

Oral argument was given before the Board at its May 6, 2011 regular session from both Counsel for the respondent, Rachel Lawrence Mor, and the Board's prosecutor, Stephen L. McCaleb.

The Board, being fully advised in the matter, makes the following Order adopting the Panel's Recommendation.

JURISDICTION

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Certified 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 Respondent JODI L. HUDSON ("Respondent"), is an appraiser in the State of North Carolina, holding credential A3594, Respondent has represented herself as an Oklahoma appraiser with a license number of 1234, expiration date June 30, 2010; and therefore falls within the jurisdiction of the Board, pursuant to 59 O.S. §858-702.

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 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. That 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. That the OREAB, upon timely written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter pursuant to §600:15-1-19. No requests were made for a court reporter.

4. That the Director of the OREAB, for good cause shown, may grant a continuance if a written Motion to Continue is received at the offices of the OREAB no less than ten (10) days prior to the hearing date. §600:15-1-6. No written Motions to Continue were filed within the appropriate time frame as set forth in OAC 600:15-1-6.

5. Any party shall have the right to counsel provided that such counsel is duly licensed to practice law by the Supreme Court of Oklahoma, and provided that such counsel shall have the right to appear and act for and on behalf of the party he/she represents. In order to be recognized as counsel for respondent, such counsel shall file a written entry of appearance with the OREAB's Director. No written entry of appearance was filed by Rachel Lawrence Mor, according to the Board's records.

6. That Respondent JODI L. HUDSON ("Respondent"), is an appraiser in the State of North Carolina, holding credential A3594, Respondent has represented herself as an Oklahoma appraiser with a license number of 1234, expiration date June 30, 2010; and therefore falls within the jurisdiction of the Board, pursuant to 59 O.S. §858-702.

7. That on or about April 6, 2009, Respondent was hired by United Fidelity Funding (the "client"), through Rels Valuation, an AMC, to complete a Residential Review Appraisal on the subject property (the "appraisal"), which is located at 233 East Young Place, Tulsa, Oklahoma (the "subject property").

8. That Respondent's appraisal report stated, in the Appraiser's Certification, that

the appraisal was developed and the report prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

9. That in the appraisal, Respondent represents herself as an Oklahoma licensed appraiser with a license number of 1234, expiration date June 30, 2010. Respondent signed the appraisal.¹

10. That per the Board Director's testimony, the Certification and Statement of Limiting Conditions #9 states: "Unless stated elsewhere in this report, no one provided significant professional assistance to the person signing this review report."; and further that the Respondent's signature verifies that she did not initiate or secure professional assistance from anyone in the State of Oklahoma.

11. That the Respondent performed an appraisal for compensation pursuant to the definition of "appraisal" in 59 O.S. § 858-703 (1), North Carolina Appraisers Act § 93E-1-4 (1) (Exhibit P-4), and the 2008-2009 Edition of USPAP, Definitions, page U-1, lines 8-13 through performance of a desk audit assignment for Rels Valuation for a "restricted use" desk review for property in Tulsa Oklahoma as referenced by the Respondent in her affidavit (See attached).

12. Pursuant to the Board Director's testimony and Exhibit P-3 (attached) Rels Valuation refers to desk and field reviews as "Traditional Appraisal Products."

CONCLUSIONS OF LAW

The Board adopts in full the conclusions of the hearing panel set out below:

That such conduct by the Respondent is in violation of:

1. That Respondent has violated 59 O.S. § 858-702(A) as set forth below:

"A. This act shall only apply to:

1. Any appraisal or appraiser involving the following:

a. a federally related transaction,

¹ See Exhibits P-1 and P-2, USPAP Definition of Signature.

b. real estate-related financial transactions of the agencies, instrumentalities, and federally recognized entities covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and

c. any real estate-related transactions where an appraisal report was made under a written agreement that the appraisal report would follow the Uniform Standards of Professional Appraisal Practice guidelines or where a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice;"

2. That Respondent has violated 59 O.S. § 858-704(A): "No person, other than a trainee, state licensed, state certified residential or state certified general real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall not describe or refer to any appraisal or other evaluation of real estate located in this state by using the term "state certified"." Accordingly, Respondent has violated 59 O.S. § 858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

3. That Respondent has violated 59 O.S. § 858-723(C)(5): "An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person."

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

a. 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 and Standards Rules 1-1, 1-2, 1-4, 1-5, 1-6; Standard 3 and Standards Rule 3-3 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

4. That Respondent has violated 59 O.S. § 858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

5. That Respondent has violated 59 O.S. § 858-723(C)(13), in that Respondents violated 59 O.S. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

6. That Respondent has violated 59 O.S. § 858-723(C)(14): "Failing to at any time to properly identify themselves according to the specific type of certification held."

JURISDICTION

WHEREFORE, the Board has and asserts both personal and subject matter jurisdiction.

FINAL ORDER

WHEREFORE, the Board, having adopted in full the Findings of Fact and Conclusions of Law as set forth above, sets out the Final Order modifying in part the Recommendation of the Hearing Panel as follows:

1. That a Letter of Warning be issued to the Respondent; and
2. That the Board forward its final order to the North Carolina Appraisal Board for any action it may deem appropriate.

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 6th day of May, 2011.



By: *Shannon Gabbert*
SHANNON GABBERT, Board Secretary

By: *Brian Neal*
**BRIAN NEAL, Assistant Attorney General
Counsel to the Board**

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that on the 18th day of May, 2011 a true and correct copy of the above and foregoing Disciplinary Hearing Panel Recommendation is placed in the U.S. Mail by certified mail, return receipt requested to:

Jodi L. Hudson 7010 3090 0000 3334 9022
P.O. Box 361
Simpson, North Carolina 27879

Jodi L. Hudson 7010 3090 0000 3334 9046
1777 Heber Hudson Road
Greenville, North Carolina 27858

Rachel Lawrence Mor 7010 3090 0000 3334 9039
3037 N.W. 63rd, Suite 205
Oklahoma City, Oklahoma 73116

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

Nena W. Henderson, Hearing Panel Officer
1408 Sims Avenue
Edmond, Oklahoma 73013

Dana L. Norton, Hearing Panel Officer
2605 Forest Glen Drive
Choctaw, Oklahoma 73020

Donna L. Pollock, Hearing Panel Officer
P.O. Box 30291
Edmond, Oklahoma 73003

OFFICE OF THE ATTORNEY GENERAL
Attn: Bryan Neal
313 N.E. 21st Street
Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP
Attn: Stephen McCaleb
4800 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105


Christine McEntire