

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

In the Matter of **ROBERT L. LOCKWOOD**,)
Respondent.)

Complaint #10-069

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

ON THE 9th day of September, 2011, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board ("the Board"). The Board was represented by a Disciplinary Hearing Panel consisting of three members, Michael C. Prochaska, William F. Stephens Jr., and Albert A. Wooldridge, that held a hearing on July 27, 2011. Michael C. Prochaska was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's attorneys, Assistant Attorneys General Marissa Lane and Bryan Neal. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. The Respondent, Robert L. Lockwood, appeared pro se, after having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

A Request for Oral Argument was not filed by the Respondent, Robert L. Lockwood,, and no oral argument was given.

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

JURISDICTION

I. The Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-700 *et seq.*

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

3. The Respondent **ROBERT L. LOCKWOOD** is a state licensed appraiser in the State of Oklahoma, holding credential number 12396SLA and was first credentialed with the Oklahoma Real Estate Appraiser Board on January 17, 2001.

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. The Respondent **ROBERT L. LOCKWOOD** is a state licensed appraiser in the State of Oklahoma, holding credential number 12396SLA and was first credentialed with the Oklahoma Real Estate Appraiser Board on January 17, 2001.

2. In April of 2010, Tinker Federal Credit Union (the “client”) engaged ROBERT L. LOCKWOOD (the “Respondent”) to complete an appraisal on the subject property (the “appraisal”), located at 509 East Victoria Terrace, Mustang, Oklahoma (the “subject property”).

3. The appraisal’s date of appraised value was reported as April 29, 2010. Respondent reported a final estimate of value as Two Hundred Ninety Three Thousand Eight Hundred Dollars and 00/100 (\$293,800.00). The report was submitted to the client.

4. The subject property description and the reporting of the comparables numbered 5 and 6 are not accurate. The Respondent admitted that comparable one (1) was inaccurate as to the reporting of its actual age. The analysis of comparables five (5) and six (6) is not supportable or reasonable. Errors were committed in the report, which affected the accuracy and credibility of the appraisal. These errors include but are not limited to the following contained in paragraphs 5-11.

5. Respondent admitted that he reported in his appraisal report that comparable one (1) is a four year old home in conflict with what is reported by both the Canadian County Assessor and the applicable multiple listing service, which both report that it was built in 2008 and sold as a new home by the builder. Comparable six (6) is a new home but Respondent reports that it is eight (8) years old. Accordingly, the age adjustments for comparables one (1) and six (6) are not supported nor are they supportable.

6. Respondent admitted that comparable five (5) has an in-ground swimming pool that was not reported by the Respondent. Respondent admitted that this comparable should not have been used for this appraisal report, and when reported and adjusted correctly, it does not support the appraised value.

7. Respondent admitted that he missed the fact that comparable six (6) has an in-ground swimming pool and a detached 30 foot by 50 foot shop which both were not reported by the Respondent. This comparable should not have been used for this appraisal report, and when reported and adjusted correctly, it does not support the appraised value.

8. Respondent admitted that the neighborhood section of the report is "canned" and generic and fails to adequately describe the neighborhood. Further, Respondent admitted that he incorrectly reported in his appraisal report that the "built-up" percentage of the neighborhood is over 75%.

9. Respondent admitted that the site section of his report was "canned" and generic and fails to adequately describe the site in that he described it as "unknown" and that no survey was furnished. The subject property is in a recorded and platted subdivision with site dimensions available and is located on a cul-de-sac lot that results in an irregular shape with a narrow front yard and wide backyard.

10. Respondent admitted that in his appraisal report he failed to report that the subject site sold within a year of his appraisal report (December 28, 2009 was the sale) for Forty Eight Thousand Dollars and 00/100 (\$48,000.00).

11. Respondent admitted that his 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.

CONCLUSIONS OF LAW

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

1. 59 O.S. § 858-723(C)(6) through 59 O.S. §858- 726, in that Respondent violated:
 - A) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;
 - B) Standard 1 and Standards Rules 1-1, 1-2, 1-4, 1-5; Standard 2 and Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.
2. 59 O.S. § 858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

FINAL ORDER

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

1. Respondent shall pay five hundred dollars (\$500.00) of the costs expended by the Board for legal fees.
2. Costs levied above shall be paid within thirty (30) days of the date of entry of any final order in this matter.

3. Respondent shall successfully complete corrective education as set forth below. Such courses shall be completed within six (6) months following entry of any final order in this matter with certificates of course completion furnished to the administrative office of the Board. Courses shall be Board-approved courses taken from a Board-approved course provider and may be used for credit as continuing education required for credential renewal. Courses to be taken shall be as follows:

- a. Course 611, Residential Market Analysis and Highest and Best Use, 15 hours.
- b. Course 614, Residential Report Writing and Case Studies, 15 hours.

4. In the event of failure to comply with any requirement of any final order in this matter, the Board's Director shall revoke Respondent's appraiser credential without further Board action, shall immediately notify Respondent of any such revocation by certified mail, return receipt requested, and shall report the revocation to the Appraisal Subcommittee for inclusion on the National Registry.

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 9th day of September, 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 16th day of September, 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:

Robert L. Lockwood
2219 N.W. 19th Street
Oklahoma City, Oklahoma 73107

7010 3090 0000 3334 7011

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

Michael C. Prochaska, Hearing Panel Officer
1827 S. 29th Street
Chickasha, Oklahoma 73018

Albert A. Wooldridge, Hearing Panel Officer
1707 West Broadway
Altus, Oklahoma 73521

William F. Stephens, Jr., Hearing Panel Officer
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