

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

IN THE MATTER OF DREW)
CARTWRIGHT,)
Respondent.)
) Complaint # 04-008
Disciplinary Hearing.)
)

CONSENT ORDER

COME NOW the Oklahoma Real Estate Appraiser Board, by and through the Board Prosecutor, Sue Wycoff, and the Respondent, Drew Cartwright, represented by Rachel Lawrence Mor, and as evidenced by the signatures below, enter into this Consent Order in resolution of this Complaint.

The Respondent Cartwright 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 Cartwright agree to the following Agreed Findings of Fact in settlement of this matter:

1. That on or about November 25, 2003, Respondent appraised a rural property located at Jay, Oklahoma for lender Associated Mortgage Corp. of 2123 South Main, Grove, OK, and prepared an appraisal report.

2. That Respondent reported the appraisal was given for “as is” condition, but the house was not yet completed and was unlivable; neither kitchen appliances nor cabinets were installed, carpet and vinyl flooring were not in place and the house was full of construction materials.

3. That Respondent reported the appraisal for ten (10) acres, but county records showed the parcel consisted of twenty one (21) acres. Although an earlier appraisal report on the subject property prepared by Respondent’s office included a deed for ten acres, the November, 2003, appraisal report did not include the deed and did not explain the discrepancy between the ten acre deed and the twenty one acre parcel reported in the county records.

4. That Respondent’s appraisal report failed to disclose that a mobile home was parked on the property near the subject.

5. That these and other errors resulted in an incorrect and misleading appraisal report.

6. That Respondent states that the November, 2003, appraisal report was never completed and was not intended to be released, but that by accident his secretary affixed his electronic signature to the incomplete report and sent it to the client.

7. That since the incident of this Complaint, Respondent reports that he has altered his appraisal practices so that he now always includes in his appraisal reports at least three photographs of the interior of each subject property.

8. That in addition, Respondent reports that he is establishing new office practices to assure that his electronic signature will never again be applied by accident.

AGREED CONCLUSIONS OF LAW

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

That Respondent Cartwright'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)(7), "failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal".

3. 59 O.S. § 858-723(A)(6), "violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act".

CONSENT

Respondent Cartwright, 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 Cartwright is found to be in violation of the provisions of 59 O.S. §§ 858-723(A)(6), (7) and (9).

2. Respondent Cartwright is hereby reprimanded and is directed to complete a "Business Practice and Ethics Course" within ninety (90) days of the execution of this Consent Order.

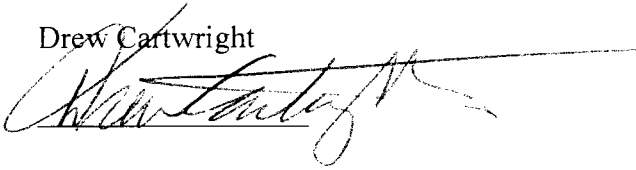
3. Respondent Cartwright is hereby directed to pay a fine of one thousand dollars (\$1,000.00) within thirty (30) days of the execution of this Consent Order.

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:

Drew Cartwright



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

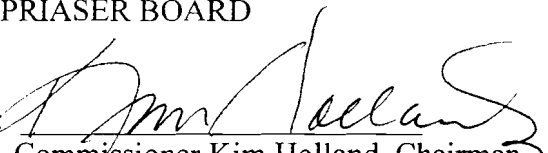
ORDER OF THE BOARD

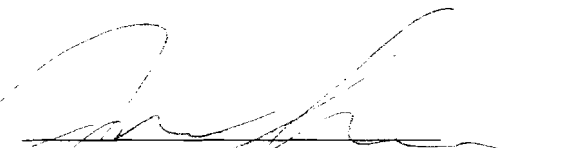
Now on this 27th day of June, 2007, Respondent Cartwright has admitted voluntarily, with knowledge of his rights under law, the allegations contained in this Consent Order. It appears that the foregoing Consent Order is just and equitable in order to safeguard life, health, and property, and to promote 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 27th day of June, 2007.

OKLAHOMA REAL ESTATE
APPRIASER BOARD

By: 
Commissioner Kim Holland, Chairman


Joann Stevenson, Counsel for
Oklahoma Real Estate Appraiser
Board

CERTIFICATE OF MAILING

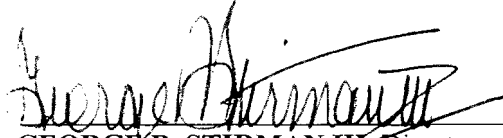
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed by certified mail, return receipt requested, on the 11th day of April, 2007 to:

Drew S. Cartwright
c/o Rachael Lawrence Mor
3808 Coachlight Drive
Edmond, OK 73013

VIA CERTIFIED MAIL
7006 0100 0000 9939 4754

and that copies were mailed via first class mail to:

Timothy G. Wolzen, Hearing Panel Member, P. O. Box 1143, Choctaw, OK 73020;
Stewart N. Zink, Hearing Panel Member, 13201 Regal Vintage Road, Oklahoma City, OK 73170;
David W. Atkinson, Panel Member, P. O. Box 30156, Midwest City, OK 73140;
Dana L. Norton, Alternate Panel Member, 3501 Rolling Lane, Midwest City, OK 73110;
Sue Wycoff, Moore and Vernier, 301 N.W. 63rd St, Ste 550, Oklahoma City, OK 73116; and
Joann Stevenson, Board Counsel, 4545 N. Lincoln Blvd., Suite 260, Oklahoma City, OK 73105.



GEORGE R. STIRMAN III, Director

Real Estate Appraiser Board

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