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Complaint No. 04-060

FEB 03 2006

Real Estate Appraiser Board
State of Oklahoma

retail store or night club”; and inadequate discussion and analysis of the “Neighborhood Data”.

3. That in the Market Approach portion of his appraisal report, Respondent chose as comparable sales commercial properties located in Oklahoma City and Edmond. These properties were many miles from the subject property, were not comparable properties in comparable locations, and were all located in Oklahoma County. Respondent did not use any properties located in Enid or in Garfield County although appropriate property sales were available there.

4. That in the Market Approach portion of his appraisal report, Respondent included no description, discussion or analysis of the features, specifications, amenities, sites, neighborhoods, age or condition of the comparable sales and merely averaged their per square foot price to arrive at his notion of an appropriate per square foot price for the subject property.

5. That the use of inappropriate comparable sales, the failure to properly describe and analyze the comparable sales, and incomplete presentation and analysis of relevant data concerning the subject property resulted in Respondent presenting an incomplete appraisal report and giving an inflated and misleading valuation of the property.

AGREED CONCLUSIONS OF LAW

Based on the foregoing, the Board and Respondent agree to the following Agreed Conclusions of Law in settlement of this matter:

That Respondents’ conduct as described above violates the following provisions of law:

1. 59 O.S. § 858-723(A)(7): “Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal”

59 O.S. § 858-723(A)(8): “Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal”

59 O.S. § 858-723(A)(9): “Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act”

2. 59 O.S. §858-723(A)(6): “Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act”, by violation of:

- a. Conduct Section, Ethics Rule,
- b. Standard 1 and Standards Rules 1-1(a)(b) & (c); 1-2(e); 1-3(a); USPAP 2004
- c. Standard 2 and Standards Rules 2-1, and 2- 2(a) USPAP 2004 .
- d. Departure Rule, all as in USPAP 2003 Edition.

3. 59 O.S. § 858-723 (A).(13): "Violating any of the provisions of the code of ethics set forth in this Act", by violation of 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".

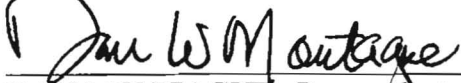
AGREED SETTLEMENT

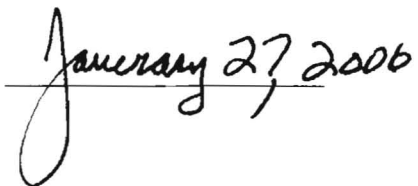
Based on the foregoing, the Board and Respondent consent to the issuance of the following Order in settlement of this matter:

1. That Respondent and the Board agree to waive any appeals of this Order, which shall constitute a final decision effective upon execution and filing with the Board;
2. That Respondent and the Board agree that Respondent's license as a Certified Residential Appraiser, Number 10438CRA, shall be suspended for a period of thirty (30) days. During this thirty day period, Respondent shall not perform or sign any appraisals or appraisal reports of any kind. The thirty day period will commence on the date the Board receives Respondent's surrendered license; Respondent shall surrender his license immediately upon receipt of this executed and filed Consent Agreement. The Board will inform Respondent of the date it receives his surrendered license. During the thirty day period the conditions set out in OAC 600:15-1-15 shall apply.
3. That Respondent and the Board agree that Respondent will immediately upon receipt of an executed and filed copy of this Consent Agreement cease to hold himself out as a commercial appraiser or declare in any way in any medium or forum that he is competent to perform commercial appraisals. PROVIDED, that if Respondent at some later time becomes trained and certified as a general appraiser, competent to perform commercial appraisals, this last agreement, contained in this paragraph, shall cease to have any force or effect.

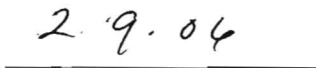
IT IS SO ORDERED on this 3rd day of February, 2006.


APPROVED BY:

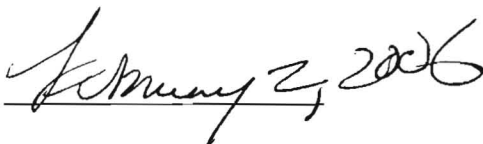

DAN MONTAGUE, Respondent

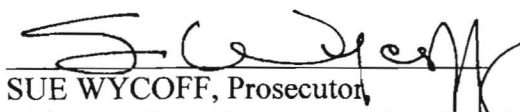

January 27, 2006

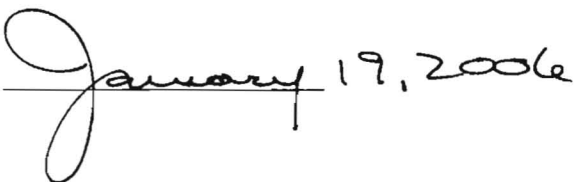

KIM HOLLAND, Chairwoman,
Oklahoma Real Estate Appraiser Board


2.9.06


JOANN STEVENSON, Asst. Attorney
General, Counsel to the
Oklahoma Real Estate Appraiser Board


February 2, 2006


SUE WYCOFF, Prosecutor,
Oklahoma Real Estate Appraiser Board


January 19, 2006

CERTIFICATE OF MAILING

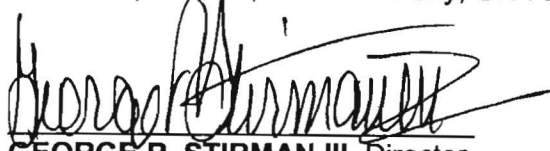
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed by certified mail, return receipt requested, on the 14th day of February 2006 to:

Dan Montague
c/o Michael D. Roberts
Roberts Law Office
PO Box 5672
Enid, OK 73701

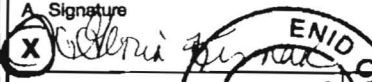
CERTIFIED NUMBER
7001 0320 0004 0219 8526

and that copies were mailed by first class mail to:

Sue Wycoff, James R. Moore & Assoc., 301 NW 63rd St, Ste 550, Oklahoma City, OK 73116
Phillip J. Isaacs, Hearing Panel Member, 120 N. Robinson, 1404 First National Center,
Oklahoma City, OK 73102;
Jay P. Pat McGlamery, Hearing Panel Member, PO Box 300044, Midwest City, OK 73140;
Dana L. Norton, Hearing Panel Member, 3501 Rolling Lane, Midwest City, OK 73110;
James A. Pratt, Alternate Panel Member, 5905 NW 52, Oklahoma City, OK 73122; and
Joann Stevenson, Asst Atty General, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.


GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board

0320 0004 0219 8526

COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Items 1, 2, and 3. Also complete Restricted Delivery is desired. name and address on the reverse can return the card to you. s card to the back of the mailpiece, front if space permits.	A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
Delivered to:	B. Received by (Printed Name) Gloria K. Hines C. Date of Delivery Feb 23 2006
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
Dan Montague Michael D. Roberts 5672 (73701-5672) ORDER 06-001	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

Number
from service label)

7001 0320 0004 0219 8526

February 2004

Domestic Return Receipt

102595-02-M-1540

ORDER 06-001