# BEFORE THE REAL ESTATE APPRAISER BOARD STATE OF OKLAHOMA

IN THE MATTER OF DAN W. MONTAGUE,	)	
RESPONDENT,	)	
	)	Complaint No. 06-086
Disciplinary Hearing.	)	-

## BOARD'S DECISION ON DISCIPLINARY HEARING PANEL RECOMMENDATION

ON THE 6th day of April, 2007, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Disciplinary Hearing Panel (the "Panel") making the recommendation consisted of three members, Brett M. Brown, Mark A. Franklin, and C. Harley Bradshaw. Brett M. Brown was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's counsel, Assistant Attorney General Joann Stevenson. The case was prosecuted by the Board's prosecutor, Sue Wycoff. James L. Hankins appeared on behalf of the Respondent after having been mailed a copy of the Recommendation of the Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, having received oral argument and being fully advised in the matter, makes the following Order adopting in part and amending in part the Panel's Recommendation:

#### **JURISDICTION**

- 1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 et seq.
- 2. That the proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.
- 3. That the Respondent is a State Certified Residential Real Estate Appraiser in the State of Oklahoma holding credential number 10438CRA.

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#### FINDINGS OF FACT

The Board adopts in full the Panel's finding that while the panel believed that mistakes were made, it was not proven by clear and convincing evidence that said mistakes rise to the level of actionable conduct.

#### **CONCLUSIONS OF LAW**

That the Board adopts in full the Panel's conclusion that it was not proven by clear and convincing evidence that Respondent's conduct was in violation of the Oklahoma Certified Real Estate Appraisers Act.

#### FINAL ORDER

The Board, having adopted the Findings of Fact and Conclusions of Law as set forth above, sets forth the following final order.

That this complaint be dismissed.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS THIRTY (30)

DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED this 6th day of April 2007.

KIM HÖLLAND, Chairperson

Real Estate Appraiser Board

Assistant Attorney General

JOANN STEVENSON

Counsel to the Board

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### **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 11th day of April, 2007 to:

Dan W. Montague c/o James L Hankins Coyle Law Firm 119 N. Robinson. Ste 320 Oklahoma City, OK 73102

VIA CERTIFIED MAIL 7006 0100 0000 9939 5270

and that copies were mailed via first class mail to:

Brett M. Brown, Hearing Panel Chairperson, 10409 Major Ave, Oklahoma City, OK 73120; C. Harley Bradshaw, Alternate Panel Member, 2533 NW 31st, Oklahoma City, OK 73112; Mark A. Franklin, 4334 NW Expressway, Ste 247, Oklahoma City, OK 73116; Moore and Vernier, Attn: Sue Wycoff, 301 NW 63rd St, Ste 550, Oklahoma City, OK 73116; and Joann Stevenson, Board Counsel, 313 N.E. 21st Street, Oklahoma City, OK 73105.

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Real Estate Appraiser Board

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