

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

In the Matter of TERRY LYNN BERRY,            )       Complaint #16-029  
Respondent.    )

**SECOND BOARD ORDER MODIFYING BOARD ORDER #17-016**

ON THE 6<sup>th</sup> day of December, 2017, the above-numbered and entitled cause came on before the Oklahoma Real Estate Appraiser Board ("Board") upon the filing of Respondent's Motion to Extend Deadline ("Motion") of Board Order #17-016, in order to allow the Respondent an additional sixty (60) days to complete the previously ordered corrective education.

Respondent's attorney of record, Odell Campbell, appeared and advised the Board on her behalf. Terry L. Berry was in attendance, however did not address the Board. The Board's prosecutor, Stephen L. McCaleb was in attendance and voiced that he had no objection to the Respondent's Motion.

Due to a scrivener's error in Board Order #17-016A related to discipline, Board Order #17-016 is further modified as provided in this Board Order #17-016B, a consent 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 thru 600:15-1-22, including administrative hearings.

3. The Respondent, Terry L. Berry, is a Certified General Appraiser in the State of Oklahoma, holding credential number 11089CGA and was first licensed with the Oklahoma Real Estate Appraiser Board on November 10, 1993.

**ADOPTED FINDINGS OF FACT**

**A) Omega Lane, Longtown, Lot 1 Block 11 Oak Ridge Club Addition #1**

1. In March of 2016, Terry Lynn Berry ("Respondent") accepted an appraisal assignment for an appraisal (the "appraisal") for a property located at Omega Lane, Longtown, Lot 1 Block 11 Oak Ridge Club Addition #1 (the "subject 1"). Respondent listed that the report was for Patti Kilgo ("client"). The report was transmitted to the client, with an effective date of April 2015. The appraisal's use was for a divorce proceeding.

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

3. Respondent lists the effective date of the appraisal as "July 2015." There should be a date certain and not providing one is unacceptable.

4. Subject 1 is .95 acre lot which is described as "irregular" in one place in the report and "square irregular" in another part of the report.

5. There are no dimensions and no real description of the property in the report.

6. It appears that the Respondent used data that was available online through US Assessor and did not talk to a buyer, seller or realtor and did not perform any due diligence.

7. There is no MLS data or other verification in Respondent's appraisal or her work file.

8. The Respondent is from Chickasha and the lake house property is located near Lake Eufaula, which is a unique area. Respondent was not geographically competent to prepare this appraisal.

**B) 801 West Rulane Drive, Midwest City, Oklahoma**

9. In March of 2016, Terry Lynn Berry ("Respondent") accepted an appraisal assignment for an appraisal (the "appraisal") for a property located at 801 West Rulane Drive, Midwest City, Oklahoma (the "subject 2"). Respondent listed that the report was for Patti Kilgo ("client"). The report was transmitted to the client, with an effective date of April 2015. The appraisal's use was for a divorce proceeding.

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

11. The effective date of Respondent's appraisal is "April 2015." There is no date certain and that is unacceptable.

12. Respondent does not define her neighborhood except for "2 miles in each direction" which is vague at best.

13. Respondent does not make adjustments for 1 1/2 v. 2 bathrooms; comparable #1 is a short sale; comparable #2 was sold, remodeled and then sold again in March of 2015 for \$58,000. There is no discussion of this.

14. Comparable #2 was also a rental property at the time of sale, yet Respondent states that the subject is a "single family dwelling so income approach is not feasible. In reality, the subject was a rental as was comparable #2.

15. The subject is near Rose State College which is a high rental area and there is plenty of rental information available.

16. Regarding her comparables, she goes out as far as 3 miles away, yet there were 15 sales found within a half mile, that sold between \$40,000 and \$65,000.

17. The report led to a value on this property is extremely inaccurate.

#### **ADOPTED VIOLATIONS OF LAW**

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

- A) The Ethics Rule and the 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, 1-2, 1-3, 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.

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."

**MODIFIED ORDER**

**WHEREFORE**, Board Order 17-016 is hereby modified as follows:

Respondent TERRY BERRY:

1. Shall complete the following courses, which can be taken in person or on-line, said education shall be completed within 60 days from the original deadline of November 23, 2017. Said course completion certifies shall be submitted to the Board's staff office no later than close of business on the due date:

a) Course #600: National USPAP – 15 hours – no continuing education will be received;

b) Residential Sales Comparison and Income Approach – 30 hours – which can be taken online if available and Respondent will receive continuing education credit for this class;  
and

c) Advanced Residential Applications & Case Studies – 15 hours - which can be taken online if available and Respondent will receive continuing education credit for this class.

**FUTURE VIOLATIONS**

In the event the Respondent fails to comply with any of the terms and conditions of this Consent Order, Respondent will be suspended instanter until compliance occurs.

IT IS SO ORDERED this 6<sup>th</sup> day of December, 2017.



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

By:   
ERIC SCHOEN, Board Secretary

**CERTIFICATE OF MAILING**

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

**Odell D. Campbell**

The Campbell Law Firm  
4920 N. Meridian Avenue, Suite C  
Oklahoma City, OK 73112  
Counsel for the Respondent, Terry L. Berry

**9214 8902 0982 7500 0039 00**


and that copies were forwarded by first class mail, interagency mail or hand delivery 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