

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

In the Matter of ROBERT K.ARNOLD     )  
Respondent.                                     )     Complaint #16-044

**CONSENT ORDER FOR RESPONDENT ROBERT K. ARNOLD**

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent ROBERT K. ARNOLD, represented 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. ROBERT K. ARNOLD (“Respondent”) is a certified residential appraiser (“CRA”) in the State of Oklahoma, holding certificate number 12615CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 1, 2004.

2. On December 2, 2016, Board staff received an Application for Renewal of License of Certification submitted by Robert K. Arnold, 12615CRA (“Arnold” and/or “Respondent”). Arnold responded in the negative to the following question: *“Since my last renewal, I have not had my real estate appraiser license or certification suspended, revoked, placed on probation or otherwise disciplined in any jurisdiction.”*

3. In performing the standard due diligence in order to renew Arnold’s credential in Oklahoma, a National Registry Report was generated by the Board’s licensing agent, Eric Schoen. The National Registry Report reflected that Arnold was placed on probation by the

Texas Appraiser Licensing and Certification Board on May 17, 2013. The National Registry Report further reflected additional discipline in Texas in 2010 and 2007.

4. Board staff requested Final Orders from Arnold on each of the disciplinary actions on the National Registry Report as well as an explanation as to why he responded in the negative to the State of Oklahoma to the question relating to previous discipline.

5. Arnold responded that he answered in the negative because the Final Order was dated May 17, 2013, but the previous license was issued on December 31, 2013, which was not in the previous three-year cycle and he had no intent to deceive the Board.

6. A review of Arnold's licensure file reveals that on his previous Application for Renewal of License or Certification dated December 10, 2013, Arnold responded in the negative to the same question: "*Since my last renewal, I have not had my real estate appraiser license or certification suspended, revoked, placed on probation or otherwise disciplined in any jurisdiction.*"

7. In violation of the Oklahoma Certified Real Estate Appraisers Act, Arnold knowingly provided false information in response to a question on his 2013 renewal application in order to obtain a renewal certification in Oklahoma. At the time of the December 10, 2013 renewal, Arnold had already been on probation for a period of 7 months in Texas when he advised the Board that he had not been disciplined in the prior three years.

**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 the Ethics Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

2. That Respondent has violated 59 O.S. § 858-723(C)(1): Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation.

3. That Respondent has violated 59 O.S. § 858-723(C)(5): An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

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."

### **CONSENT AGREEMENT**

The Respondent, by affixing his 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 his 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 his 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 his 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. Respondent is administratively fined Five Hundred Dollars (\$500); plus the payment of costs expended by the Board for legal fees and costs, both authorized pursuant to 59 O.S. §858-723, which also requires the payment of the administrative fines within thirty (30) days of notification of the Board Order; AND

2. Respondent agrees that he will successfully complete and provide proof of completion to the Board's office to one of the following corrective education tested and passed courses by December 1, 2017:

- a) 600 - 15 Hour National USPAP Course; **or**
- b) 60A – 15 Hour Online National USPAP Class.

Failure by Respondent to comply with any requirement of this order shall result in his appraiser credential being suspended instantly, with notification forwarded immediately to Respondent either personally or by Certified U.S. mail, return receipt requested.

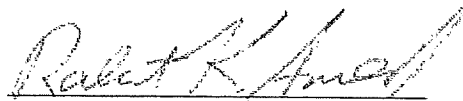
**DISCLOSURE**

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:



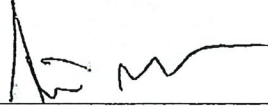
ROBERT K. ARNOLD



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 Prosecutor  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112

10-4-17

DATE

IT IS SO ORDERED on this 4<sup>th</sup> 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 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105

**CERTIFICATE OF MAILING**

I, Sherry Ainsworth, hereby certify that on the 13<sup>th</sup> 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:


**Robert K. Arnold**  
2941 Overland Trail  
Sherman, TX 75092-4491

**9214 8902 0982 7500 0027 50**

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

  
Sherry Ainsworth



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

RECEIVED  
OKLAHOMA INSURANCE DEPT.

NOV 08 2017

Real Estate Appraiser Board

ATTORNEY GENERAL OPINION  
2017-782A

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

November 8, 2017

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Real Estate Appraiser Board intends to take with respect to licensee 12615CRA in Board complaint 16-044. The licensee's renewal application falsely represented that no discipline had been imposed in other jurisdictions during the preceding three years. The Board proposes to require completion of corrective education courses and payment of a \$500 fine.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Board "[t]o censure, suspend and revoke certificates pursuant to the disciplinary proceedings provided in [the Act,]" *see* 59 O.S.Supp.2016, § 858-706(7), and to require payment of fines and costs and the completion of educational programs. *Id.* § 858-723(A)(7)-(9). The Board may discipline licensees who "[p]rocur[e] or attempt[] to procure a certificate...by knowingly making a false statement...in an application for certification or through any form of fraud or misrepresentation." *Id.* § 858-723(C)(1). 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

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL