# BEFORE THE REAL ESTATE APPRAISER BOARD STATE OF OKLAHOMA

In the Matter of the Appraisers Named Below,		)	
	0	)	Order No. NP 19-04
Respondents		)	

#### **ORDER**

This matter comes on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board") on March 1, 2019. The Board appears by and through its attorney, Assistant Attorney General Bryan Neal, and Respondents appear not.

## **JURISDICTION**

The following Respondents are licensed appraisers in the State of Oklahoma:

NAME	LICENSE NUMBER	MOST RECENT ADDRESS FURNISHED
CAMPBELL, Kenneth D.	12817CGA	11752 County Road 3430, Stratford, OK 74872
MAHER, Daniel J.	12943CGA	1717 McKinney Ave. Ste. 900, Dallas, TX 75202
HOMAN, Jeffrey R.	13109CRA	3990 Sherbourne Dr., Oceanside, CA 92056
DALE, Patrick. F.	13222CGA	4721 S. Cliff Ave. Ste. 100, Independence, MO 64055

That the Board has jurisdiction over this cause pursuant to the provisions of the Oklahoma Certified Real Estate Appraiser Act (the "Act"), 59 O.S. §858-700, et seq.;

That the Board is the administrative licensing entity for certified real estate appraisers, and that the Board has the authority to deny, revoke, or suspend the Respondents' licenses, or otherwise reprimand the Respondents pursuant to the Act and the rules promulgated by the Board; and

That the proceedings were conducted in accordance with the Act and the Oklahoma Administrative Procedures Act, 75 O.S. 2011, §§301-323.

#### **FINDINGS OF FACT**

The Board adopts the following Findings of Fact:

- 1. That the above named Respondents' annual licensing fees were due in the Board's office on or before January 31, 2019.
- 2. That Respondents' annual licensing fees, as noted above, have not been received by the Board;
- 3. That an Order to Comply and Notice of Rights was forwarded to the above named Respondents at their last reported mailing address on February 14, 2019, by certified mail, return receipt

requested, issuing notice that the Respondents were delinquent in paying their annual licensing fees; that they must pay their annual licensing fees together with the late fee within thirty days or their licenses would be suspended; and that they have the right to a hearing upon written request to the Board; and

4. That Respondents did not remit their annual licensing fees nor did they request a hearing.

## **CONCLUSIONS OF LAW**

The Board adopts the following Conclusions of Law:

- 1. That the Board has jurisdiction over this matter pursuant to 59 O.S. §858-700, et seq.; and
- 2. That such conduct by the Respondents constitutes a violation of 59 O.S. §858-723 (C) (9), in that such conduct by the Respondents constitute a violation of 59 O.S. §858-708 (A).

#### **FINAL ORDER**

Based on the above and foregoing, the real estate appraiser credentials of the above-listed Respondents are suspended, to be effective from the date of this order until payment of all applicable fees are made or until the expiration date of the credential.

IT IS SO ORDERED on this 5 day of April, 2019.

ERIC SCHOEN, Administrative Officer

Real Estate Appraiser Board

Assistant Attorney General

and Food Counsel

4-5-2019

ORDER NP 19-04

#### **CERTIFICATE OF MAILING**

I, Kayla Dekat, hereby certify that on the 23 day of April, 2019 a true and correct copy of the above and foregoing Order was mailed postage prepaid, by certified mail, return receipt requested to:

Kenneth D. Campbell

11752 County Road 3430 Stratford, OK 74872

Daniel J. Maher

1717 McKinney Ave. Ste. 900 Dallas, TX 75202

Jeffrey R. Homan

3990 Sherbourne Dr. Oceanside, CA 92056

Patrick F. Dale

4721 S. Cliff Ave. Ste. 100 Independence, MO 64055

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# Office of Attorney General State of Oklahoma

RECEIVED OKLAHOMA INSURANCE DEPT.

APR 2 3 2019

Real Estate Appraiser Board

April 23, 2019

ATTORNEY GENERAL OPINION 2019-198A

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

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 with respect to the licensees on attached Exhibit A. The Board proposes to suspend the licensees' certification for failure to pay annual fees.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Board to issue certificates to individuals who wish to engage in real estate appraisal. 59 O.S.Supp.2018, § 858-706(B)(3). The certificates last for three years and automatically expire at the end of the term if not renewed. 59 O.S.2011, § 858-714. Annual dues must be paid during the term of the certificate, see 59 O.S.Supp.2018, § 858-708(A), and are deposited into the Oklahoma Certified Real Estate Appraisers Revolving Fund to cover the Board's operating expenses. Id. § 858-730. The Board allows certificate holders to surrender the certificate prior to its expiration if they no longer wish to pay annual fees, see OAC 600:10-1-12(a), but the licensees did not do so. 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 the proposed action advances the State's policy to fund the Board through user fees rather than with tax revenues.

MIKE HUNTER

ATTORNEY GENERAL OF OKLAHOMA

**AMANDA OTIS** 

ASSISTANT ATTORNEY GENERAL

Ехнівіт А

INITIALS	LICENSE NO.	
K.C.	12817CGA	
D.M.	12943CGA	
J.H.	13109CRA	
P.D.	13222CGA	