances resulting from failing peer reviews under a prior one-year probationary period, which was order under Board Order 14-003.

11. Respondents 1 and 2 committed a series of errors in the first appraisal report (Exhibit 1, pages 9 through 34), which led to a misleading and non-credible report. These errors include, but are not limited to, the following in paragraphs 12-19.

12. Respondents 1 and 2 completed multiple appraisal reports for the same assignment. The first appraisal report valued it as including 640 square feet of the garage with the gross living area (“GLA”) of the subject property.

13. A second appraisal report (Exhibit 1, pages 36 through 50) was completed by Respondents 1 and 2 and it revalued the subject property based on the correct square footage of 1,853 GLA.

14. The first appraisal report (Exhibit 1, page 14) had inconsistent square footage adjustments with comparable #1 adjusted at \$100.00 dollars per square foot; comparable #2 at \$68.63 per square foot; and comparable #3 at \$83.43 per square foot, with inconsistent explanation and support. The second appraisal report (Exhibit 1, page 41) had inconsistent square footage adjustments with comparable #1 adjusted at \$100.00 per square foot; comparable #2 adjusted at \$68.63 per square foot; and comparable #3 adjusted at \$129.19 per square foot, with insufficient explanation and support as well as no explanation or support for the lack of age adjustments.

15. In appraisal report 1 there are very large condition adjustments as comparable #1 was 41 years of age, comparable # 2 was 49 years of age, and comparable #3 was 37 years of age, while the subject property is only four years of age.

16. The first appraisal report (Exhibit 1, pages 9 through 34) included a cost approach but there was no support for the site value. The second appraisal report (Exhibit 1, pages 36 through 50) did not have a cost approach, and there was no explanation for the \$12,000.00 in “as is” improvements (Exhibit 1, page 15).

17. The contract price was \$213,500.00 (Exhibit 2, page 88), but the first appraisal report (Exhibit 1, page 13) identified the contract price as \$235,000.00.

18. While Respondent 2 claims no involvement in the appraisal process, she was the only one to file a written response, and is the individual who responded to the homeowner’s and Better Business Bureau’s complaints.

In her response to the Better Business Bureau’s complaint via email (Exhibit 1, pages 5 and 6) entitled “Message From Business” (the “Message”), Respondent 2 represented her

substantive and significant appraisal assistance involvement in the appraisal process in the appraisal of the subject property as follows:

- (a) in ¶ 2, of the Message, she wrote "...the value we arrived at...";
- (b) in ¶ 4, of the Message, she wrote "Our client was Bank of America and the VA.";
- (c) in ¶ 5, of the Message, she provided a partial analysis of the sales contract (Exhibit 2, page 88) as would any professional appraiser who was knowledgeable about the particular appraisal itself by writing as follows: "This particular case was somewhat complex due to a previous contract for deed that the borrower and the seller of the house entered into and the lender did not supply us with all the information we requested.";
- (d) in ¶ 6, she gave a value opinion by writing "While there are a few inaccuracies in the report none had any affect [sic] on the value."; and
- (e) in ¶ 8, she wrote "...I made it clear that, as rural appraisers, ...".

In her testimony, Respondent 2 stated that she and Respondent 1, do not use a tape measure, but only use lasers for measuring properties that they each appraise, that she held the clipboard when she accompanied Respondent 1 on his inspection of the subject property, meaning that she assisted in measuring the subject property as the clipboard is used to stop the laser beam measurement.

19. Respondent 1 erred in not identifying Respondent 2 as contributing to the preparation of this appraisal and the two appraisal reports. The fact that Respondent 1 did not do so, creates a misleading appraisal and appraisal reports.

CONCLUSIONS OF LAW

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

1. It is the finding of the Disciplinary Hearing Panel that such conduct by

Respondents 1 and 2 is in violation of 59 O.S. §858-723(C)(6) through 59 O.S. §858- 726, in that the Respondents 1 and 2 violated:

- A. The Ethics Rule and 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. The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;
- D. Standard 1, Standards Rules 1-1, and 1-4; 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. Respondents 1 and 2 have 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. Respondents 1 and 2 have 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. Respondents 1 and 2 have 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. Respondents 1 and 2 have 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. Respondents 1 and 2 have violated 59 O.S. §858-723(C)(13) in that Respondents 1 and 2 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

Having adopted in full the Findings of Fact and the Conclusions of Law of the Disciplinary Hearing Panel, the Board hereby adopts the Recommendation of the Panel and Orders as follows:

A. **As to Respondent 1, Gregory L. Goodpasture:**

1. The appraiser credential of the Respondent Gregory L. Goodpasture 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 1, Gregory L. Goodpasture, is notified of the final agency order either personally or by certified mail, return receipt requested.

2. Respondent 1, Gregory L. Goodpasture, shall pay his one-half (½) pro-rata share of the costs expended by the Board for legal fees and travel costs incurred in the matter of Complaint #16-034. The Board staff will provide a statement of the costs incurred to Respondent 1, Gregory L. Goodpasture, with the final order. Costs shall be fully paid by Respondent 1, Gregory L. Goodpasture, within thirty (30) days from the date of any final order of the Board.

3. Failure by Respondent 1, Gregory L. Goodpasture, to comply with any requirement of this order shall result in his appraisal credential being suspended instanter, with notification forwarded immediately to Respondent either personally or by Certified U. S. mail, return receipt requested.

B. As to Respondent 2, Annemieke E. Roell:

Having adopted in full the Findings of Fact and the Conclusions of Law of the Disciplinary Hearing Panel, the Board hereby amends the Recommendation of the Panel and Orders as follows:

1. The appraiser credential of the Respondent 2, Annemieke E. Roell, shall be **SUSPENDED** for a period of **three (3) months** from the date that any final order is entered in this matter plus a period of thirty (30) days after Respondent 2, Annemieke E. Roell, is notified of the final agency order either personally or by certified mail, return receipt requested.

2. Respondent 2, Annemieke E. Roell, shall be placed on **PROBATION** for a period of **ONE (1) YEAR** beginning immediately upon the date that the period of **ONE (1) YEAR SUSPENSION** as ordered hereinabove to be completed shall end. During the period of probation, Respondent 2, Annemieke E. Roell, shall provide an appraisal log on REA Form 3 to the administrative office of the Board no later than the fifth working day of each month detailing all his appraisal activity during the preceding month. The Board may select and require samples of work product from these appraisal logs be sent for review, to include for review the appropriate work file of the Respondent 2, Annemieke E. Roell.

3. Respondent 2, Annemieke E. Roell, shall pay costs not to exceed \$5,000. Board staff will provide a statement of the costs incurred as to each complaint, respectively, to Respondent 2, Annemieke E. Roell, with the final order. Costs shall be fully paid by Respondent 2, Annemieke E. Roell, within ninety (90) days from the date of any final order of the Board.

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

THE BOARD WISHES TO ADVISE THE RESPONDENTS, THAT EACH ONE RESPECTIVELY, 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 4th day of October, 2017

Eric M. Schoen

ERIC SCHOEN, Administrative Officer
Real Estate Appraiser Board

10-4-2017

Date

Bryan Neal

BRYAN NEAL
Assistant Attorney General and
Attorney for the Board

10/4/17

Date



CERTIFICATE OF MAILING

I, Sherry Ainsworth, hereby certify that on the 7th day of November, 2017 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:

GREGORY L. GOODPASTURE

PO Box 83
Terlton, OK 74081

9214 8902 0982 7500 0023 23

PHILIP O. WATTS

WATTS & WATTS
P.O. Box 3287
19 N. Broadway
Edmond, OK 73083-3287
Attorney for Annemieke E. Roell

9214 8902 0982 7500 0023 30

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

Craig L. Wittmer, Hearing Panel Officer

PO Box 604
Ponca City, OK 74602

Bryan Neal, Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, OK 73105

Albert A. Wooldridge, Hearing Panel Officer

1707 W Broadway
Altus, OK 73521

Stephen L. McCaleb

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

Robert Kerbo, Hearing Panel Officer

12325 S. Longhorn Circle
Glenpool, OK 74033



Sherry Ainsworth



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OKLAHOMA INSURANCE DEPT.

NOV 06 2017

Real Estate Appraiser Board

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-780A

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

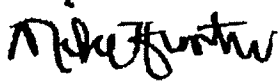
November 6, 2017

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 Order #17-018 against Licensee 11855CRA and Licensee 12775CRA. A homeowner filed a complaint against both licensees due to errors and inconsistencies, and an artificially inflated value, in an appraisal report. Licensee 12775CRA was on Board probation at the time the report was prepared. The licensee's involvement with the appraisal therefore conflicted with representations made to the Board that the licensee had not completed any assignments during that time period. Licensee 11855CRA failed to appear at a consolidated disciplinary hearing, but Licensee 12775CRA appeared with counsel. The Board proposes to (i) revoke Licensee 11855CRA's appraiser credential and require payment of 50% of the Board's investigative costs, and (ii) suspend Licensee 12775CRA's appraiser credential for three months, followed by one year of probation, and require payment of \$5,000 in costs.

The Oklahoma Certified Real Estate Appraisers Act authorizes the 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," are "[n]egligen[t] or incompeten[t] in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal," or "[v]iolat[e] any of the provisions in the code of ethics set forth in [the] Act." 59 O.S.Supp.2016, § 858-723(C)(6)-(8), (13). 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