



2. That the proceedings were conducted in accordance with the Oklahoma Certified Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.

3. That Respondent MARK A. TERRELL is a certified residential appraiser in the State of Oklahoma, holding credential number 11920CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 9, 1998.

### **FINDINGS OF FACT**

The Board adopts in full the findings of the Hearing Panel that the following facts were proved by clear and convincing evidence.

1. That Respondent MARK A. TERRELL is a certified residential appraiser in the State of Oklahoma, holding credential number 11920CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 9, 1998.

2. On or about November 24, 1998, Respondent submitted his Application for Real Estate Appraiser Licensure or Certification to the offices of the Oklahoma Real Estate Appraiser Board, for the purpose of original licensure.

3. Respondent answered "no" to the questions "9. Have you ever been convicted of, pled guilty or nolo contendere to: A) A felony. B) A misdemeanor involving moral turpitude."

4. On or about February 20, 2004, Respondent submitted his Application for Real Estate Appraiser Licensure or Certification to the offices of the Oklahoma Real Estate Appraiser Board, for the purpose of upgrading his license.

5. Respondent answered "no" to the questions "12. Have you ever been convicted of, pled guilty or nolo contendere to: A) A felony. B) A misdemeanor involving moral turpitude."

6. However, on February 21, 1989, Respondent pled guilty to the felony charge of Using a False & Fictitious Social Security Number in an Application for an Oklahoma Drivers Chauffer License. This plea occurred in Oklahoma County, case number CRF-88-5347.

7. The Respondent admitted that he did not keep any records of his criminal felony case, Oklahoma County District Court Case Number CF-1988-5347, did not remember the name of his attorney in that case, and that he did not seek any legal advice before he completed his application for Board licensure or for upgrade for his Board licensure. When questioned as to what proof he had of legal advice he received from his criminal attorney on the felony charge of Using a False & Fictitious Social Security Number in an Application for an Oklahoma Drivers Chauffer License, he effectively said he had none and that "you just have to take my word for it."

#### **CONCLUSIONS OF LAW**

The Board adopts in full the conclusions of law entered by the Hearing Panel:

59 O.S. § 858-723(C)(1) [previously codified as 59 O.S. § 858-723(A)(1)]: "Procuring or attempting to procure a certificate by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to an application for certification or through any form of fraud or misrepresentation."

#### **RECOMMENDED DISCIPLINE**

**WHEREFORE**, the Board having adopted in full the Findings of Fact and Conclusions of Law as set forth above, sets for the following Final Order amending the Recommendation of the Hearing Panel.

1. Respondent's appraisal credential shall be suspended for a period of sixty (60) days. Pursuant to Board Rules at 600:15-1-15, promptly following the Final Order of suspension, the suspended appraiser shall return his original license and pocket card to the office of Board staff. The

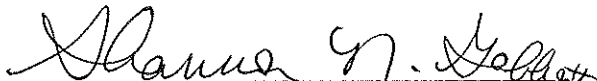
sixty (60) day term of suspension shall begin on the date the license and pocket card are received by the Director.

2. That Respondent shall pay costs in the amount expended by the Board for prosecution of this matter. The Board's Director shall furnish Respondent with an itemized statement of such costs as soon as possible following issuance of the final Board Order in this matter. Costs shall be remitted within ninety (90) days of the effective date of this Order.

**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 1<sup>st</sup> day of April, 2011.



  
SHANNON N. GABBERT, Board Secretary

  
BRYAN NEAL, Assistant Attorney General  
Counsel to the Board

**CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that on the 6 day of April, 2011 a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail by certified mail, return receipt requested to:

**Jack L. Freeman**  
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Edmond, Oklahoma 73013  
Counsel for Respondent

**7010 3090 0000 3334 8698**

and that copies were forwarded by first class mail to the following:

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