



Neither party to these proceedings requested that a court reporter record this matter. No proposed findings of fact were submitted to the Board by either party to these proceedings.

In addition to presenting the Respondent as a witness, the Board's Prosecutor presented five (5) other witnesses in support of the case against the Respondent for a total of six (6) witnesses: Rod V. Myers, a Certified Residential Appraiser 10563CRA of Oklahoma City, Oklahoma, Don Cervi, a Home Builder with Heritage Fine Homes, LLC, Angela Little (a.k.a. Angela K. Little, Angie Little, and Angie K. Little), a Homeowner of Norman, Oklahoma, Louise Burt, a Vice-President (Retired) with Liberty National Bank (Lawton) of Comanche, Oklahoma, and Christine McEntire, the Board's Director.

Prior to presenting his first witness, the Board's Prosecutor introduced a trial notebook containing Exhibits marked A through T and described as follows:

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
A.	Appraisal of 4015 SE 27 <sup>th</sup> Street, Del City, dated August 15, 2006, by Respondent
B.	Appraisal of 4008 Troon Street, Norman, dated October 7, 2005, by Rod Myers
C.	Okla. Co. Assessor Page for 4015 SE 27 <sup>th</sup> Street, Del City, dated August 15, 2006
D.	Okla. Co. Assessor Page for 4015 SE 27 <sup>th</sup> Street, Del City, dated August 30, 2006
E.	Appraisal of 4015 SE 27 <sup>th</sup> Street, Del City, dated December 6, 2007, by Respondent
F.	Appraisal of 4015 SE 27 <sup>th</sup> Street, Del City, dated May 25, 2008, by Respondent
G.	Appraisal of 4015 SE 27 <sup>th</sup> Street, Del City, dated May 25, 2008, by Respondent
H.	MLS Sheets (in Del City) for: 2217 Linda Lane, 4509 SE 26th Street, 4917 SE 20 <sup>th</sup> Street
I.	Promissory Note dated May 30, 2008 for 4015 SE 27 <sup>th</sup> Street, Del City and Real Estate Mortgage recorded June 18, 2008
J.	Appraisal of 4008 Troon Street, Norman, dated February 11, 2007, by Respondent
K.	Fax from Angie Little to Louise Burt dated February 9, 2007

- L. Appraisal of 4008 Troon Street, Norman, dated February 11, 2007, by Respondent
- M. Real Estate Mortgage with Power of Sale 4008 Troon Street, Norman, OK recorded April 18, 2007
- N. Appraisal of 4008 Troon Street, Norman, dated December 15, 2007, by Respondent
- O. Mortgage 4008 Troon Street, Norman, OK recorded January 22, 2008
- P. Appraisal of 4008 Troon Street, Norman, OK dated July 4, 2009, by Respondent
- Q. Mortgage 4008 Troon Street, Norman, OK recorded August 4, 2009
- R. Note 4008 Troon Street, Norman, OK dated July 20, 2009
- S. Sales Comparison Page 4008 Troon Street, Norman, OK dated July 4, 2009 County data sheets for the three comparables: 4013 Troon Street, 4113 Teton Oval, 4153 Pine Hill Road
- T. Mortgage 4008 Troon Street, Norman, OK recorded January 22, 2008, documents from Heritage Fine Homes, LLC *(Subsequent to admission of Trial Notebook Exhibits marked A through T, the Board's Prosecutor presented three (3) more exhibits for admission through the course of the hearing marked as Exhibits U through Y, each of which was admitted without objection.)*
- U. Jay Singley E-mail to Christine McEntire (Board Director) dated August 3, 2012 regarding a Subpoena
- X. Jay Singley E-mail to Brad Meyers (Banker) dated March 2011 regarding appraisal (4015 SE 27<sup>th</sup> Street, Del City, OK)
- Y. Subpoena Duces Tecum to Liberty National Bank (Lawton) dated February 29, 2012, and Bank's Responsive Documents to Subpoena

Prior to presenting his first witness, the Board's Prosecutor invoked the Board's rule of sequestration (OAC 600: 15-1-8) also known as the "witness exclusion rule" in order to exclude all witnesses to be called by the Board or the Respondent from the hearing room, other than the Respondent or the next witness called to testify. After allowing the witnesses an opportunity to excuse themselves, the Board's Prosecutor called his first witness, Rod V. Myers, to testify.

Upon being duly sworn, Mr. Myers testified that he is a Certified Residential Appraiser licensed in the state since 1992, when the Oklahoma Certified Real Estate Appraisers Act was

enacted, that he appraises real property in the metropolitan Oklahoma City area and in the surrounding counties, including Cleveland County in which the City of Norman is located, that Exhibit B (4008 Troon Street, Norman, OK dated October 7, 2005) is his appraisal, that as his appraisal is seven years old, he no longer has a copy of his work file, and that the appraisal has his digital signature on page 19. Mr. Myers further testified that he personally inspected the real property at 4008 Troon Street in Norman, that page 5 of Exhibit B has the then-current listing information, that page 7 provides that the gross living area (GLA) of 4008 Troon Street was 2,188 sq. ft., that the sale was an arms' length transaction, and that on October 7, 2005, his value estimate was \$238,000.00.

The Board's prosecutor called his next witness, Mr. Don Cervi to testify as his second witness. Upon being duly sworn, Mr. Cervi of Norman, Oklahoma, testified that he is a homebuilder, that he does business as "Heritage Fine Homes, LLC", that he built the house at 4008 Troon Street in Norman, Oklahoma, that Jay and Angie Little purchased the home at 4008 Troon Street from his company, that Exhibit T is a copy of the Real Estate Purchase Contract for 4008 Troon Street signed by Jay and Angie Little and by his brother as the company manager, that the sale was for \$227, 200.00, that he was there under subpoena and that it would not be accurate to say that Jay and Angie Little got a "good deal" on the real property at 4008 Troon Street.

The Board's Prosecutor called the Respondent James R. Singley as his third witness to testify. Upon being duly sworn, the Respondent testified that he has been an Appraiser for a little over fourteen years, that he is a Certified Residential Appraiser, that he knows the homeowner Angie Little through his work as she is in the real estate business, that Exhibit A (the first page of which is numbered as page 2) contains portions of his work file including his appraisal for 4015 SE 27<sup>th</sup> Street, Del City, with an effective date of August 15, 2006 (Exhibit A, page 27), that page numbered 2 of Exhibit A is the telephone order for the appraisal dated August 10, 2006, containing

Angie Little's e-mail address to which he is to submit his appraisal upon completion, that page numbered 3 of Exhibit A (sketch) contains his notes on the base sketch from the County Assessor's Office and that the measurements on page numbered 3 are his measurements.

Mr. Singley testified that Exhibit A, page numbered 4 was a copy of a Deed from his work file to Jay and Angie Little from Connie Johnson, that his appraisal on 4015 SE 27<sup>th</sup> Street, Del City, begins on page numbered 18 of Exhibit A, that his final estimated value on 4015 SE 27<sup>th</sup> Street, Del City, is \$66,000.00, that the square footage is 821 (Exhibit A, page 22), that this was a refinance transaction (Exhibit A, page 22), that the property's extras included ceiling fans, that his comparable sales are listed on page 23, that he should have listed the property transfer to Angie Little, that Exhibit A, page 26 contains the Appraiser's Certification that the appraisal was compliant with the Uniform Standards of Professional Appraisal Practice (USPAP), that the signature on Exhibit A, page 27, is his signature on the appraisal, that he took the photos on page 28 of the subject property and that the photos of the comparable sales on page 29 were probably from the Multi List Service (MLS).

As to Exhibit C, a single page exhibit, the Respondent Mr. Singley identified it as page numbered 5 from his work file, that it is a County Assessor record and that the said court house record lists the square footage of 4015 SE 27<sup>th</sup> Street, Del City, as being 794.

The Respondent testified that Exhibit D from the County Assessor's Office noted a transfer of the subject property 4015 SE 27<sup>th</sup> Street, Del City, on October 7, 2011, from the Littles to Liberty National Bank (Lawton) that was a foreclosure.

As to Exhibit E, the Respondent testified that page numbered 9 is the telephone appraisal order from Angie Little dated December 4, 2007, for 4015 SE 27<sup>th</sup> Street, Del City, that pages 33 to 47 of Exhibit E is his appraisal with an effective date of December 6, 2007 (page 42), that his final estimated value was \$68,000.00 (page 42), that he "cloned" this appraisal report (dated December

6, 2007) from his previous appraisal report on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated August 15, 2006, that the signature on page 42 of Exhibit E is his signature, that Exhibit E, page 41 contains the Appraiser's Certification that this appraisal was compliant with the Uniform Standards of Professional Appraisal Practice (USPAP), and that the photos on page 43 are the same ones used in the earlier appraisal on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated August 15, 2006.

The Respondent testified that the first page of Exhibit F (numbered as page 10) is a telephone appraisal order for Angie Little on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated May 19, 2008, to update the appraisal he performed in December 2007, that page 11 was his notes, that pages 48 through 61 was his appraisal on the subject property 4015 SE 27<sup>th</sup> Street, Del City, with an effective date of May 25, 2008 (page 56), that page 52 notes in the "Improvements" section that there was a complete remodel and update (as well as ceiling fans), that he was not sure when the complete remodel and update occurred because the Littles made changes and updates right along, that page 53 listed the square footage of the subject property as 821 again, that his final estimate of value was \$68,000.00 (page 56) even though he acknowledged that other property values in the neighborhood went up in value, that the signature on page 56 is his signature, and that he sent this appraisal report to Louise Burt at Liberty National Bank (Lawton).

Mr. Singley, as the Respondent, further testified that Exhibit G page 2 through page 15 was an appraisal report on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated May 25, 2008, that the square footage increased to 1,845 due to the addition of an extra bedroom, that this appraisal report dated May 25, 2008, was sent to Liberty National Bank (Lawton), that the comparable sales values increased, that the estimated value was \$125,000.00 (page 10), that he did not sign this appraisal, that there was no actual signature on this appraisal (page 10), that the photos on page 11

and 12 were from a previous appraisal of the subject property, 4015 SE 27<sup>th</sup> Street, Del City, and that the sketch on page 13 was his sketch.

The Respondent testified as to Exhibit H, the three (3) MLS Sheets (numbered as pages 12, 13 and 14) for the three (3) comparable sales that were used in the appraisal report on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated May 25, 2008, in Exhibit G. The Respondent did not dispute that the first MLS Sheet (2217 Linda Lane, Del City) numbered as page 12 lists the second (2<sup>nd</sup>) comparable (See Exhibit G, page 6) sales' square footage as being 814 (data source: Court House) as compared to the square footage for 2217 Linda Lane, Del City (Comparable Sale #2) provided in the appraisal report on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated May 25, 2008 (Exhibit G) which is listed as 1,814. The Respondent also did not dispute that the square footage listed for comparable number 3 for 4917 SE 20<sup>th</sup>, Del City, from Exhibit G (page numbered 6) provided in the appraisal report on the subject property 4015 SE 27<sup>th</sup> Street, Del City, dated May 25, 2008 (Exhibit G) is 1,891 while the third MLS Sheet numbered as page 14 lists the square footage as 891 (data source: Court House).

As to Exhibit I, identified as a Promissory Note dated May 30, 2008, in the amount of \$93,808.16, on the subject property 4015 SE 27<sup>th</sup> Street, Del City, the Respondent stated that he was not sure that he had ever seen it before.

The Respondent testified that Exhibit J included his appraisal report for the real property at 4008 Troon Street, Norman, dated February 11, 2007, pages numbered 65 to 78, that he got the square footage of 2,306 from the Homeowner Angie Little, that it was a drive-by appraisal, that his final estimated value was \$275,000.00 (Exhibit J, page 74), that he did not view the interior of the property, that he did not know if it was typical to get the square footage from a homeowner, that he did not verify the information supplied by the Homeowner Angie Little, that there had been a prior sale of \$235,000.00, that the Homeowner Angie Little told him that the prior sale was not an arms'

length transaction and that his appraisal report for the real property at 4008 Troon Street, Norman, dated February 11, 2007, contains the Appraiser's Certification (Exhibit J, page 73) that this appraisal was performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

As to Exhibit K which was a one page fax dated February 9, 2007, from the Homeowner Angie Little to Louise Burt of Liberty National Bank (Lawton), the Respondent testified that he did not tell Angie Little that his appraisal report would come in around \$295,000.00 on that date before he completed his appraisal.

As to Exhibit L, which was an appraisal on the subject property at 4008 Troon Street, Norman, dated February 14, 2007, the Respondent said that he guessed that he did do that appraisal report dated February 14, 2007, and that his final estimate of value was \$295,000.00.

The Respondent testified that Exhibit N was his appraisal report for the real property at 4008 Troon Street, Norman, dated December 15, 2007, that he did not inspect the interior, that it contained 2,650 square feet, that the Homeowner Angie Little told him that they added on to the house (increasing the square footage), that he performed no other verification that Gross Living Area (GLA) was added, that his final estimate of value was \$298,000.00 (Exhibit N, page numbered 9), that this appraisal was performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), and that the signature on page 9 was his signature.

As to Exhibit O, a Mortgage on the subject property at 4008 Troon Street, Norman, for \$285,513.00, the Respondent said that he assumes that his appraisal was used to secure the loan secured by that Mortgage.

The Respondent testified that Exhibit P contained papers from his work file that were subpoenaed by the Board, that it included his appraisal for the subject property, 4008 Troon Street, Norman, dated June 29, 2009, that he did a full appraisal, that the square footage increased to 2,776



square feet due to the room count going up (Exhibit P, page P98), that his final estimate of value was \$310,000.00 (Exhibit P, page P103), that he can't remember if his final estimate of value caused him concern, that the improvements listed only included ceiling fans (Exhibit P, page P98), and that whenever there is a conflict in his data sources, he goes by court house records over MLS data.

The Respondent testified on cross-examination by his Attorney Mike Voorhees, that his appraisal report in Exhibit G on 4015 SE 27<sup>th</sup> Street, Del City, was a "dummy report" he cloned as he was showing an unnamed buddy how to write an appraisal report, that his buddy was curious about appraisals, that he pulled it up for display as to how things worked, that he changed numbers in it, that it was never meant to be seen by anyone else, that he sent it to the Liberty National Bank (Lawton) in error, that it was not a complete appraisal, that it was not actually signed by him, that he alerted Louise Burt at Liberty National Bank (Lawton) by telephone a couple of days later after he sent the "dummy report" to Liberty National Bank (Lawton) by e-mail, that it was the wrong appraisal, that he would send the "right file" to the bank, that he did actually send a "corrected appraisal report" to Liberty National Bank (Lawton) as the lender, that he never heard anymore about it until 2011, that he had a computer crash, that everything from 2011 is gone from his computer, that he can't document what he did, that he had no interest in the property (4015 SE 27<sup>th</sup> Street, Del City), and that he was not trying to rip off the bank (Liberty National Bank (Lawton)).

As to the Norman property at 4008 Troon Street, Norman, the Respondent testified on cross-examination by his attorney that he didn't remember the appraisal report in Exhibit J with an estimate of value of \$275,000.00 for 2,306 square feet, that the Homeowner Angie Little gave him the square footage on the first appraisal he performed, that the second appraisal he performed on this property 4008 Troon Street, Norman, in Exhibit N had something added in terms of square footage up to 2,650 square feet, that he should have inquired what the something was that increased

the square footage but did not do so, that he had no financial interest in the Norman property (4008 Troon Street, Norman), that he was not trying to rip her off, that he searched hard for his work files that were subpoenaed but with the 2011 computer crash, searched hard files for everything before 2011, that he forgot about the 2009 appraisal in Exhibit P, that when he found that 2009 appraisal he turned it in to the Board, that he backs up his computer more frequently now after the crash and that he no longer does any appraisals for anyone that is a friend or that he knows.

When asked about the Del City property (4015 SE 27<sup>th</sup> Street, Del City) appraisal stating that vinyl siding was added, the Respondent said he did not think about re-measuring that property even though he knew that its measurements would have increased, that he knew that there were supposed to be renters present, but he did not do the income approach.

When asked about the Norman property (4008 Troon Street, Norman), the Respondent said it looked the same when he drove by but the measurements did change in subsequent appraisals, that he not sure why he reported a third bath and there was no third bath on his sketch or in his field notes, that he made a mistake on his value on the Norman property, and that he made a mistake not verifying Ms. Little's square footage number.

When asked about Ms. Little, the Respondent testified that he had a business relationship with Ms. Little, that he thought that she worked for a bank as a Loan officer, that Ms. Little did not say that she needed him to find a certain value, and that he met Ms. Little at a Bank 2 social function.

As to Exhibit X, the Respondent said that he contacted Brad Meyers of Liberty National Bank (Lawton) about the problem with the appraisal (i.e., the "dummy appraisal"), that he had not saved a copy of the "dummy appraisal" on his computer or otherwise, that Brad Meyers sought the "correct" appraisal from the Respondent in an e-mail dated March 5, 2011, that he identified Exhibit X as an e-mail from him to Brad Meyers of Liberty National Bank (Lawton) dated March 23, 2011,

submitting the “correct” appraisal report on 4015 SE 27<sup>th</sup> Street, Del City, to Liberty National Bank (Lawton) as the appraisal that the bank should have.

The Board Prosecutor’s fourth witness was the Homeowner Angela Little (a.k.a. Angela K. Little, Angie Little, and Angie K. Little) 4008 Troon Street, Norman, Oklahoma.

Angela Little’s Attorney, who was present for the hearing but who had entered no appearance in the case as required by Board rule, was identified as Douglas Reece Allen, Oklahoma City, Oklahoma. Mr. Allen remained in the hearing room throughout most of the Hearing, leaving only when his client Ms. Little finished her testimony.

Upon being duly sworn, Ms. Little testified that she works in Native American lending now for 1<sup>st</sup> United Bank, that she had worked in Native American lending for several other banks in the past since 1998 including Bank 2, 1<sup>st</sup> American Bank, and Wells Fargo Bank, that the Respondent was an appraiser on the bank list (which bank(s) she did not say), that she met the Respondent through an associate at work whose last name was Neely, that she still lives at the subject property 4008 Troon Street, Norman, Oklahoma, that the Gross Living Area (GLA) of her home on Troon Street increased because they converted the garage at some point, that the subject property at 4015 SE 27<sup>th</sup> Street, Del City, Oklahoma, renters off and on, that the Del City property was vacant whenever the Respondent had performed an appraisal on it and that she did not know if the Respondent knew that it did have renters off and on or not.

Ms. Little further testified that the Deed in Exhibit A, page 4 for the subject property at 4015 SE 27<sup>th</sup> Street, Del City, to her and her husband was from her mother Connie Johnson and that the sales price was \$10.00, that the transfer of the subject property at 4015 SE 27<sup>th</sup> Street, Del City, referred to in Exhibit D (foreclosure), was a transfer back to the bank (Liberty National Bank (Lawton)), that she refinanced the Del City property (4015 SE 27<sup>th</sup> Street, Del City), that she never

changed the square footage of the subject property at 4015 SE 27<sup>th</sup> Street, Del City, that its square footage was around 800 square feet and not 1,800 square feet.

Ms. Little testified that Exhibit I was her Promissory Note for \$93,808.18 that she executed, that the Del City property (4015 SE 27<sup>th</sup> Street, Del City) was the collateral, that she had no knowledge if the Singley appraisal report in Exhibit G with its \$125,000.00 estimated value was the basis for her \$93,808.18 Promissory Note (Exhibit I), that she was told that the corrected appraisal was sent to the bank (Liberty National Bank (Lawton)) but she never got a copy of it, that it was a refinance transaction that included funds in excess of the value of the collateral (4015 SE 27<sup>th</sup> Street, Del City) to purchase a boat and some home improvements, that she had a high income at the time that allowed her to borrow money in excess of the value of the collateral.

As to the Norman property (4008 Troon Street, Norman), Ms. Little testified that she knew the Respondent Mr. Singley, that they were friends but not “hangout” friends, that Exhibit K was her e-mail to her banker since 2004, Louise Burt (formerly a Vice-President of Liberty National Bank (Lawton)), that she did refinance her Norman property (4008 Troon Street, Norman), that the Mortgage in Exhibit M (page 2) bears her signature, that the Mortgage in Exhibit O is her refinance transaction of her Norman property for \$285,513.00, that page 13 bears her signature, that Exhibit R is her Promissory Note, that she thinks that she told the Respondent that they converted the garage, that there was no construction as her unnamed cousin did heat and air work, laid flooring, performed electrical work and insulated the garage. When asked about Exhibit K, Ms. Little she had spoken with the Respondent about the dollar amount expected on the appraisal a couple of days before it was completed and she was told a dollar amount verbally because she had no copy and did not know a dollar amount. Ms. Little said that she learned about the corrected appraisal report on her Del City property (4015 SE 27<sup>th</sup> Street, Del City) from Louise Burt.

On cross-examination, Ms. Little said that her Norman property (4008 Troon Street, Norman) was a refinance transaction with a different lender and that the Respondent had no interest in either her Del City or Norman property, that the Norman property has two (2) bathrooms, that there was to be a third bath but they changed their minds and got a pantry there instead, that the Del City loan was made on her credit and not based on the value of the collateral because she made good money in banking profession.

At the conclusion of her testimony, Angie Little sat in the audience beside her Attorney, Douglas Reese Allen. When Ms. Little was reminded by the Board's Hearing Counsel that the Board's rule of sequestration (OAC 600: 15-1-8), also known as the "witness exclusion rule", had been invoked and that as she was present in the hearing room and subject to being called again to testify, that she should excuse herself, her Attorney objected saying something to the effect that as she was released from her subpoena, the rule was that she could not be recalled to testify and that that was the rule. At that juncture, the Board's Hearing Counsel pointed out that the rule he was concerned about was the Board's rule of sequestration (OAC 600: 15-1-8) and that Ms. Little needed to leave whereupon Angie Little and her Attorney left the room.

Upon being duly sworn, the Board Prosecutor's fifth witness, Louise Burt, testified that she lived in Comanche, Oklahoma, that she retired from the Liberty National Bank (Lawton) in 2008, that she had worked at the bank for five years prior to her retirement, that Exhibit I is a Liberty National Bank (Lawton) document with her signature as Senior Vice-President evidencing debt as a Promissory Note in the amount of \$93,808.18, that the collateral was the property at 4015 SE 27<sup>th</sup> Street, Del City, that Exhibit G, page 4 was an appraisal report of the Respondent with an estimated value of \$125,000.00, that she would assume that it's the appraisal that was relied on to make a loan, that she never knew that there was a corrected report from that in Exhibit G, and that Exhibit N was an appraisal that she did not remember.

The Board Prosecutor's sixth (and, and as it turned out, last) witness was Christine McEntire, the Board's Director. Upon being duly sworn, Ms. McEntire testified that the Board issued a subpoena to Liberty National Bank (Lawton) for some documents, that the bank responded to the subpoena with certain documents for Angie Little for 4015 SE 27<sup>th</sup> Street, Del City, from May 2008 which were identified as Exhibit Y and which were admitted without objection, that there was no indication from the bank's records that the Liberty National Bank (Lawton) received any corrected appraisal report as asserted by the Respondent and identified Exhibit U as an e-mail the Board received from the Respondent on August 3, 2012, in response to a subpoena that the Respondent had only done a few appraisals for the Homeowner Angie Little.

While the Respondent testified as the Board's witness upon the call of the Board's Prosecutor, the Respondent did not testify again and the Respondent presented no witnesses to testify in his defense. Accordingly, the Respondent presented and introduced no exhibits into evidence. Upon being called to present his case, counsel for the Respondent made no motions and stated that the Respondent rested.

A Request for Oral Argument was filed by the Respondent, Singley. A brief in support of his Request for Oral Argument was filed; however, went beyond the scope of what is statutorily allowed. An Objection and Motion to Strike was filed by the Board Prosecutor which was granted by Assistant Attorney General, Bryan Neal, as hearing counsel pursuant to OAC 600:15-1-6 and served on all parties prior to the Board Meeting. Counsel for Respondent, Singley was present and both he and the Board's prosecutor spoke to the Board with respect to the recommended discipline of the Board.

### **JURISDICTION**

1. The Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act as set forth at Title 59 of the

Oklahoma Statutes, §§858-700, *et seq.* and to establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

2. The proceedings herein were conducted in accordance with the provisions of the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-700 *et seq.*, the Oklahoma Administrative Procedures Act, 75 O.S. §§ 301-323, and as set forth at the Oklahoma Administrative Code, §§600:15-1-1 thru 600:15-1-22.

3. The Respondent JAMES R. SINGLEY is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11922CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 9, 1998.

#### **FINDINGS OF FACT**

The Board adopts in full the Findings of the Hearing Panel and that the following Facts below were proven by clear and convincing evidence.

The Respondent JAMES R. SINGLEY is a state certified residential appraiser in the State of Oklahoma, holding certificate number 11922CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 9, 1998.

#### **4015 SE 27<sup>th</sup> Street, Del City, Oklahoma**

1. On or about the August 10, 2006, Angela Little (the “client”), hired Respondent to complete an appraisal (the “appraisal”) for a property located at 4015 SE 27<sup>th</sup> Street, Del City, Oklahoma (the “subject property”).

2. Respondent completed the appraisal report with an effective date of August 15, 2006, and transmitted the appraisal to the client. The appraisal report states that the report was completed for a refinance transaction.

3. Respondent reported that the property had 821 square feet. His final estimate of value was reported as Sixty Six Thousand and no/100 Dollars (\$66,000.00). Respondent reported that the subject had two bedrooms.

4. On or about the December 4, 2007, Angela Little (the “client”), hired Respondent a second time to complete an appraisal (the “2<sup>nd</sup> appraisal”) for the same property, located at 4015 SE 27<sup>th</sup> Street, Del City, Oklahoma (the “subject property”).

5. Respondent completed the second appraisal report with an effective date of December 6, 2007, and transmitted the appraisal to the client. The appraisal report states that the report was completed for a refinance transaction.

6. In the second appraisal, Respondent reported that the property had 821 square feet. His final estimate of value was reported as Sixty Eight Thousand and no/100 Dollars (\$68,000.00). Respondent reported that the subject had two bedrooms.

7. On or about the May 19, 2008, Angela Little (the “client”), hired Respondent a third time to complete a third appraisal (the “3<sup>rd</sup> appraisal”) for the same property, located at 4015 SE 27<sup>th</sup> Street, Del City, Oklahoma (the “subject property”). Angela Little instructed Respondent to send the report to [CBurt@PLDI.net](mailto:CBurt@PLDI.net), which according to the Board’s witness, Louise Burt, is her personal email address as the loan officer for Liberty National Bank (Lawton), who funded the loan.

8. Respondent completed the third appraisal report with an effective date of May 25, 2008, and transmitted the appraisal to the lender, Liberty National Bank. The appraisal report states that the report was completed for a refinance transaction.

9. In the third appraisal, Respondent reported that the property had 1,845 square feet. The comparables he chose were 1,937 square feet, 1,814 square feet, and 1,891 square feet. Respondent inflated the square footage for all of these three sales and also falsely reported



inflated sales prices, and falsely reported the occurrence of the third sale. His final estimate of value was reported as One Hundred Twenty Five Thousand and no/100 Dollars (\$125,000.00). Respondent reports that in the Improvements section of the third report that the subject had been completely remodeled and updated. The report was done “as is.” He also now reports the subject has three bedrooms, instead of two bedrooms as in the previous appraisals.

10. On or about May 30, 2008, a loan was made on the property for Ninety Three Thousand Eight Hundred Six Dollars and no/100 Dollars (\$93,806.18) and a mortgage was filed.

11. On or about May 19, 2011, a foreclosure action was filed on the property located at 4015 SE 27<sup>th</sup> Street, Del City, Oklahoma. Oklahoma County records show it transferred title on or about March 12, 2012, for Twenty Five Thousand and no/100 Dollars (\$25,000).

**4008 Troon Street, Norman, Oklahoma**

***October 7, 2005 Report by Rod Myers***

12. During October of 2005, Security Savings Bank (“Security”), hired Rod Myers (“Myers”) to complete an appraisal for a property located at 4008 Troon Street, Norman, Oklahoma (the “Troon property”).

13. Myers completed the appraisal report with an effective date of October 7, 2005, and transmitted the appraisal to the Security. The appraisal report states that the current owner was Heritage Fine Homes, LLC and the borrowers were Jay and Angela K. Little.

14. Myers reported that the property had 2,188 square feet. His final estimate of value was reported as Two Hundred Thirty Eight Thousand and no/100 Dollars (\$238,000.00). Meyers reported that the Troon property had four bedrooms and two baths; he also reported that the sale price was Two Hundred Thirty Five Thousand and no/100 Dollars (\$235,000.00).

***February 11, 2007 Report by Respondent***

15. During February of 2007, Liberty National Bank (Lawton) (the "Liberty"), hired Respondent to complete an appraisal on the Troon property.

16. Respondent completed the appraisal report with an effective date of February 11, 2007, and transmitted the appraisal to Liberty. The appraisal report states that the report was completed for a refinance transaction, with the borrower and owner of record being Angie Little.

17. Respondent reported that the property had 2,306 square feet, 118 more than the 2005 Myers' appraisal report. Respondent's final estimate of value was reported as Two Hundred Seventy Five Thousand and no/100 Dollars (\$275,000.00). Respondent reported that the subject had four bedrooms and three bathrooms, as opposed to two bathrooms in the 2005 report.

18. On or about April 18 2007, a Mortgage was filed on the Troon property with Cleveland County, State of Oklahoma, showing Liberty National Bank (Lawton) as the mortgagee. The Mortgage references a promissory note in the amount of Thirty Nine Thousand Eight Hundred One and 86/100 Dollars (\$39,801.86) was made on the Troon property to Angie K. Little and Jay L. Little. Evidence was introduced that contained uncontroverted portions of a different appraisal by Respondent on the Troon property with an effective date of February 11, 2007, valuing the Troon property at Two Hundred Ninety Five Thousand and no/100 Dollars (\$295,000.00) (*See Exhibit L*).

***December 15, 2007 Report by Respondent***

19. During December of 2007, Liberty, hired Respondent to complete an appraisal for the Troon property.

20. Respondent completed the appraisal report with an effective date of December 15, 2007, and transmitted the appraisal to the client. The appraisal report states that the report was completed for a refinance transaction, with the borrower and owner of record being Angie Little.

21. Respondent reported that the property now had 2,650 square feet. His final estimate of value was reported as Two Hundred Ninety Eight Thousand and no/100 Dollars (\$298,000.00). Respondent reported that the subject had four bedrooms.

22. On or about January 10, 2008, a loan for the amount of Two Hundred Eighty Five Thousand Five Hundred Thirteen and no/Dollars (\$285,513) was made on the Troon property to Angie K. Little and Jay L. Little, wife and husband, with Equity Bank, N.A. as the lender; and on January 22, 2008, a Mortgage was filed on the property with Cleveland County, State of Oklahoma (Exhibit O).

***July 4, 2009 Report by Respondent***

23. During July of 2009, Angie Little, hired Respondent to complete an appraisal for a property located at 4008 Troon Street, Norman, Oklahoma (the "Troon property").

24. Respondent completed the appraisal report with an effective date of July 4, 2009, and transmitted the appraisal to the client. The appraisal report states that the report was completed for a refinance transaction, with the borrower, lender, and owner of record being Angie Little.

25. Respondent reported that the property had 2,776 square feet. His final estimate of value was reported as Three Hundred Ten Thousand and no/100 Dollars (\$310,000.00). Respondent reported that the subject had four bedrooms and three bathrooms. The Homeowner Angie Little testified that the subject has only two bathrooms.

26. On or about August 4, 2009, a Mortgage was filed on the Troon property with Cleveland County, State of Oklahoma, showing Oklahoma Banking Corporation as the lender

and Angie K. Little and Jay L. Little as the borrowers. The Mortgage references a promissory note in the amount of Three Hundred Three Thousand Two Hundred Forty Two and 00/100 Dollars (\$303,242.00) was made on the Troon property to Angie K. Little and Jay L. Little. The promissory note was dated July 20, 2009.

27. In this report, Respondent states that he used county records as his data verification source. However, the data he reports in his sales comparison approach conflicts with the data with Cleveland County, as follows:

**Subject Property**

	<i>County</i>	<i>Respondent's Report</i>
Gross Living Area	2,150 Square feet	2,776 square feet

**Comparable one**

Sale Price	\$298,000	\$304,000
Date of Sale	June 27, 2007	2/09

**Comparable two**

Sale Price	\$300,000	\$299,900
Date of Sale	December 13, 2007	3/09
Gross Living Area	2,436 Square feet	2,518 square feet

**Comparable three**

Sale Price	\$300,000	\$312,000
Date of Sale	July 24, 2007	6/09
Gross Living Area	3,151 Square feet	3,015 square feet

**Compliance Issues With Subpoena**

28. Respondent was issued five subpoenas to produce records in this matter. He was not forthcoming in his production of his records under subpoena and withheld information until such time as such information was discovered through other sources.

**USPAP**

29. All of the reports listed above state, 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. Further, it states the Respondent had no personal interest of bias with respect to the participants in the transaction(s).

### **CONCLUSIONS OF LAW**

The Board adopts in full the Conclusions of Law as determined by the Hearing Panel below:

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

- A) The Ethics Rule and the Conduct Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule;
- B) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;
- C) Standard 1, Standards Rules 1-1, 1-2, 1-4, and 1-5; Standard 2, Standards Rules 2-1, of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

2. The 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."

3. The Respondent has violated 59 O.S. §858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

4. The Respondent has violated 59 O.S. §858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

5. The Respondent has violated 59 O.S. §858-723(C)(10): "Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a

predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment.”

6. The Respondent has violated 59 O.S. §858-723(C)(13), in that Respondent violated 59 O.S. §858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

7. The Respondent has violated 59 O.S. §858-723(C)(5): “An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person.”

### **FINAL ORDER**

**WHEREFORE**, having adopted in full the Findings of Fact and Conclusions of Law entered by the Disciplinary Hearing Panel the Board issues its Final Order as follows:

1. The Respondent James R. Singley’s Oklahoma licensure as a certified residential appraiser shall be **REVOKED** on the date that any final order is entered in this matter.

2. The Respondent James R. Singley shall be fined in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**; such fine shall be paid in accordance with and as contemplated by 59 O.S. §858-723(B).

3. The Respondent James R. Singley shall pay the costs expended by the Board for legal fees and travel costs incurred in this matter. The Board staff will provide a statement of the costs incurred to the Respondent with the final order. Costs shall be paid in accordance with 59 O.S. §858-723(B).

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 5<sup>th</sup> day of June, 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 12<sup>th</sup> day of June, 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:

**Mike Voorhees**

**7012 2210 0000 8959 6220**

**Brittany Byers**

SHELTON VOORHEES LAW GROUP  
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Oklahoma City, OK 73139

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

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