

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

In the Matter of TYLER M. COOPER and,
JIMMY H. JACKSON
Respondents.

Complaint #18-029

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board ("OREAB"), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondents TYLER M. COOPER and JIMMY H. JACKSON, by and through their attorney of record Evan Gatewood, and enter into this Consent Order pursuant to Oklahoma Statutes Title 59 §858-700, et seq. and Oklahoma Administrative Code 600:10-1-1, et seq. All sections of this order are incorporated together.

INTRODUCTION

This matter concerns two Texas appraisers. Jimmy H. Jackson ("Jackson") is an Oklahoma Certified General Appraiser holding license number 13279 CGA. He obtained his license through reciprocity. Tyler M. Cooper ("Cooper") was also, at the time of the reports subject to this proceeding, a State Licensed Appraiser in the State of Texas holding Texas license number 1350177. To complete the appraisals subject to this proceeding, Cooper obtained Temporary Practice Permits with OREAB.

AGREED FINDINGS OF FACT

1. On or about July 10, 2018, Board staff became aware that Temporary Practice Permits had been previously issued to Cooper, a licensed appraiser in the state of Texas, in which the OREAB staff incorrectly identified Cooper as a Certified General Appraiser ("CGA").

2. A review of OREAB records reflects that during a twelve-month period (June 27, 2017 to June 29, 2018), Cooper received ten Temporary Practice Permits (TPP) which were issued by OREAB with this incorrect information. An internal Board investigation revealed that an OREAB staff person incorrectly issued Temporary Practice Permit #17-135 identifying Cooper as a Certified General Appraiser. Of significance, in Cooper's Temporary Practice Permit Application with OREAB, he identified himself as a "Licensed Real Estate Appraiser" on the first TPP application and correctly provided his Texas license number. When Cooper's subsequent permit applications were received from Cooper, the OREAB staff member failed to realize the initial error, and that initial permit was used to create each of the new permits. After the 17-135 TPP application, Cooper was identified as a "Licensee."

3. Ten commercial appraisal reports were signed, prepared and delivered to Cooper's clients. Nine of the ten reports were signed by both Jackson and Cooper. The reports did not identify Cooper as a Texas State Licensed Appraiser. Instead a copy of the Temporary Practice Permit in which he was incorrectly identified as a Certified General Appraiser was attached to the reports.

4. Cooper failed to report that he was not a CGA.
5. Records subpoenaed from Cooper also reflect that inspections and valuations on three of the ten properties that were appraised under a Temporary Practice Permit were completed prior to issuance of the Temporary Permits.
6. Temporary Practice Permit #17-135 was issued on June 28, 2017. The inspection and effective date of the appraisal is June 27, 2017. Further, Cooper mistakenly signed the transmittal letter to the client identifying himself as a "Commercial Appraiser." Cooper failed to identify himself as a State Licensed Appraiser and attached a Temporary Practice Permit in which he is incorrectly identified as a Certified General Appraiser. Jackson did not sign this report. However, the appraisal report includes the Temporary Practice Permit.
7. Temporary Practice Permit #18-042 was issued on February 23, 2018. The inspection and effective date of the appraisal is February 21, 2018. However, the appraisal report includes the Temporary Practice Permit.
8. Temporary Practice Permit #18-017 was issued on January 24, 2018. The inspection and effective date of the appraisal is January 22, 2018. However, the appraisal report includes the Temporary Practice Permit.
9. Each appraisal report contains the "Experience and Qualifications" of Cooper. Under Professional Licenses and Membership, Cooper only references the Temporary Practice Permit and not his Texas credential.

10. In each of the ten instances, Cooper certified on both the Temporary Practice Permit Application and within his appraisal report, that all appraisal activity conducted by him would be, or was, performed in compliance with USPAP, Oklahoma statutes, and Board Rules. All ten reports were issued under the supervision of Jackson.

11. Jackson is a Texas based Certified General Appraiser who holds a reciprocal license in Oklahoma. Jackson signed all but one of the subject appraisals as a "Senior Managing Director," and apparent supervisor of Cooper. Jackson listed his Oklahoma Credential on these reports. He provided supervising appraiser duties on these reports referenced in this matter. Jackson signed all but the first report completed by Cooper; the one issued under Temporary Practice Permit 17-135.

AGREED CONCLUSIONS OF LAW AS TO TYLER M. COOPER

1. Cooper 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."

2. Cooper has violated 59 O.S. § 858-723(C)14: "Failing to at any time ^{properly} identify themselves according to the specific type of certification held." DM

AGREED CONCLUSIONS OF LAW AS TO JIMMY L. JACKSON

Jackson 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 Respondents, by affixing their signatures hereto, acknowledge:

1. That Respondents have been advised to seek the advice of counsel prior to signing this document.
2. That Respondents possess the following rights among others:
 - a. the right to a formal fact finding hearing before a disciplinary panel of the Board;
 - 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 Board.
3. The Respondents stipulate to the facts as set forth above and specifically waive their rights to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.
4. The Respondents consent to the entry of this Order affecting their professional practice of real estate appraising in the State of Oklahoma.
5. The Respondents agree and consent that this Consent Order shall not be used by them for purposes of defending any other action initiated by the Board regardless of the date of the appraisal.
6. All other original allegations in this matter are dismissed.

7. Respondents acknowledge this will be placed on the Board's agenda for its next monthly meeting after receipt of the executed Consent Order from Respondents, and notice for the Order's placement on that agenda is accepted.¹

8. All parties to this Consent Order have been represented by counsel.

9. This Consent Order may be executed in one or more counterparts, but all of such counterparts, taken together, shall constitute only one Consent Order. When delivered to the other party, facsimile and visual digital reproductions of original signatures shall be effective the same as if they were the originals.

10. This Consent Order shall be governed by the internal laws of the State of Oklahoma without regard to the conflict of law principles.

11. This Consent Order contains the entire agreement between the parties hereto and all provisions of this Consent Order are contractual and not a mere recital. The Parties acknowledge that no presentation or promise not expressly set forth in this Consent Order has been made by any of the Parties hereto or any of their agents, employees, representatives, or attorneys. No modification of, or amendment to, this Consent Order shall be valid unless it is in writing and signed by the Parties. In the event any portion of this Consent Order shall be declared illegal or unenforceable as a matter of law, the remainder of the Consent Order shall remain in full force and effect.

12. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understanding, discussions, negotiations, and commitments (written or oral).

¹ Currently the next 2019 Board meeting is scheduled for 9:30 a.m. on July 12, 2019,

This Consent Order may not be altered, amended, modified, supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. The undersigned Respondents agree that presentation of this Consent Order to the OREAB without the undersigned Respondents present shall not constitute an improper *ex parte* communication between the OREAB and its counsel.

15. The Parties represent and warrant to one another that each party has authority to enter into this binding Consent Order. The OREAB represents and warrants that the undersigned have full authority to execute this Consent Order on behalf of the OREAB and bind the OREAB to the terms set forth herein.

16. The Parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

17. The Parties acknowledge that they understand the provisions of this Consent Order.

CONSENT ORDER TO BE ACCEPTED OR REJECTED BY THE BOARD

The Oklahoma Real Estate Appraiser Board will not submit this Consent Order for the Board's consideration until its agreement and execution by the Respondents. It is hereby agreed between the parties that this Consent Order shall be presented to the Board with recommendation for approval of the Board at the next scheduled meeting of the Board. The Respondents understand the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal hearing on the complaint may be held. If the Board does not accept the Consent Order, it shall be regarded as null and void. Admissions by Respondents in the rejected Consent Order will not be regarded as evidence against them at the subsequent disciplinary

hearing. Respondents will be free to defend themselves and no inferences will be made from their willingness to have entered this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in the Consent Order.

- **THIS CONSENT ORDER IS NOT EFFECTIVE UNTIL ITS APPROVAL BY A MAJORITY OF THE BOARD AND THE APPROVED ORDER RECEIVES A SUBSEQUENT ENDORSEMENT ("SIGNATURE") BY A REPRESENTATIVE OF THE BOARD. THE EXECUTED ORDER IS THEN SUBJECT TO A WRITTEN ANALYSIS BY THE OKLAHOMA ATTORNEY GENERAL'S OFFICE.**

ORDER

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

1. Respondent Tyler M. Cooper shall not apply for any type of license or permit with the Oklahoma Real Estate Appraiser Board for a period of one (1) year.
2. Respondent Tyler M. Cooper shall pay an administrative fine of two thousand dollars (\$2,000), to be paid within thirty (30) days of the Consent Order.

3. Respondent Jimmy L. Jackson shall pay an administrative fine of one thousand dollars (\$1,000), to be paid within thirty (30) days of the Consent Order.

4. Failure to comply the preceding paragraphs in a timely manner will result in an instant suspension of Respondents' licenses. For good cause, an extension may be granted by the Board. An application for an Extension of Time should be filed at least ten (10) business days in advance of the Board meeting to be placed on a Board meeting agenda in advance of the deadline to comply with this Consent Order.

DISCLOSURE

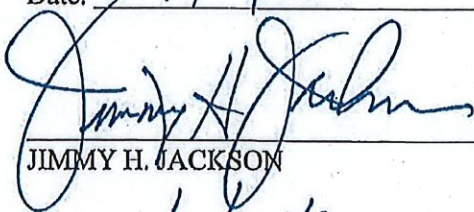
Pursuant to the Oklahoma Open Records Act, 51 O.S. §§24-A.1 — 24A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

RESPONDENTS:



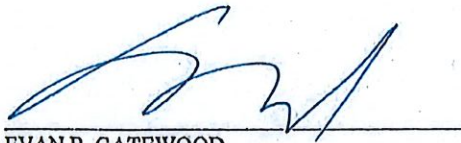
TYLER M. COOPER

Date: 7/11/2019



JIMMY H. JACKSON

Date: 7/11/2019



EVAN B. GATEWOOD
COUNSEL FOR RESPONDENTS

Date: 7/11/19

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 Respondents with regard to the violations alleged in the formal Complaint.

STEPHEN MCCALED, OBA #15649
Board Prosecutor
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

Date: _____

IT IS SO ORDERED on this _____ day of _____, 2019.

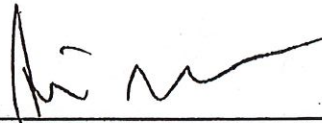
ERIC SCHOEN, Board Secretary
Oklahoma Real Estate Appraiser Board

EVAN B. GATEWOOD
COUNSEL FOR RESPONDENTS

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 Respondents with regard to the violations alleged in the formal Complaint.



STEPHEN MCCALED, OBA #15649
Board Prosecutor
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

Date: 7-12-19

IT IS SO ORDERED on this 12 day of July, 2019.



ERIC SCHOEN, Board Secretary
Oklahoma Real Estate Appraiser Board



Complaint # 18-029


BRYAN NEAL, Assistant Attorney General
and Attorney for the Board

CERTIFICATE OF MAILING

I, Kayla Dekat, hereby certify that on the 23th day of July, 2019 a true and correct copy of the above and foregoing Consent Order was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

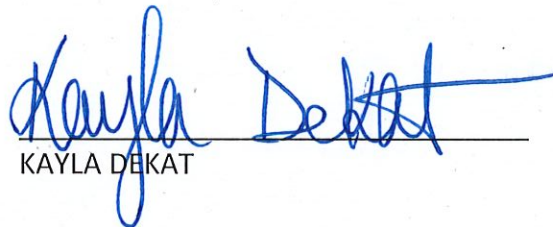
Evan B. Gatewood
HAYES MAGRINI & GATEWOOD
PO Box 60140
Oklahoma City, OK 73146

9214 8902 0982 7500 0226 59

and by First Class Mail to:

Bryan Neal, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, OK 73105

Stephen L. McCaleb
DERRYBERRY & NAIFEH
4800 N. Lincoln Boulevard
Oklahoma City, OK 73105


KAYLA DEKAT