

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

IN THE MATTER OF **REBECCA D. SEELEY**)

Respondent,)

) Complaint No. 08-047

Disciplinary Hearing)

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent Rebecca D. Seeley, representing herself, and 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 and adopted by the Board:

1. That Respondent Rebecca D. Seeley is a State Licensed Real Estate Appraiser in the State of Oklahoma holding credential number 11776SLA issued by the OREAB and was first licensed on December 5, 1997.
2. That on or about August 29, 2003, Respondent appraised a property located at 20559 E. County Road 156, in Blair, Jackson County, Oklahoma, and prepared a report of that appraisal.
3. That Respondent overlooked comparable properties available and instead chose comparables that were by and large, farther away from the subject and were superior to the subject.

4. That Respondent's appraisal report states that the subject was purchased in January, 2002, for \$98,500.00.

5. That Respondent values the subject at \$148,500.00 eighteen months later with no explanation of why the house would have increased in value by more than 50% in such a short period of time, particularly as Respondent's report also states that property values are stable in the area.

6. That Respondent's appraisal report contains internal inconsistencies and insufficient information to justify her valuation.

7. That these and other errors resulted in the Respondent overvaluing the subject property and creating a misleading appraisal report.

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 Respondent was properly notified of the complaint and of her right to counsel.

3. That the Respondent hereby expressly waives any objections to the timeliness of the notification of the Complaint, the specificity of the charge, and the procedures of the Board.

4. That the Findings of Fact stipulated to by the Respondent constitute violations of the Statutes and Rules Governing Real Estate Appraisers, specifically,

a. 59 O.S. § 858-723(A)(7), (8) and (9);

b. 59 O.S. §858-723(A)(6) by violation of:

i. Record Keeping Section, Ethics Rule and Competency Rule, USPAP 2003 Edition;

ii. Standard 1 and Standards Rules 1-1(b), 1-1(c), 1-2(e)(i), 1-4(a), USPAP 2003 Edition;

iii. Standard 2 and Standards Rules 2-1(a), 2-1(b), 2-2(b)iii, USPAP 2003 Edition.

5. That Respondent has been previously disciplined by the Board in Complaint No. 02-094, which was resolved by a Consent Order, Order No. 04-002.

6. That in the event subsequent disciplinary action is instituted by the Board against Respondent's license, no Consent resolution of the matter will be permitted unless that resolution includes the surrender of Respondent's credential for a specified period of time.

CONSENT AGREEMENT

The Respondent, by affixing her signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document, and

2. That Respondent possesses 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 her; and

f. the right to obtain judicial review of the final decision of the Board.

3. The Respondent stipulates to the facts as set forth above and specifically waives her right to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.

4. The Respondent consents to the entry of this Order affecting her 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 it is ordered that:

1. Respondent, Rebecca Seeley, will be on probation for a period of twelve months beginning on the date of her receipt of a properly executed copy of this Order;

2. During that twelve month period, Respondent will submit to the Board's administrative office every month, by no later than the 5th calendar day of the month, a complete log of her appraisal assignments completed during the prior month;

3. The Board or its designee(s) may select any assignment(s) listed on the log to review and Respondent will, within five working days after receipt of the request, tender the work file to the Board's administrative office;

4. If any of the submitted files are found to be not in compliance with USPAP, the Board will take further action as it deems appropriate up to and including revocation of Respondent's license upon notice to Respondent.

5. Within the twelve month probation period, Respondent will successfully complete the following courses: #600 – National USPAP Course; #611 – Residential Market Analysis and Highest and Best Use; #612 – Residential Appraiser Site Valuation and Cost Approach; # 613 – Residential Sales Comparison and Income Approaches; and #614 – Residential Report Writing and Case Studies. All of these courses must be tested, must be provided by one of the

sponsoring organizations of the Appraisal Foundation, and must be live courses, attended in-person by respondent (not distance and/or correspondence courses). Courses taken to satisfy the above requirement may not be used by Respondent to satisfy continuing education requirements for renewal of her credential.

6. Respondent will pay a two thousand dollar (\$2,000.00) administrative fine and costs of this action in the amount of one thousand, one hundred fifty seven dollars (\$1,157.00). Payment of this administrative fine and costs will be in the manner specified by 59 O.S. §858.723 (B)(2) and (B)(4), and the Board hereby agrees to extend the statutory thirty (30) day initial period for payment to sixty (60) days.

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 Respondent fails to comply with any of the terms and conditions of this Consent Order, Respondent will be directed to show cause why her credential should not be revoked.

RESPONDENT:


REBECCA D. SEELEY

01/23/09
DATE

CERTIFICATION OF BOARD PROSECUTING ATTORNEY

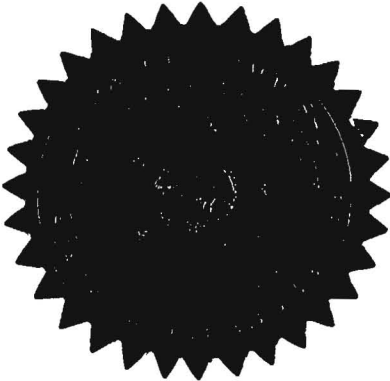
I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.



SUE WYCOFF OBA #9931

Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152

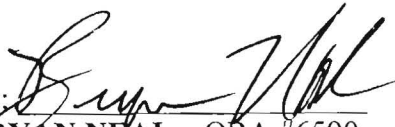
1/23/09
DATE

IT IS SO ORDERED on this 13 day of February, 2009.




KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: 
BRYAN NEAL, OBA #6590
Assistant Attorney General
Attorney for the Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed postage prepaid by certified mail with return receipt requested on this 17th day of February, 2009 to:

Rebecca Seeley
1815 Duxsford Court
Edmond, Oklahoma 73034

Certified Mail Receipt
7002 2410 0001 7592 9407

and that copies were mailed to:

OFFICE OF THE ATTORNEY GENERAL

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

MOORE & VERNIER

Attn: Sue Wycoff
301 N.W. Expressway, Suite 550
Oklahoma City, OK 73116

A handwritten signature in cursive script, appearing to read 'Christine McEntire', written over a horizontal line.

Christine McEntire