

Those two grounds were listed by the Respondent as: (1) OAC 600: 15-1-8(a)(3), probable error committed by the Panel in its decision that would be grounds for reversal, and (2) OAC 600: 15-1-8(a)(5), a showing that issues not previously considered should be examined in order to properly dispose of the matter. In the Response filed by the Board's Prosecutor Stephen L. McCaleb in opposition to the Request, Mr. McCaleb pointed out that probable error was not committed by the Board in its Decision on Hearing Panel Recommendation dated June 3, 2011 (Board Order #11-015). Further Mr. McCaleb noted in the Response that the Respondent did not show that issues not previously considered should be examined in order to properly dispose of this matter as the Respondent's position in this matter was actually presented to the Hearing Panel even though the Hearing Panel did not incorporate the Respondent's position in its recommendation to the Board.

The Board, after considering this matter and being fully advised herein through the Request from the Respondent, the Response from the Board's Prosecutor, the Board's Decision on Hearing Panel Recommendation dated June 3, 2011 (Board Order #11-015), the Board's Order Modifying Order #11-015 dated July 8, 2011 (Board Order #11-015-A), and Consent Order for Respondent Judy Oliver dated June 3, 2011 (Board Order #11-016), makes the following order.

JURISDICTION

1. The 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.* (the "Act").

2. The proceedings were conducted in accordance with the Act, the disciplinary procedure rules promulgated under the Act at OAC 600: 15-1-1 to 15-1-22 (the "Board's Disciplinary Procedures"), and the Oklahoma Administrative Procedures Act, 75 O.S. §308a -323.

3. The Board having issued its Board Order #11-015 in this Complaint #10-041 imposing penalties against the Respondent and Board Order #11-015-A modifying the time period in which

payments are due and payable by the Respondent, retains the authority to modify its own Orders under the Act § 858-723 and is authorized to rehear, reopen or reconsider an order issued by the Board pursuant to the Board's Disciplinary Procedures, OAC 600: 15-1-18, upon the five (5) grounds listed therein any of which, if found to exist or be present, would justify such action.

4. The Board, having previously entered into a consent order in this matter with the respondent Judy K. Oliver, entitled "Consent Order for Respondent Judy Oliver" dated June 3, 2011 (Board Order #11-016), takes no further action in this matter at this time as to respondent Judy K. Oliver related to the Request.

FINDINGS OF FACT

1. The Board re-adopts in full and incorporates by reference herein all of the findings of the Hearing Panel that the facts stated in the Board's Decision on Hearing Panel Recommendation dated June 3, 2011 (Board Order #11-015) were proven by clear and convincing evidence as therein stated and that the facts re-stated in the Board's Order Modifying Order #11-015 dated July 8, 2011 (Board Order #11-015-A) were likewise proven by clear and convincing evidence as therein re-stated.

2. The Respondent Hal A. Hartsock is a certified general appraiser in the State of Oklahoma, holding credential number 11454CGA and was first licensed with the Oklahoma Real Estate Appraiser Board on April 7, 1995.

3. The Board re-adopts in full and incorporates by reference herein as if fully re-stated herein all of its findings of fact as stated in the Board's Decision on Hearing Panel Recommendation dated June 3, 2011 (Board Order #11-015) and its findings of fact as stated in the Board's Order Modifying Order #11-015 dated July 8, 2011 (Board Order #11-015-A).

4. Contrary to the allegation of the Respondent, the Board finds that no probable error was

committed by the Hearing Panel in its decision that would be grounds for reversal on judicial review of Board Order #11-015 or Board Order #11-015-A.

5. Contrary to the allegation of the Respondent, the Board finds that there was no showing by the Respondent that issues not previously considered should be examined in order to properly dispose of this matter.

CONCLUSIONS OF LAW

1. The Board re-adopts in full and incorporates by reference herein as if fully re-stated herein all of its conclusions of law as stated in the Board's Decision on Hearing Panel Recommendation dated June 3, 2011 (Board Order #11-015) and its conclusions of law as stated in the Board's Order Modifying Order #11-015 dated July 8, 2011 (Board Order #11-015-A).

2. The Board's Disciplinary Procedures OAC 600: 15-1-8(a) provides five (5) grounds upon which an order of the Board may be subject to rehearing, reopening or reconsideration by the Board.

3. The Board's Disciplinary Procedures OAC 600: 15-1-8(a) provides that:

"An order issued by the Board shall be subject to rehearing, reopening or reconsideration by the Board within ten (10) days of the date of its entry. The grounds for such action shall be either:

(3) probable error committed by the Panel or Board in the proceeding or in its decision that would be grounds for reversal on judicial review of the order; and

(5) a showing that issues not previously considered should be examined in order to properly dispose of the matter."

ORDER

WHEREFORE, the Board having adopted in full the Findings of Fact and Conclusions of Law as set forth above, hereby determines that none of the grounds alleged to exist or to be present by the Respondent actually do exist or are present in this matter as is required pursuant to the Board's Disciplinary Procedures OAC 600:15-1-8(a) and that the Request of the Respondent should be and is hereby DENIED.

IT IS SO ORDERED this 5th day of August, 2011.



By: *Shannon G. Gabbert*
SHANNON GABBERT, Board Secretary

By: *Bryan Neal*
BRYAN NEAL, Assistant Attorney General and
Counsel to the Board

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Order Regarding Request to Reconsider Decision was mailed postage prepaid by certified mail with return receipt requested on this 22nd day of August, 2011 to:

Hal A. Hartsock
4001 N.W. 122nd Street, #1121
Oklahoma City, Oklahoma 73120

7010 3090 0000 3334 6724

and that copies were mailed to:

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

Judy K. Oliver

632 Smalley Drive
Norman, Oklahoma 73071



Christine McEntire