

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

In the Matter of SAVINA BURGESS AND)	
MICHAEL T. GIESE)	
)	Complaint #12-012
Respondents.)	

**BOARD'S DECISION AS TO
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 6th day of February, 2013, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board") following a disciplinary hearing held on December 17, 2012. The Board was represented by a Disciplinary Hearing Panel composed of three (3) members, Frank E. Priegel, of Okmulgee, Oklahoma, Michael C. Prochaska of Chickasha, Oklahoma, and Jay Pat McGlamery of Muskogee, Oklahoma, to which there was no objection. Jay Pat McGlamery was elected and served as Hearing Panel Chairman at the hearing. Said panel was represented by the Board's attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. On behalf of the Board, Mr. McCaleb elected to have this matter recorded by electronic device and to rely on the electronic recording.

The Respondent, Michael T. Giese, of Oklahoma City, Oklahoma (the "Respondent"), appeared in person pro se (without an Attorney), after having had an Attorney, Charles L. Freede, Jr., enter an Appearance in this matter on his behalf and who had previously moved for a continuance in this matter, which matter was then rescheduled to this date. The Respondent's Attorney did not appear for the hearing and the Respondent stated that he voluntarily wished to proceed with the hearing in his Attorney's unexplained absence. The Respondent, Michael T. Giese, 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. § 858-724, and the Oklahoma Administrative Procedures Act,

75 O.S. §§250-323. The Respondent, Michael T. Giese, elected to have this matter recorded by electronic device and to rely on the electronic recording. Neither party to these proceedings requested that a court reporter record this matter.

Prior to receiving or hearing any evidence or testimony in this matter, the Board through its Prosecutor Stephen L. McCaleb, announced that the respondent Savina M. Burgess, daughter of former appraiser Peggy S. Thompson of Abode Appraisal Services, LLC., was now inactive as a trainee appraiser and that her whereabouts are unknown. Accordingly, she was not available for the hearing and that the Board was proceeding only against the Respondent. No proposed findings of fact were submitted to the Board by either party to these proceedings.

The Board's prosecutor presented two (2) witnesses in support of the case against the Respondent: Christine McEntire, the Board's Director and the first witness called to testify; and Ginger Blue Jungroth, 12591CRA, of Edmond, Oklahoma. Through the course of the hearing, the Board's prosecutor moved for the admission of six (6) exhibits for the Board into evidence, to which the Respondent stated no objection and all such Board exhibits were admitted. The Respondent offered one (1) exhibit for admission into evidence and one (1) Respondent exhibit was admitted into evidence without an objection by the Board.

The Board's Director, Christine McEntire, testified that she is the Board's Director and that as such Director, she receives the grievances and disciplinary matters for the Board as a part of her job, including the decision in Complaint #07-066 (Exhibit 6) involving the Respondent and Peggy S. Thompson which resulted in the Respondent being permanently prohibited from supervising trainee supervisors. Ms. McEntire testified that, according to the Board's records (Exhibit 5), the Respondent has been a licensed appraiser since June 28, 2001, despite a typo to the contrary in the Jurisdiction section of the Board's Notice of Hearing (paragraph #6).

The Board's second witness was Ginger Blue Jungroth, 12591CRA, of Edmond, Oklahoma, was sworn in and testified that she is a certified residential appraiser, that she appraises in Oklahoma County, that she has been appraising since 2002, that she performs

review appraisals, and that the location of the subject property is in the City of Edmond in Oklahoma County, Oklahoma.

Ms. Jungroth testified that she reviewed the report of the Respondent dated August 27, 2007, submitted herein as Exhibit 1 (the "Respondent's report") on the subject real property the address of which is 1215 West Gemini Road in Edmond, Oklahoma, that the subject is located in the Val Genes Kelly Park 5 Addition, that the Respondent's report contained two signatures: one of the respondent Savina Burgess as a trainee appraiser and that of the Respondent as the supervisor, that Exhibit 2 contained excerpts from her review work file consisting of some thirty pages, that she performed a field review on the said report through which she determined the value of the subject was \$117, 000 as of August 27, 2007, as documented in her field review report dated December 2, 2010, submitted herein as Exhibit 3. Ms. Jungroth identified numerous errors in the Respondent's report including but not limited to, misstatements as to the age of certain comparables chosen by the Respondent, that data sources were misidentified or improperly identified, that the number of bathrooms in one was listed as one while the MLS Data Sheet showed that there were two bathrooms, that one comparable was located in another addition and not in Val Genes Kelly Park, that the original transaction was for a refinance and that the zoning was not R-1 Single Family as Edmond uses zoning designation A instead. The Respondent conducted no cross-examination of Ms. Jungroth stating that it looked to him that she did a great job in her review. Exhibit 4 was admitted into evidence without objection as the Respondent's work file submitted under Board subpoena by the Respondent.

The Respondent Michael T. Giese testified that the signature, purportedly to be his electronic signature, on the Respondent's report was not his electronic signature, that he did not place his signature upon said Respondent's report, that he did not lose control of his electronic signature and that in some way unknown to him, the respondent Savina Burgess had scanned his signature from some other source as it varied noticeably from that of his actual electronic signature. The Respondent Michael T. Giese agreed that the Respondent's report, which he denied was his

report, was a bad report and one that had so many problems, that he would not put his name on. The Respondent testified that when his electronic signature samples submitted as his Respondent's Exhibit 1 are compared to that on the Respondent's report, that it is apparent that the xy axis differs and that the electronic signature on the Respondent's report is not his signature. At this point the Respondent said that he said everything that he had to say and that he rested his case.

No Request for Oral Argument was filed by the Respondent no oral argument was given by either the Respondent, Michael T. Giese, or the Board's Prosecutor, Steven L. McCaleb.

JURISDICTION

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 Respondent MICHAEL T. GIESE is a Certified Residential Appraiser in the State of Oklahoma, holding credential number 12503CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on June 28, 2001; that Respondent SAVINA BURGESS was a Trainee Appraiser in the State of Oklahoma, holding credential number 90900TRA and was first licensed with the Oklahoma Real Estate Appraiser Board on April 9, 2007. Ms. Burgess has been an inactive appraiser since December 31, 2008.

FINAL ORDER

WHEREFORE, the Board hereby adopts the findings of the Disciplinary Hearing Panel and hereby orders that no action be taken on this Complaint and the file closed.

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 February, 2013.



By: Eric M. Schoen
ERIC SCHOEN, Board Secretary

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

CERTIFICATE OF MAILING

I, Rebecca Keesee, hereby certify that on the 12th day of February, 2013 a true and correct copy of the above and foregoing Board's Decision as to Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail by certified mail, return receipt requested to:

Michael T. Giese
3110 N. Harvey Pkwy.
Oklahoma City, OK 73118

7012 2210 0000 8959 5278

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

Jay P. McGlamery, Hearing Panel Member
P.O. Box 368
Muskogee, OK 74402

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REBECCA KEESEE