

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

In the Matter of ROBB E. GLENDENING)
Respondent.) Complaint #16-047

CONSENT ORDER FOR RESPONDENT ROBB E. GLENDENING

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent ROBB E. GLENDENING, 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 ROBB E. GLENDENING is a state certified residential appraiser in the State of Oklahoma, holding certificate number 10659CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on November 16, 1992.

2. In November of 2015, Robb E. Glendening (“Respondent”) accepted an appraisal assignment for an appraisal (the “appraisal”) for a property located at 4104 Eaglecrest Drive, Muskogee, Oklahoma (the “subject”). Respondent listed that Merrill Lynch was the lender and Speedy Title and Appraisal Services, LLC., was the client (“client”). The report was transmitted to the client, with an effective date of November 30, 2015. The appraisal’s use was for a refinance transaction.

3. The report was ordered as an exterior-only report and Respondent indicated that the owner was unresponsive regarding information as to the interior and/or updates.

4. Respondent puts the most weight on the sales comparison approach. All of the available sales were older than the appraised property.

5. The Respondent states that the driving factor for the market value was the Hilldale School District. The School District covers an area which includes two zip codes, crosses a major highway and is comprised of several neighborhoods. Respondent agrees that he did not include information about the School District in the Appraisal but the Comparative Market Analysis was included and indicated the search area was the Hilldale School District.

6. The Respondent mistakenly provided a prior sale price of \$268,000, for Comparable #3, instead of the recent sale price which was \$280,000.

7. The report contains minimal commentary with regard to adjustments.

8. Third party data sources show the subject's GLA to be 2,146 square feet but Respondent reported that the square feet to be 2,566 square feet. Respondent states that the difference is that he included an enclosed sun room which added 420 square feet to GLA.

9. Respondent agrees that the Report did not fully explain his data and conclusions.

AGREED CONCLUSIONS OF LAW

1. That in preparing the Appraisal Report, the Respondent did not adequately explain and communicate his data and the reasons for his conclusions as required by 59 O.S. § 858-723(C) (6), (7), (8).

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 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 agrees that he will successfully complete and provide proof of completion to the Board's office to the following corrective education courses (tested and

passed) within 90 days from the date the Consent Order is finalized and signed by the Oklahoma Attorney General. The courses to be taken are:

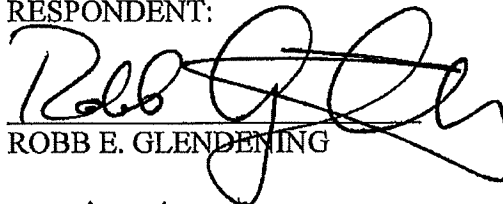
- a) 600 - 15 Hour National USPAP Course;
- b) 614 – 15 Hour Residential Report Writing and Case Studies: 1804.

Should the above listed courses not be provided within the time prescribed above or the Respondent cannot complete the courses required, he must file a motion with the Board, through his attorney, in order to seek an extension of time. This motion must be filed no later than twenty days (20) prior to expiration of the ninety (90) day time period.

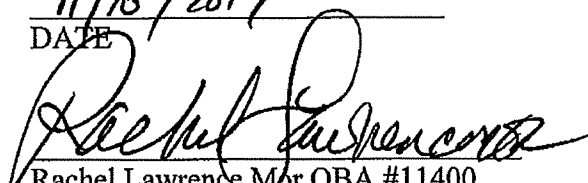
DISCLOSURE

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.

RESPONDENT:

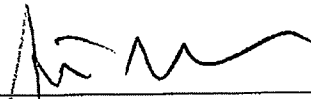

ROBB E. GLENDENING

11/10/2017
DATE


Rachel Lawrence Mor OBA #11400
3037 N.W. 63rd Street, Suite 205
Oklahoma City, Oklahoma 73116

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 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

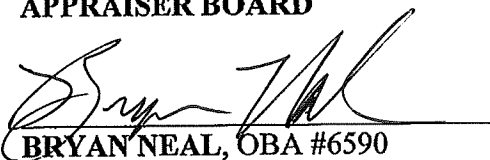
11-27-17
DATE

IT IS SO ORDERED on this 6th day of December, 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, hereby certify that on the 20th day of December, 2017 a true and correct copy of the above and foregoing Consent Order for Respondent, Robb E. Glendening, was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:


Rachel Lawrence Mor
3037 N.W. 63rd Street, Suite 205
Oklahoma City, Oklahoma 73116

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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



Sherry Ainsworth



RECEIVED
OKLAHOMA INSURANCE DEPT.

DEC 19 2017

Real Estate Appraiser Board

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-890A

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

December 19, 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 a consent order with respect to licensee 10659CRA. The licensee copied a prior appraisal and failed to make all of the needed changes. The Board proposes to require licensee to complete two corrective education courses within 90 days of the approval of the order.

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.2017, § 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 “[v]iolat[e] any of the provisions in the code of ethics set forth in [the] Act.” *Id.* § 858-723(C)(13). The Act 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

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL