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NOV 18 2004

Real Estate Appraiser
State of Oklahoma

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

IN THE MATTER OF Bill Williams,)
Disciplinary Hearing,)
)
Respondent.)

Case No. 01-0997-DIS
Complaint No. 01-032

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

ON THE 5th day of November, 2004, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Disciplinary Hearing Panel consisted of three members, Donald H. Justice, Bill R. Moon, and David E. Portman. Bill R. Moon was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's attorney, Assistant Attorney General Counsel Joann Stevenson. The case was prosecuted by the Oklahoma Real Estate Appraiser Board's prosecutor, Sue Wycoff. Respondent appeared by and through counsel, Eddie Jackson, after having been mailed a copy of the Recommendations of the Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, with Mr. Caesar recusing, having received the Hearing Panel's recommendations, heard arguments of counsel, and reviewed the briefs filed by Board prosecutor Wycoff and Respondent's Counsel, Eddie Jackson, makes the following Order adopting in part and rejecting in part the Hearing Panel's Recommendation:

JURISDICTION

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

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

3. That the Respondent, Bill Williams, is a State Licensed Real Estate Appraiser in the State of Oklahoma holding license number 11391SLA.

FINDINGS OF FACT

1. That on or about March 7, 2001, Respondent conducted an appraisal on the property located at 711 NE 19th Street in Oklahoma City, Oklahoma, prepared a report of that appraisal, and submitted that report to Title West Mortgage of Midwest City, Oklahoma.

2. That Respondent's real estate appraiser license had expired on November 30, 2000, and was not reinstated until May 5, 2001.

3. That in the above-referenced appraisal report Respondent described a property that had been appraised by David Atkinson, a certified real estate appraiser, in October 2000 and was the subject of a report. Mr. Atkinson testified that the condition of and damage to the property and estimated the cost to repair as approximately \$33,350.00 exclusive of the cost to deal with water standing on the basement floor, settlement cracks inside and outside the house, and possible roof leaks. Atkinson's testimony was credible and demonstrated that the subject property in fact had the deficiencies that he found in October 2000.

4. That Respondent inspected the property on March 7, 2001, for the purpose of refinancing and estimated the market value to be \$92,000 as is. Respondent's appraisal report states that some repairs were needed and estimated the total cost of repairs to be \$2,000.00.

5. Respondent's witness, Mark Shell attributed the discrepancy between Atkinson's and Respondent's values to repairs made in February and March of 2001. Mr. Shell's testimony was

not credible. It is further contradicted by evidence entered into evidence by Respondent himself. This evidence showed that respondent completed another appraisal of the subject property in November of 2000 for \$126,000. Both Respondent's November 2000 and March 2001 appraisal reports reflected virtually identical property descriptions.

6. Mr. Putnam, the Complainant, testified that his roadside view on March 14, 2001, revealed peeling exterior paint, rotted gutters and roof replacement needed. There was no evidence of any repair activity. Putnam testified that he drove by Respondent's comparable sales and that Respondent used comparable sales that were aesthetically superior to the subject property.

7. That in his report Respondent used sales of properties that were superior to the subject property and failed to make proper adjustments, resulting in an overstated value by the sales comparison approach. Respondent's report makes only minor adjustments (-\$2000 and -\$3000) to only two of the comparable sales for condition.

8. That the above-cited omissions and commissions caused Respondent to significantly misrepresent the estimated market value of the subject property.

9. That Respondent's appraisal was performed while he was not a licensed appraiser in the State of Oklahoma; and further, that Respondent's appraisal report indicates that he was a State Licensed Real Estate Appraiser, bearing license number 11391 issued by the State of Oklahoma.

CONCLUSIONS OF LAW

That such conduct by Respondent is in violation of the following:

1. 59 O.S. § 858-723(A)(5), (7), and (8);
2. 59 O.S. § 858-723(A)(6) by violation of 59 O.S. § 858-726 by violation of:
 - a. Conduct Section, Ethics Rule, USPAP 2001 Edition.

- b. Standard 1 and Standards Rules (SR) 1-1(a), 1-1(b), 1-1(c), 1-2(e)(i) and 1-5(b)(i), USPAP 2001.
 - c. Standard 2 and SR 2-1(a), 2-1(b), and 2-2(b)(iii), USPAP 2001.
3. 59 O.S. § 858-723(A)(9) by violation of 59 O.S. § 858-704(A).

ORDER

1. The Board adopts the Disciplinary Hearing Panel's Findings of Facts and Conclusions of Law as set forth above.
2. However, the Board rejects the Recommended Discipline as set forth in the Panel's Recommendations for the following reasons:
 - a. Respondent's counsel admitted in his arguments to the Board that his sole witness was not credible.
 - b. Respondent was not prejudiced by the years that intervened between the events giving rise to the complaint and the formal complaint issued by the Board, by and through its prosecutor. Three years is not a significant period of time, and, furthermore, Section 858-729 of the Oklahoma Real Estate Appraisers Act requires licensees to retain records of appraisal contracts, work papers, and supporting documents for a period of at least five (5) years for inspection by the Board.
 - c. Respondent's attempt resolve the issues with the Oklahoma Tax Commission in no way mitigates the fact that he performed appraisals while he was not licensed. Respondent certified on these reports that he was duly licensed and this was an egregious and intentional misrepresentation.
 - d. That suspension and corrective coursework are not appropriate sanctions for Respondent's misconduct, because the record does not reflect that Respondent lacked knowledge

about appropriate conduct and appraisal practice, but that he willfully and intentionally misrepresented his credentials and willfully and intentionally used superior comparable properties and failed to make proper adjustments causing Respondent to significantly misrepresent the value of the subject property.

3. Accordingly, it is the order of the Oklahoma Real Estate Appraiser Board that Mr. Williams' license be **REVOKED**.

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 5th day of November, 2004.



JIMMIE R. BURTON, ACTING VICE-CHAIRMAN



JOANNE STEVENSON, ASST ATTY GENERAL

CERTIFICATE OF MAILING

I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed postage prepaid by certified mail with return receipt requested on this 18th day of November, 2004, to:

Bill Williams
c/o Eddie Jackson
4400 Hemingway Dr., Ste 103
Oklahoma City, OK 73118

VIA CERTIFIED MAIL
7001 0320 0004 2365 1642

and that a copy was mailed via first class mail to:

Sue Wycoff, Board Prosecutor
Oklahoma Real Estate Appraiser Board
PO Box 53408
Oklahoma City, OK 73152

Joann Stevenson, Board Counsel
Assistant Attorney General
4545 N. Lincoln Blvd, Ste 260
Oklahoma City, OK 73105

A handwritten signature in black ink, appearing to read "George R. Stirman III", written over a horizontal line.

GEORGE R. STIRMAN III, Director
Oklahoma Real Estate Appraiser Board