

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

IN THE MATTER OF **RONALD E. BURK**,)
Respondent,)
)
Disciplinary Hearing)

Complaint No. 08-006

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board, by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent Ronald E. Burk, representing himself, 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 Ronald E. Burk is a State Certified Residential Real Estate Appraiser in the State of Oklahoma holding credential number 12474CRA issued by the Oklahoma Real Estate Appraiser Board and was first credentialed on June 18, 2001.
2. That on or about November 26, 2004, Respondent appraised a property located at 1316 South Trenton Avenue, Tulsa, Oklahoma, and prepared a report of that appraisal.
3. That Respondent's report provided only generic information in the neighborhood section that provided no sense of what the neighborhood is actually like.
4. That Respondent did not define the neighborhood boundaries in the text of his report, merely directed the reader to the map. However, the boundaries were not delineated on the map, either.

5. That Respondent's chosen comparables appeared to be larger and of higher quality than the subject. Some were chosen from a different neighborhood, which, while technically within Respondent's selected square mile, typically had homes of higher value.

6. That Respondent did not explain how he measured the slope-ceilinged upstairs rooms, nor did he state whether the area was an attic conversion or as originally built.

7. In the addendum to his report, Respondent stated that his comparables were chosen based on "age, appeal, and similar marketability", with no explanation of what he meant by marketability or how he arrived at the conclusion the comparables were of similar marketability to the subject.

8. Although the subject's actual age is 84 years, Respondent gave it an effective age of 25 years, with no explanation of why this would be justified, and no notation of any need for maintenance or improvements.

9. Respondent's work file was not in compliance with the Record Keeping Section, of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice.

10. These and other errors resulted in the Respondent creating an appraisal report that is vague, 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 his 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).

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

i. Record Keeping Section, Ethics Rule and Competency Rule, USPAP 2004 Edition.

ii. Standard 1 and Standards Rules 1-1(b), 1-1(c), 1-2(e)(i), and 1-4(a); USPAP 2004 Edition.

iii. Standard 2 and Standards Rules 2-1(a), 2-1(b), 2-2(b)iii, and 2-2(b)(viii); USPAP 2004 Edition.

5. That Respondent has been previously disciplined by the Board in Complaint number 06-040, which was resolved by a Consent Order memorialized as Order 08-002.

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 his 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 his 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 his 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 Ronald Burk will be on probation for a period of twelve months beginning on the date of his 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 his appraisal assignments completed during the prior month;

3. The Board or its designee(s) may select any assignments on REA Form 7 listed on the log for review and Respondent will, within five working days after receipt of the request, tender the workfile to the Board's administrative office;

4. If any of these 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 and will provide proof of successful completion to the Board office: REAB Course #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 his 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, four hundred eighty two dollars (\$1,482.00). 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 his credential should not be revoked.

RESPONDENT:



RONALD E. BURK

1-26-09
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.

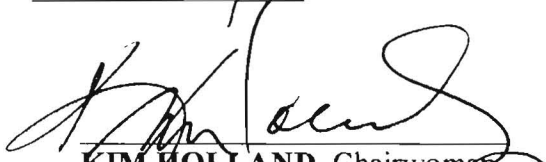


SUE WYCOFF OBA #9931
Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152

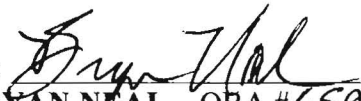
2/19/09
DATE

IT IS SO ORDERED on this 26 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 27th day of February, 2009 to:

Ronald E. Burk
4917 S.E. 55th Street
Oklahoma City, Oklahoma 73135

Certified Mail Return Receipt
7008 3230 0000 8455 0089

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. 63rd Street, Suite 550
Oklahoma City, Oklahoma 73116


Christine McEntire