

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

IN THE MATTER OF **DENNIS P. HUDACKY,**)
 RESPONDENT,)
)
 Disciplinary Hearing.)

Complaint No. 05-065

**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, C. Harley Bradshaw, Dana L. Norton, and James A. Pratt. Dana L. Norton 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, Stephen L. McCaleb. Daniel J. Gamino 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 10543CRA.

FINDINGS OF FACT

The Board adopts in full the Panel's findings of fact as set forth below:

1. On or about March 12, 2001, Dennis P. Hudacky ("Respondent") conducted an appraisal of a property located at 1916 West Logan Avenue, Guthrie, Oklahoma 73044 (the "property"), prepared an appraisal report on the property (the "report"), and submitted the report to the lender, Oklahoma State Bank, Guthrie, Oklahoma. See OREAB Exh. A.

2. The report listed the gross living area of the property as 1,552 square feet.

3. The gross living area was calculated "subject to" completion of updates and a 520 square foot addition to arrive at the 1,552 square feet total.

4. A "Satisfactory Completion Certificate" dated April 19, 2001 bearing a signature purporting to be that of Respondent certifying that the updates and the square feet additions were complete was introduced into evidence. See OREAB Exh. B. However, there was introduced into evidence a report prepared by Mr. Arthur Linville, a forensic document examiner, which reported that Mr. Linville had compared the Satisfactory Completion Certificate with thirty signature exemplars of Respondent's contemporaneous to the date on the Satisfactory Completion Certificate. Mr. Linville concluded: "It is therefore my opinion that Mr. Hudacky did not sign Q-1." The reference to Q-1 in Mr. Linville's report refers to the Satisfactory Completion certificate. See Attached as Exh. C to OREAB Exh. E.

5. The panel found that Mr. Linville's curriculum vitae duly qualified him as a handwriting expert and found his report, in addition to the other proffered evidence, to be credible and compelling.

6. On September 10, 2004, in case CJ -2003-303, the District Court of Logan County entered a Final Journal Entry of Judgment foreclosing the mortgage on the property.

7. On or about November 23, 2004, Respondent performed a real estate owned appraisal (“REOA”) on the property.

8. The gross living area was calculated in the REOA “as is” in fair condition at the original 1,032 square feet total. The 1,032 square feet gross living area was confirmed in an April 11, 2005 appraisal performed by Kim Allen, an Oklahoma State Certified General Appraiser.

9. After having presented its case-in-chief, Petitioner moved for dismissal of the complaint based upon the evidence and testimony presented.

CONCLUSIONS OF LAW

The Board adopts in full the Panel’s conclusion that that there is no clear and convincing evidence indicating that there have been statutory violations by the Respondent.

FINAL ORDER

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

1. That this complaint be dismissed;
2. That the Board rescind its action at its regular session of October 6, 2005 adopting Grievance #05-065 as a formal complaint; and
3. That the Board authorize its staff to have this hearing transcribed and a copy of the transcript and exhibits forwarded to the Oklahoma Department of Consumer Credit and to the complainant, Fannie Mae.

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 HOLLAND, Chairperson
Real Estate Appraiser Board



JOANN STEVENSON
Assistant Attorney General
Counsel to the Board

CERTIFICATE OF MAILING

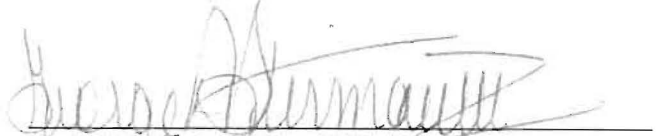
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed by certified mail, return receipt requested, on the 6th day of April, 2007 to:

Dennis P. Hudacky
c/o Daniel J. Gamino
3315 NW 63rd St
Oklahoma City, OK 73116

VIA CERTIFIED MAIL
7006 0100 0000 9939 5355

and that copies were mailed via first class mail to:

C. Harley Bradshaw, Hearing Panel Member, 2533 NW 31st, Oklahoma City, OK 73112;
Dana L. Norton, Hearing Panel Member, 3501 Rolling Lane, Midwest City, OK 73110;
James A. Pratt, Hearing Panel Member, 5905 NW 52nd, Oklahoma City, OK 73122;
Derryberry & Naifeh, Attn: Stephen L. McCaleb, 4800 N. Lincoln Blvd, Oklahoma City, OK 73105; and
Joann Stevenson, Board Counsel, 313 N.E. 21st Street, Oklahoma City, OK 73105.


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

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COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery is desired, your name and address on the reverse we can return the card to you. This card to the back of the mailpiece, the front if space permits.

Addressed to:

Dennis P. Hudacky
Daniel J. Gamino
3315 NW 63rd St
Oklahoma City, OK 73116

ORDER 07-008 REAB

COMPLETE THIS SECTION ON DELIVERY

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 Agent
 Addressee

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