# BEFORE THE REAL ESTATE APPRAISER BOARD STATE OF OKLAHOMA

IN THE MATTER OF PEGGY S. THOMPSON ) COMPLAINT NO. 07-066 Trainee Appraiser, 90724TRA )

## **BOARD ORDER**

This matter comes on for hearing before the Oklahoma Real Estate Appraiser Board on the 9th day of January, 2009 at the Oklahoma Insurance Department. The Board is represented by Prosecutor, Sue Wycoff, and is advised by Bryan Neal, Assistant Attorney General. Peggy Thompson appears in person, and is represented by counsel, John Alberts.

The Board, after hearing oral argument, and upon review of the file and considering all evidence and argument, and being fully advised thereto, enters the following Findings of Fact and Conclusions of Law:

This Order is issued pursuant to the Oklahoma Real Estate Appraiser Act, Title 59 Section 858-700 *et seq.* of the Oklahoma Statutes.

### FINDINGS OF FACT

After hearing all the evidence presented and upon due consideration thereof, the Board finds by clear and convincing evidence that:

- Proper notice of this hearing has been served on Respondent as required by law.
- 2. Respondent is licensed as a Trainee Appraiser in the State of Oklahoma, holding credential 90724TRA.
- 3. On November 7, 2008 the Board entered Order No. 08-031, thereby adopting the Hearing Panel Recommendation in Complaint No. 07-066, which ordered the following actions to be taken against Ms. Thompson's credential:
  - A. She be suspended from appraisal practice for thirty (30) days from the date of a final order issued by the Board adopting this

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recommendation. This suspension shall be carried out in accordance with the provisions of OAC 600:15-1-15.

- B. She successfully complete the 15-hour National USPAP course and the Appraisal Institute's 8-hour Business Ethics course approved by the Board as Course #776. None of the hours may be credited as continuing education credit or credit toward licensure upgrade. Furthermore, none of the courses may be completed online or through any other distance-learning medium. Courses so ordered must be completed and certificates of course completion furnished to the administrative office of the Board before the suspension ordered in paragraph 1, above, may be lifted.
- C. She be assessed a fine of \$500.00.
- 4. The Board rules adopted in the Oklahoma Administrative Code as OAC 600:15-1-15(a)(2) states that: "Promptly following the final order of suspension, the suspended appraiser shall return his/her license or certificate to the Board."
- 5. 59 O.S. Section 858-723(B)(2) states: "All administrative fines shall be paid within thirty (30) days of notification of the certificate holder by the Board of the order of the Board imposing the administrative fine, unless the certificate holder has entered into an agreement with the Board extending the period for payment and 59 O.S. Section 858-723(B)(4) states: "Unless the certificate holder has entered into an agreement with the Board extending the period for payment, If fines are not paid in full by the licensee within thirty (30) days of the notification by the Board of the order, the fines shall double and the certificate holder shall have an additional thirty-day period. If the double fine is not paid within the additional thirty-day period, the certificate shall automatically be revoked."
- 6. On December 3, 2008 a Notice to Appear and Order to Show Cause was issued by the Real Estate Appraiser Board for alleged violations by Respondent of this Order by failure to timely surrender her appraisal credential.

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7. This Order constitutes formal disciplinary action.

### CONCLUSIONS OF LAW

The Board has jurisdiction to hear this matter pursuant to Title 59 Sections 858-700 et seq. of the Oklahoma Statutes.

The Board concludes that Respondent has violated an Order of the Board, in violation of the Real Estate Appraiser Act, and that such is grounds to deny, suspend or revoke Respondent's license and to impose an administrative penalty as provided at Title 59 Section 858-723A and OAC Section 600:15-1-14 of the Rules promulgated by the Real Estate Appraiser Board. The Board further concludes that Respondent's license shall be disciplined as set forth in the Order below.

#### ORDER

IT IS THEREFORE ORDERED by the Oklahoma Real Estate Appraiser Board that Ms. Thompson's appraisal credential is to be turned over to the administrative office staff of the Board on or before Friday, January 16, 2009, to begin her thirty (30) day suspension, or her credential will be revoked.

IT IS FURTHER ORDERED by the Oklahoma Real Estate Appraiser Board that Ms. Thompson's double-fine of \$1,000.00 is to be paid on or before Friday, January 16, 2009 or her credential will be revoked.

IT IS SO ORDERED on this 30

day of January, 2009

KIM HOLLAND, Chairwoman Real Estate Appraiser Board

YAN NEÁL, OBÁ NO. 6590 Assistant Attorney General

313 N.E. 21st Street

Oklahoma City, OK 73105

(405) 522-4414

### CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Board Order was mailed by certified mail, return receipt requested, on this <u>30</u> day of January, 2009 as follows:

Peggy Thompson 1004 Regal Road Yukon, Oklahoma 73099 **CERTIFIED NUMBER** 7001 0320 0004 0179 5238

Peggy Thompson c/o John Alberts Alberts & Rolke One Leadership Square 211 N. Robinson, Suite 304 Oklahoma City, OK 73102

and by First Class Mail to

7001 0320 0004 0179 5245

OFFICE OF THE ATTORNEY GENERAL

Attn: Bryan Neal 313 N.E. 21<sup>st</sup> Street Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP

Attn: Stephen McCaleb 4800 North Lincoln Blvd. Oklahoma City, Oklahoma 73105

OKLAHOMA DEPARTMENT OF CONSUMER CREDIT

4545 North Lincoln Boulevard, Suite 104 Oklahoma City, Oklahoma 73105

Christine McEntire, Legal Secretary

Real Estate Appraiser Board