

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

IN THE MATTER OF **LEO D. HALL,**)
Disciplinary Hearing,)
)
) Complaints No. 04-001, 04-016
) Respondent.)

**BOARD’S DECISION ON DISCIPLINARY
HEARING PANEL RECOMMENDATION**

ON THE 7th day of July, 2006, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Disciplinary Hearing Panel making the recommendation consists of three Appraiser Hearing Officers, Terry L. Hinkle, Norman J. “Jack” Houston, and Philip J. Isaacs. Norman J. “Jack” Houston was elected and served as Hearing Panel Chairman. Said panel was represented by the Board’s attorney, Assistant Attorney General Counsel Joann Stevenson. The case was prosecuted by the Oklahoma Real Estate Appraiser Board’s prosecutor, Sue Wycoff. Respondent appeared pro se, after having been mailed a copy of the Recommendation of the Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, with Mr. Burton recusing, having received the Hearing Panel’s recommendations, makes the following Order adopting the Hearing Panel’s Recommendation:

JURISDICTION

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*
2. That the proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.
3. That the Respondent is a State Licensed Real Estate Appraiser in the State of Oklahoma holding credential number 11526SLA.

FINDINGS OF FACT

The Real Estate Appraiser Board adopts the following findings of fact as recommended by the Disciplinary Hearing Panel:

1. That Respondent Leo D. Hall is a State Licensed Real Estate Appraiser in the State of Oklahoma, holding Oklahoma Appraiser credential number 11526SLA.

2. Respondent admitted that he received a letter dated October 7, 2002 (admitted as OREAB #1 without objection from Respondent) from the Board in response to REA-8 forms that he submitted for trainee appraisers Jared Stentzel, Rodney Cleavlin, and Natalie Maxey stating that he was not qualified to serve as a supervisory appraiser pursuant to Board Rule 600:10-1-16 because he did not have the required 2000 hours of appraisal experience on file with the Board office.

3. Respondent submitted in response to the October 7, 2002 letter an appraisal log.

4. Respondent admitted that he received in response to the appraisal log submission another letter from the Board dated October 28, 2002 (admitted as OREAB #2 without objection from Respondent) that stated that his log alone was not enough to qualify him as supervisory appraiser. Respondent also admitted that the October 28, 2002 letter which stated: "The Board has a system in place to allow appraisers to demonstrate qualifying experience. This system was spelled out in the *August 22, 2002* letter to state licensed appraisers. A copy of this letter is enclosed." (emphasis supplied) indeed had attached to it the letter dated August 22, 2002 to all state licensed appraisers explaining the qualifications to be an Appraiser Qualifications Board (AQB)-qualified state licensed appraiser and, accordingly, a supervisory appraiser. Respondent also admitted that the letter stated that the Board would send a letter to the appraiser indicating that the appraiser was so qualified.

5. Respondent testified that he submitted sample appraisals in Response to the October 22, 2002 letter but argued that he did not read the August 22, 2002 letter attached to the October 22 letter.

6. Respondent admitted that he did not receive any communication from the Board that he was qualified as a supervisory appraiser and admitted that despite not receiving any such communication, continued his supervisory relationship with the three aforementioned trainee appraisers and subsequently

began supervisory relationships with two other trainees.

7. Respondent argued that he assumed that he was qualified when he received no communication from the Board not having read the August 22, 2002 letter explicitly referred to by and attached to the October 28, 2002 letter. Respondent testified that he was proceeding in “good faith.”

8. Respondent’s credibility was however impeached by the following evidence:

9. On June 3, 2005, Respondent’s appraiser license was revoked by the Board because Respondent had lied on his application for licensure by denying that he had ever been convicted of a felony when, in fact, he had been convicted of felonies twice. The felonies for which Respondent was convicted were uttering a false instrument and obtaining merchandise by bogus check. Respondent admitted that lying on his application which resulted in his license revocation, and uttering forged instruments and using bogus checks, which resulted in his felony convictions, were examples of dishonesty.

10. Respondent also admitted that he never communicated to his trainees that his qualifications as supervisor were ever called into question until the trainees learned of the questions from the Board.

11. Accordingly, the Panel finds Respondent is not credible and does not credit Respondent’s testimony that he did not read the August 22, 2002 letter and that thought he was qualified when he held himself out as such to the trainee appraisers with whom he had supervisory relationships.

12. The Panel thus finds that Respondent intended to be dishonest in holding himself out as qualified as a supervisory appraiser and did so to the detriment of the trainee appraisers who spent considerable time and money trying to gain qualifying appraisal experience in accordance with Board rules but whose experience could be rendered disqualifying by Respondent’s misrepresentations.

13. The Panel also finds that even if it did credit Respondent’s testimony that it would be incompetent, unethical, improper and misleading for an appraiser not to ensure that he or she is qualified as a supervisor before permitting trainees to spend time and money gaining experience under the appraiser’s supervision or not to read a letter that was specifically identified by the Board as explaining the qualifications of a supervisory appraiser in determining whether the appraiser was qualified.

14. The Panel did not credit the evidence that Respondent conducted an appraisal while his

licensed was revoked.

CONCLUSIONS OF LAW

The Real Estate Appraiser Board adopts the following conclusions of law as recommended by the Disciplinary Hearing Panel: It was demonstrated by clear and convincing evidence that such conduct by the Respondent is in violation of the following:

1. 59 O.S. § 858-723(A)(5), (13) and 59 O.S. § 858-723(A)(9) by violation of OAC 600:10-1-16(d) and the statutes in this paragraph and 59 O.S. § 858-732(A)(1).

2. The Panel finds that it was not demonstrated by clear and convincing evidence that Respondent was in violation of 59 O.S. § 858-723(A)(6), (7), (8), (14) or the Uniform Standards of Professional Appraisal Practice.

RECOMMENDED DISCIPLINE

1. The Board adopts in full the Disciplinary Hearing Panel's Findings of Facts and Conclusions of Law as set forth above.

2. The Board adopts the Recommended Discipline as set forth in the Panel's Recommendation and issues the following order: that Respondent's license be **REVOKED** because of the pattern of dishonesty and misrepresentation demonstrated by the conduct and violations of law found by clear and convincing evidence as set forth above.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS THIRTY (30) DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED this 7th day of July, 2006.

**KIM HOLLAND, CHAIRMAN
REAL ESTATE APPRAISER BOARD**

JOANN STEVENSON, ASST ATTY GENERAL

CERTIFICATE OF MAILING

I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Notice of Disciplinary Hearing and Appointment of Hearing Panel was mailed by certified mail, return receipt requested, on the 10th day of July, 2006 to:

Leo D. Hall
8925 E. 57th
Tulsa, OK 74145

**VIA CERTIFIED MAIL
7001 0320 0004 0219 7017**

and that copies were mailed by first class mail to:

Terry L. Hinkle, Hearing Panel Member, PO Box 720201, Oklahoma City, OK 73172;
Jack Houston, Hearing Panel Member, 2727 Silvertree Dr, Oklahoma City, OK 73120;
Philip J. Isaacs, Hearing Panel Member, 120 N Robinson, 1st National Center, Oklahoma City, OK 73102;
Donald H. Justice, Alternate Panel Member, PO Box 988, Watonga, OK 73772;
Sue Wycoff, Board Prosecutor, PO Box 53408, Oklahoma City, OK 73152; and
Joann Stevenson, Board Counsel, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.

GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board