

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, Lewis C. Simms, is a Certified Residential Real Estate Appraiser in the State of Oklahoma, holding license number 12259CRA and was first credentialed with the Oklahoma Real Estate Appraiser Board on April 13, 2000.

4. On July 8, 2011 the Board affirmed the Hearing Panel's Recommendation under Board Order 11-018 ordering the Respondent to:

1. *Respondent be placed on probation for a period of **ONE (1) YEAR** beginning on the effective date of the Board's final order in this matter during which period Respondent will submit a log of all of his appraisals to the administrative office of the Board not later than the fifth day of each month and will provide copies of any appraisal reports and work files upon request of the Board during the period of probation.*

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 to arrive in the Board's administrative office within thirty (30) days following receipt of such itemized statement. Payment of such costs shall be made in the manner contemplated by 59 O.S. § 858-723 (B) (2) and (4).*

3. *Respondent shall be prohibited from being a supervisor for a period of **ONE (1) YEAR** from the date that any final order in this matter is entered.*

4. *Should Respondent fail to comply with any of the terms and conditions set forth in the order, the Board's Director shall suspend Respondent's appraiser credential instanter; shall immediately notify the Respondent of said suspension by certified mail, return receipt requested; and shall immediately notify the National Registry of such suspension; and the*

credential shall remain suspended until such time as Respondent is in full compliance.

5. On July 13, 2011 Board staff transmitted Board Order 11-018 along with a Recapitulation of Monthly Billing reflecting prosecutorial costs in the sum of \$4,749.26. Costs shall be remitted to arrive in the Board's administrative office within thirty (30) days following receipt of such itemized statement. Payment of such costs shall be made in the manner contemplated by 59 O.S. § 858-723 (B) (2) and (4).

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to Title 59 Sections 858-700 *et seq.* of the Oklahoma Statutes.

2. The Board having issued its Board Order 11-018 in this Complaint No. 10-060 imposing penalties, retains the authority to modify its own Orders under Title 59 Section 858-723 of the Oklahoma Statutes, as to the payment of fines and costs.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Real Estate Appraiser Board that Board Order 11-018 is MODIFIED with respect only to the payment of costs as follows: An initial payment of \$600.00 shall be due on or before September 1, 2011, and thereafter payments shall be due in eleven equal payments in the sum of \$345.79 each which shall be due on or before the 1st day of each month thereafter until paid in full.

IT IS SO ORDERED THIS 5th day of August, 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 22 day of August, a true and correct copy of the above and foregoing Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail by certified mail, return receipt requested to:

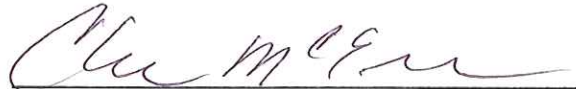
Lewis C. Simms
P.O. Box 11843
Oklahoma City, Oklahoma 73136

7010 3090 0000 3334 5512

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

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