

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

IN THE MATTER OF **W. ROB HARN** and,)
D. GEOFFREY MONICAL,)
RESPONDENTS,)

Case Nos. 06-063
06-064
06-065
06-066
06-067
06-068 ✓
06-069
06-070
06-071
06-072
06-073
06-074
06-075
06-076
06-077
06-078

CONSENT ORDER

COME NOW the Oklahoma Real Estate Appraiser Board, by and through the Board Prosecutor, Sue Wycoff, and the Respondent, Geoffrey Monical, represented by Brian Mitchell, and as evidenced by the signatures below, enter into this Consent Order in resolution of the formal administrative hearing in Case Number 06-063 and in lieu of formal administrative hearings in the remaining cases listed above.

The Respondent Monical and the Board agree to the following Agreed Findings of Fact, Conclusions of Law and Agreed Settlement. The Respondent has been advised of his rights to contest the allegations against him, to cross-examine witnesses, and to present witnesses and evidence in his defense. The Respondent hereby knowingly and voluntarily waives those rights.

AGREED FINDINGS OF FACT

The Board and Respondent Monical agree to the following Agreed Findings of Fact in settlement of this matter:

1. That from June, 2004 until July, 2006, Respondent Rob Harn was a trainee appraiser and Respondent Geoffrey Monical was his supervisor.
2. That in February, 2006, Respondent Harn performed appraisals and prepared appraisal reports on sixteen separate properties in and around Tulsa, Oklahoma.
3. That the reports were deficient in that they contained numerous errors and omissions that were designed to and did result in grossly inflated values for the subject properties, all as part of a scheme to inflate the value of the properties to aid others in fraud.
4. That Respondent Harn signed the appraisal reports as a trainee and also affixed Respondent Monical's electronic signature to the reports.
5. That Respondent Monical had made his electronic signature available to Respondent Harn in such a manner that Respondent Harn could affix Monical's electronic signature to documents without Monical's knowledge.
6. That Respondent Monical, in fact, knew nothing of the appraisal reports on the sixteen properties and did not give Harn permission to affix his signature to those reports.
7. That Respondent Monical failed to safeguard his electronic signature.

AGREED CONCLUSIONS OF LAW

Based on the foregoing, the Board and Respondent Monical agree to the following Conclusions of Law in settlement of this matter:

That Respondent Monical's conduct as described above violates the following provisions of law:

1. 59 O.S. § 858-723(A)(9), "willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act", by violating 59 O.S. § 858-726, which requires compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). The USPAP provides that a signature may be in electronic/digital format "where the appraiser has **sole personal control** of affixing the signature". USPAP, 2005 Edition, Def. (bold added).

2. 59 O.S. § 858-723(A)(13), "violating any of the provisions in the code of ethics set forth in this act",

3. Oklahoma Administrative Code 600:10-1-16(d)(4), "A supervisory appraiser shall accept responsibility for training and supervision of the Trainee Appraiser...".

4. Oklahoma Administrative Code 600:10-1-16(e), "A supervisory appraiser shall accept responsibility for a Trainee Appraiser's appraisal reports by signing each report and certifying that the report is in compliance with the Uniform Standards".

CONSENT

Respondent Monical, by affixing his signature hereto, acknowledges that:

1. He has been advised to seek the advice of counsel prior to signing this document; and
2. He has the following rights, among others:
 - a. the right to a formal fact finding hearing before a hearing panel;
 - b. the right to 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 him; and
 - f. the right to obtain judicial review of the Board's decision.
3. The Respondent waives all such rights to a formal hearing and to obtain judicial review by means of appeal of this Consent Order;
4. 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
5. The Respondent consents to the entry of this Order.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, the Board and Respondent consent to the issuance of the following Order in settlement of this matter:

1. Respondent Monical is found to be in violation of the provisions of 59 O.S. §§ 858-723(A)(9), 858-726, 858-723(A)(13), and OAC 600:10-1-16(d)(4) and OAC 600:10-1016(e), by permitting his trainee unsupervised access to his electronic signature.

2. Respondent Monical is hereby publicly reprimanded and is directed henceforth not to allow his trainees unfettered access to his electronic signature.

3. Respondent Monical is hereby directed to provide to the Board or its designee, within thirty days of the date of this Consent Order, five (5) appraisal reports prepared by Respondent Harn other than reports that are the subject of these complaints, and five (5) appraisal reports of his newest trainees. These reports will be reviewed by the Board or its designee to confirm appropriate supervision. Respondent Monical's authority to act as a supervisor for trainee appraisers is hereby held in abeyance until the submitted appraisal reports are favorably reviewed. In the event the submitted reports are not favorably reviewed, Respondent Monical's authority to act as a supervisor to trainees will be suspended.

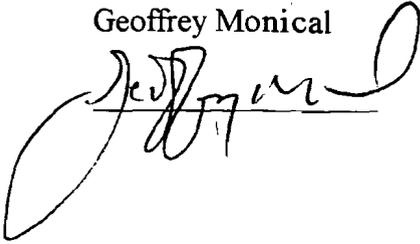
4. Respondent Monical is hereby directed to notify his current trainees that as of the date of this Consent Order, their trainee/supervisor relationship is terminated until Respondent Monical submits and the Board favorable reviews the ten (10) appraisal reports. Respondent Monical will submit to the Board within fifteen (15) days of entry of this Consent Order documentation that he has so notified his trainees.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. § 24-A.1 through 24-A.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.

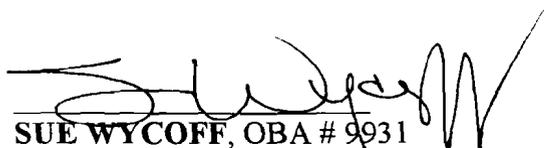
RESPONDENT:

Geoffrey Monical



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 as alleged in the Complaint.



SUE WYCOFF, OBA # 9931
Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd. Street, Suite 28
P.O. Box 53408
Oklahoma City, OK 73152

ORDER OF THE BOARD

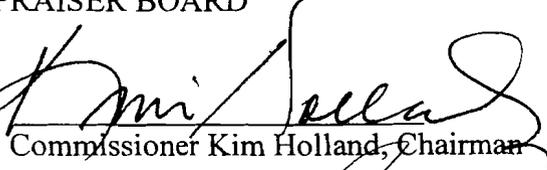
Now on this 2ND day of MARCH, 2007, Respondent Monical has admitted voluntarily, with knowledge of his rights under law, the allegations contained in this Consent Order. It appears that the foregoing Consent Order is just and equitable in order to safeguard life, health, and property, and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that the Respondents' stipulations above are accepted and the above Consent Order incorporated herein shall be the order of the Oklahoma Real Estate Appraiser Board.

Dated this 2ND day of MARCH, 2007.

OKLAHOMA REAL ESTATE
APPRAISER BOARD

By:


Commissioner Kim Holland, Chairman


Joann Stevenson

Counsel for Real Estate Appraiser Board

CERTIFICATE OF MAILING

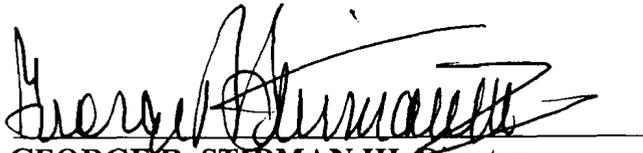
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed by certified mail, return receipt requested, on the 8th day of March, 2007 to:

D. Geoffrey Monical
c/o Brian L. Mitchell
Glass Law Firm
1515 S. Utica, Ste 250
Tulsa, OK 74104;

**VIA CERTIFIED MAIL
7001 0320 0004 0184 7777**

and that copies were mailed by first class mail to:

David W. Atkinson, Hearing Panel Member, PO Box 30156, Midwest City, OK 73140
Randall M. Boevers, Hearing Panel Member, Rt 4, Box 130, Okarche, OK 73762;
Brett M. Brown, Hearing Panel Member, 10409 Major Ave, Oklahoma City, OK 73120;
C. Harley Bradshaw, Alternate Panel Member, 2533 NW 31st, Oklahoma City, OK 73112;
Moore and Vernier, Attn: Sue Wycoff, Board Prosecutor, 301 NW 63rd St, Ste 550, Oklahoma City, OK 73116; and
Joann Stevenson, Board Counsel, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.



GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board
2401 NW 23rd St, Ste 28, OK City, OK 73107
PO Box 53408, Oklahoma City, OK 73152
(405) 521-6636, Fax 522-6909
reab@insurance.state.ok.us