



3. The comparables used in the report may not have been the best available at the time of the report as Respondent was not a member of the Enid Board of Realtors Multi Listing Service (MLS).

4. Respondent states in his report that his only data source was county records. The Enid area has a MLS which is necessary to have access and utilize to produce competent reports. Respondent committed error by not using the appropriate MLS to obtain geographical competency and this failure led to an unreliable and misleading report.

5. Respondent's appraisal report states, in the Appraiser's Certification, that the appraisal was developed and the report prepared in conformity with the Uniform Standards of Professional Appraisal Practice. It also states that the Respondent was aware of, and has access to, the necessary and appropriate public and private data sources, such as multiple listing services,...for the area in which the property is located.

#### **AGREED CONCLUSIONS OF LAW**

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

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

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

2. That Respondent has violated 59 O.S. § 858-723(C)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

#### **CONSENT AGREEMENT**

The Respondent, by affixing his signature hereto, acknowledges:

1. That Respondent has been advised of his right to seek the advice of counsel prior to signing this document, and has in fact retained counsel;
2. That Respondent possesses the following rights, including but not limited to:
  - a. The right to a formal fact finding hearing before a disciplinary panel of OREAB;
  - b. The right to a reasonable notice of said hearing;
  - c. The right to be represented by counsel;
  - d. The right to compel the testimony of witnesses;
  - e. The right to cross-examine witnesses against him; and
  - f. The right to obtain judicial review of the final decision of the OREAB.
3. That Respondent stipulates to the facts as set forth above and specifically waives his right to contest these findings in any subsequent proceedings before the OREAB and to appeal this matter to the District Court;
4. That Respondent consents to the entry of this Consent Order affecting his professional practice of real estate appraising in the State of Oklahoma;
5. That Respondent agrees and consents that this Consent Order shall not be used by him for purposes of defending any other action initiated by the OREAB regardless of the date of the appraisal;
6. That all other original allegations in this matter are dismissed; and
7. That this Consent Order is for the purpose of settlement only. Neither the fact that Respondent and OREAB have agreed to this Consent Order, nor the Findings of Fact or Conclusions of Law contained herein, shall be used for any purpose in any proceeding, except by

the OREAB. Nothing contained in this Consent Order is an admission by the Respondent of liability.

**ORDER**

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Conclusions of Law, it is Ordered that:

1. Respondent successfully completes corrective education as follows:
  - i. FIFTEEN (15) HOURS – 611: Residential Market Analysis & Highest and Best Use; and
  - ii. FIFTEEN (15) HOURS – 612: Residential Site Valuation and Cost Approach

Said courses shall be completed within one hundred eighty days after the approval date of this order.

2. Respondent agrees to follow the USPAP competency rule with all future appraisal work.

**DISCLOSURE**

Pursuant to the Oklahoma Open Records Act, 51 O.S. §§24-A.1 – 24A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

RESPONDENT:

  
\_\_\_\_\_  
JACK TRESNER

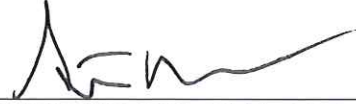
Sept. 26, 2011  
\_\_\_\_\_  
ANGELA J. ABLES, Attorney for Respondent

  
\_\_\_\_\_  
DATE



**CERTIFICATE OF BOARD PROSECUTING ATTORNEY**

I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.

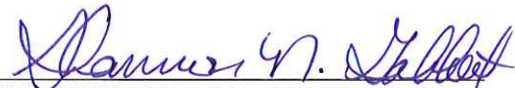


STEPHEN MCCALED, OBA #15649  
Board Prosecutor  
3625 N.W. 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112

9-27-11

DATE

IT IS SO ORDERED on this 7<sup>th</sup> day of October, 2011.



SHANNON N. GABBERT, Secretary  
OKLAHOMA REAL ESTATE  
APPRAISER BOARD

By:



BRYAN NEAL, OBA #6590  
Assistant Attorney General  
Counsel for the Board  
2401 NW 23<sup>rd</sup> Street, Suite 28  
Oklahoma City, Oklahoma 73152

**CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that on the 19th day of October, 2011 a true and correct copy of the above and foregoing Consent Order for Respondent, Jack N. Tresner was placed in the U.S. Mail by certified mail, return receipt requested to:

**J. Angela Ables**  
KERR IRVINE RHODES & ABLES P.C.  
201 Robert S. Kerr Avenue, #600  
Oklahoma City, Oklahoma 73102

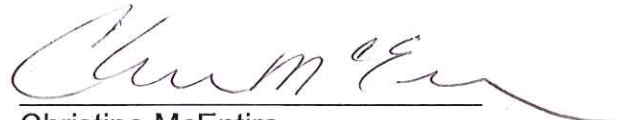
**7010 3090 0000 3334 7141**

Counsel for the Respondent, Jack N. Tresner

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

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

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

  
Christine McEntire