

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

IN THE MATTER OF ROGER SMITH
And KARI SLOAN,)
Respondents,)
Disciplinary Hearing) **Complaint No. 05-089**

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board, by and through the Prosecuting Attorney, Sue Wycoff, and the Respondents Roger Smith, represented by his counsel, James Matthews,, Jr., and Kari Sloan representing herself, and as evidenced by the signatures below, enter into this Consent Order in lieu of a formal administrative hearing pursuant to Oklahoma Statutes Title 59 Section 858-700 et seq. and Oklahoma Administrative Code 600:10-1-1 et seq.

AGREED FINDINGS OF FACT

For the purposes of this Consent Order, the following facts are hereby stipulated to by the parties hereto and adopted by the Board:

1. That Respondent Kari Sloan is a trainee real estate appraiser in the State of Oklahoma, holding Oklahoma Appraiser license number 90669TRA. That Respondent Roger Smith is a licensed real estate appraiser in the State of Oklahoma holding Oklahoma Appraiser license number 12083 SLA.
2. That on or about October 07, 2005, Respondent Sloan, whose business address is 608 East Vilas, Guthrie, Oklahoma, conducted an appraisal of property located at RR 2 Box 277, Meeker, Oklahoma and prepared a report of the appraisal for American Star Mortgage, 108 S. Division, Guthrie, Oklahoma.

3. That the report contained: an incomplete legal description for the property; an incorrect identification of the owner of the property; an incorrect identification of the amenities and characteristics of the property including but not limited to describing the house as built on a slab while also describing it as possessing a floor furnace and describing it as having city sewer and public gas supply when it had neither.
4. That these errors and others resulted in Respondent Sloan writing a confusing, inaccurate and misleading report.
5. That Respondent Smith signed the above appraisal report as the supervisor and indicated that he did inspect the property.
6. That by signing the report as a supervising appraiser, Respondent Smith accepted the responsibility for any errors or omissions in the report, as required by the OREAB Rules for Supervising Appraisers, and as assumed by signing an REA Form 8 and placing it on file with the Board.

AGREED CONCLUSIONS OF LAW

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause pursuant to Oklahoma law as set forth at Title 59 of the Oklahoma Statutes, Sections 858-701 et seq. and the Rules of the Real Estate Appraiser Board at OAC 600:10-1-1 et seq.
2. That the Respondents were properly notified of the charges and of their right to counsel and that Kari Sloan hereby expressly waives her right to counsel.
3. That the Respondents hereby expressly waive any objections to the timeliness of the Notice, the specificity of the statement of charges, and the procedures of the Board.
4. That the Findings of Fact stipulated to by the Respondents constitute violations of the Statutes and Rules Governing Real Estate Appraisers, specifically: 59 O.S. § 858-

723(A)(7),(8),(9) and (13), 59 O.S. § 858-723(A)(6) by violation of Ethics Rule, Conduct Section USPAP 2005 Edition, Competency Rule, USPAP 2005 Edition, Standard 1 and Standards Rules 1-1(a), 1-1(b), 1-1(c) and 1-2(e)(1) & (4), Standard 2 and Standards Rules 2-1(a) & (b) as well as 59 O.S. § 858-732 A.1.

CONSENT AGREEMENT

The Respondents, by affixing their signatures hereto, acknowledge that:

1. Respondents have been advised to seek the advice of counsel prior to signing this document, and
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 them; 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 right 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.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law:

1. Respondent Kari B. Sloan hereby agrees that this Consent Order is a Public Reprimand entered against her trainee credential, 90669TRA, by the Board;
2. Respondent Sloan hereby agrees that she will successfully complete the following course within ninety (90) days: a thirty (30) hour tested course in Practices of Real Estate Appraisal taken from one of the sponsoring organizations of The Appraisal Foundation. Identification of the sponsoring organizations may be located at The Appraisal Foundation website, www.appraisalfoundation.org. In the event the course is not available within ninety (90) days, the Board's Director may grant an extension not to exceed ninety (90) days upon request from Respondent Sloan.
3. Respondent Roger L. Smith hereby agrees that this Consent Order is a Public Reprimand entered against his credential, 12083SLA, by the Board.

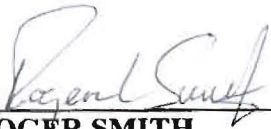
DISCLOSURE

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.

FUTURE VIOLATIONS

In the event the Respondents fail to comply with any of the terms and conditions of this Consent Order, the Board reserves the right to prosecute Respondents for the violations contained in the Formal Complaint as well as any further actions.

RESPONDENTS:



ROGER SMITH

10/5/06

DATE



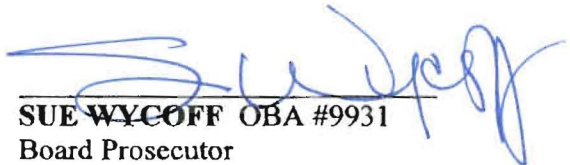
KARI SLOAN

10/5/06

DATE

CERTIFICATION 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 Notice of Hearing.

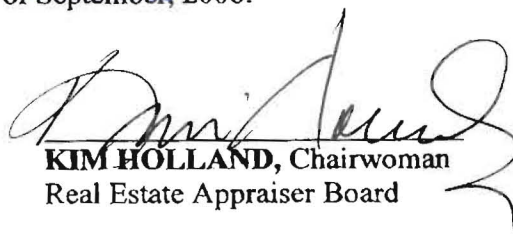


SUE WYCOFF OBA #9931
Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152

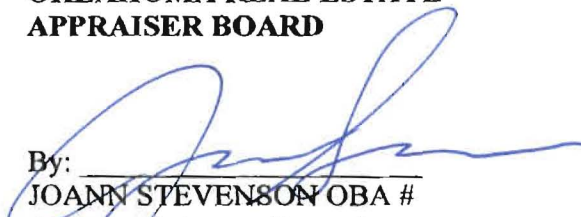
10/5/06

DATE

IT IS SO ORDERED on this 9TH day of ~~September~~ ^{OCTOBER}, 2006. 


KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: 
JOANN STEVENSON OBA #
Assistant Attorney General
Attorney for the Board
2401 NW 23rd. Street, Suite 28
Oklahoma City OK 73152

Rev. 9/28/06

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 10th day of October, 2006 to:

Roger L. Smith
c/o James S. Matthews Jr.
3524 NW 50th St
Oklahoma City, OK 73112, and

VIA CERTIFIED MAIL
7006 0810 0002 6164 4670

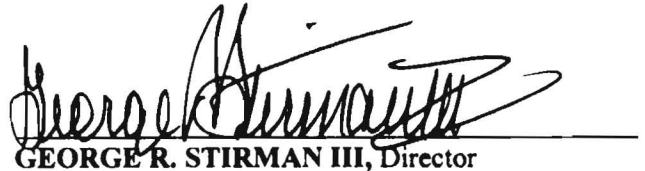
Kari B. Sloan
511 E. Washington Ave
Guthrie, OK 73044;

VIA CERTIFIED MAIL
7006 0810 0002 6164 4662

and that copies were mailed via first class mail to:

Joann Stevenson, Asst Atty General, 4545 N. Lincoln Blvd, Ste 260, Okla. City, OK 73105;
Moore and Vernier, Attn: Sue Wycoff, Board Prosecutor, 301 NW 63rd St, Ste 550, Oklahoma City, OK 73105;

Albert A. Wooldridge, Hearing Panel Member, 1707 W. Broadway, Altus, OK 73521;
Connie S. Burk, Hearing Panel Member, 100 USDA, Ste 102, Stillwater, OK 74074;
Rick L. Carlile, Hearing Panel Member, 4407 Briarwood, Enid, Oklahoma 73703;
Robert J. Dunkle, Alternate Panel Member, 1600 E. 126th St N, Skiatook, OK 74070; and
Bill R. Moon, 1025 E. 18th St, Ada, OK 74820



GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board
PO Box 53408, Oklahoma City, OK 73152
2401 NW 23rd St, Oklahoma City, OK 73107
(405) 521-6636
reab@insuranc

7006 0100 0000 9939 46
7006 0810 0002 6164 46

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input type="checkbox"/> A <input checked="" type="checkbox"/> B. Received by (Printed Name) <input type="checkbox"/> A C. Date of Delivery <input type="checkbox"/> A	
1. Article Addressed to: Roger L. Smith c/o James S. Matthews Jr. 3524 NW 50th St Oklahoma City, OK 73112 ORDER 06-011 REAB		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> If YES, enter delivery address below: <input type="checkbox"/>	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/>	
2. Article Number		7006 0810 0002 6164 4670	