

2. The OREAB has promulgated rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act in regard to disciplinary proceedings as set forth at the Oklahoma Administrative Code, §§600:15-1-1 thru 600:15-1-22, including administrative hearings.

3. The Respondent KEVIN G. PIXLEY is a certified residential appraiser in the State of Oklahoma, holding certificate number 12534CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on September 30, 2002.

FINAL ORDER

WHEREFORE, the Board hereby accepts the Affidavit of Voluntary Surrender in Lieu of Disciplinary Proceedings under the terms and conditions set forth by Paragraph 1-17, inclusive, of the Affidavit of the Respondent, Kevin G. Pixley, evidencing his knowledge and voluntary surrender of his appraiser credential in lieu of disciplinary proceedings by the Board.

IT IS SO ORDERED on this 5TH day of April, 2019



ERIC SCHOEN, Administrative Officer Date
Real Estate Appraiser Board

4-11-2019



BRYAN NEAL
Assistant Attorney General and
Attorney for the Board

4/9/19
Date



CERTIFICATE OF MAILING

I, Kayla Dekat, hereby certify that on the 1st day of May, 2019 a true and correct copy of the above and foregoing Board Order was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

Kevin G. Pixley

PO Box 1209

Van Buren, AR 72957-1209

9214 8902 0982 7500 0200 20

Kevin Holmes

HOPKINS & HOLMES

402 E. Main Street

Van Buren, AR 72956

9214 8902 0982 7500 0200 37

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



**STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD**

Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408

**AFFIDAVIT OF VOLUNTARY SURRENDER OF APPRAISER CREDENTIAL
IN LIEU OF DISCIPLINARY PROCEEDINGS**

I, Kevin G. Pixley, being of lawful age, swear and affirm under penalty of perjury, that:
(Print full name of individual surrendering credential)

1. I hold an appraiser credential as a (check the appropriate box and enter certificate or license number):

 Certified Residential Appraiser, credential # 12534CRA;
2. I desire to surrender my appraisal credential.
3. I am freely and voluntarily surrendering my appraisal credential.
4. In surrendering my credential, I am not subject to any duress or coercion.
5. I am aware that following grievance(s), investigation(s), and/or board complaint(s) are pending against me (please enter grievance, complaint, and/or control number(s); if there are more than 18 pending matters, complete another affidavit):

1. 18-013
6. The contents of the above grievance(s), investigation(s), and/or board complaint(s) and the contents of any investigative or disciplinary files of the above pending grievance(s), investigation(s), and/or board complaint(s) are incorporated herein by reference.
7. I am aware that the allegations set forth in the above pending grievance(s), investigation(s), and/or board complaint(s), if proven, would constitute violations of the Oklahoma Real Estate Appraiser Act and/or the rules promulgated pursuant thereto, for which I could subject to be discipline by the Board, up to and including revocation of my appraiser credential.
8. I am fully aware of my rights to contest the allegations pending against me. These rights include: representation by an attorney at my own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify against me; the right to present evidence on my own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on my own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of a complaint and the right to obtain judicial review of the Board's decision. In exchange for the Board's acceptance of the surrender of my appraiser credential, I voluntarily waive all of these rights.

EXHIBIT

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9. I am aware that surrender of my credential shall not become effective until it has been approved by a majority of the Board.
10. I acknowledge this affidavit shall be presented to the Board with a recommendation from Board staff at the next available scheduled meeting of the Board.
11. I understand that the Board is free to accept or reject my surrender of my credential and, if rejected by the Board, a formal disciplinary hearing on the above pending matters may be held.
12. I understand that if the surrender is not accepted by the Board, it shall be regarded as null and void. Any admissions I make in this affidavit will not be regarded as evidence against me in the subsequent disciplinary hearing. I will be free to defend myself and no inferences will be made from my willingness to submit this affidavit.
13. I understand and agree that neither the presentation of this affidavit nor the Board's consideration of this affidavit 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 this affidavit.
14. I understand and agree that should the Board accept my surrender of my appraiser credential that:
 - * I cannot be identified as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser;
 - * All reference(s) to certification/licensure must be immediately removed from all letterheads, business cards, appraisal report covers and other printed materials under my reasonable control; and
15. My real estate appraiser credential and pocket card are attached hereto.
16. I understand and agree that should the Board accept my surrender of my appraiser credential, I cannot and will not apply for reinstatement for a period of at least five (5) years.
17. I further state that (check one):

I do hold a license, certificate or credential as an appraiser in the following jurisdiction(s) [LIST ALL JURISDICTIONS]:

Arkansas CR1991
Jurisdiction and Certificate or License Number

FURTHER AFFIANT SAYETH NOT.

Signed: *[Signature]*
(Signature of individual surrendering credential)

STATE OF Arkansas
COUNTY OF Crawford } ss.

Subscribed and sworn to before me this 29 day of March, 2019.

[Signature]
Notary Public

My Commission expires:

1-12-2021

My Commission Number is:

12699793





OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

RECEIVED
OKLAHOMA INSURANCE DEPT.
APR 29 2019
Real Estate Appraiser Board

ATTORNEY GENERAL OPINION
2019-201A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
3625 N.W. 56th St., Ste. 100
Oklahoma City, OK 73112

April 29, 2019

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Real Estate Appraiser Board intends to take with respect to licensee 12534CRA. The licensee allowed a third party to inspect a property for him, but attested that he personally inspected the property in the appraisal report. The licensee has requested to surrender the license in lieu of disciplinary proceedings. The Board proposes to accept the surrender.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Board "[t]o censure, suspend and revoke certificates pursuant to the disciplinary proceedings provided in [the Act,]" *see* 59 O.S.Supp.2018, § 858-706(7), and to require payment of fines and costs and the completion of educational programs. *Id.* § 858-723(A)(7)-(9). The Board may discipline licensees who "[v]iolat[e] any of the provisions in the code of ethics set forth in [the] Act." *Id.* § 858-723(C)(13). The Act requires adherence to the USPAP, which contains professional requirements pertaining to ethics, competency, and scope of work. 59 O.S.2011, § 858-726. The Board may reasonably believe that the proposed action is necessary to prevent future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Appraiser Board has adequate support for the conclusion that this action advances the State's policy to uphold standards of competency and professionalism among real estate appraisers.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL