

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

IN THE MATTER OF **PHILLIP B. GATES**)
 RESPONDENT,)
)
Disciplinary Hearing.)

Complaint No. 07-035

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board (Board), by and through the Board’s Director, George R. Stirman III, and the Respondent, Phillip B. Gates, acting pro-se, and as evidenced by the signatures below, enter into this Consent Order in lieu of a formal administrative hearing in Complaint Number 07-035.

The Respondent Gates 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.

JURISDICTION

1. The Board has jurisdiction in this matter pursuant to the provisions of the Oklahoma Real Estate Appraisers Act, Title 59 Oklahoma Statutes, Sections 858-700 et seq.
2. The proceedings in this matter were conducted pursuant to the Oklahoma Real Estate Appraisers Act and the Oklahoma Administrative Procedures Act, Title 75 Oklahoma Statutes Sections 301 et seq.

AGREED FINDINGS OF FACT

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

1. That Respondent was a state licensed real estate appraiser in the State of Oklahoma holding appraiser credential number 12382SLA; and further, that Respondent was first credentialed on December 8, 2000; and further, that this credential expired December 31, 2006.

2. That on or about March 20, 2007, Respondent appraised a parcel of real property situated at 132 Charles Avenue, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Lending Leaders, Inc., Oklahoma City, Oklahoma; and further that the report indicated that the date signed was March 21, 2007, with an effective date of March 20, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

3. That on or about April 12, 2007, Respondent appraised a parcel of real property situated at 1811 Northeast Grand Boulevard, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Lending Leaders, Inc., Oklahoma City, Oklahoma; and further that the report indicated that the date signed was April 12, 2007, with an effective date of April 12, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 31, 2009.

4. That on or about March 26, 2007, Respondent appraised a parcel of real property situated at 2621 North Adams Avenue, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was March 26, 2007, with an effective date of March 24, 2007; and further that Respondent indicated that he was a State

Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

5. That on or about April 2, 2007, Respondent appraised a parcel of real property situated at 875 Willow Drive, Choctaw, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was April 02, 2007, with an effective date of March 29, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

6. That on or about January 8, 2007, Respondent appraised a parcel of real property situated at 1426 Northeast 24th Street, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was January 08, 2007, with an effective date of January 05, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

7. That on or about March 9, 2007, Respondent appraised a parcel of real property situated at 5609 South Rockwood, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was March 09, 2007, with an effective date of March 08, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

8. That on or about February 19, 2007, Respondent appraised a parcel of real property situated at 1811 Northwest 30th Street, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was February 19, 2007, with an effective date of February 16, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 31, 2009.

9. That on or about January 29, 2007, Respondent appraised a parcel of real property situated at 529 Northwest 91th Street, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was January 29, 2007, with an effective date of January 24, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

10. That on or about February 14, 2007, Respondent appraised a parcel of real property situated at 416 Northwest 120th Street, Oklahoma City, Oklahoma, prepared a report of that appraisal activity, and transmitted the report to a client, Prime Lending, Oklahoma City, Oklahoma; and further that the report indicated that the date signed was February 14, 2007, with an effective date of February 13, 2007; and further that Respondent indicated that he was a State Licensed Appraiser in the State of Oklahoma holding credential number 12382SLA with an expiration date of December 30, 2009.

11. That Respondent has agreed to a consent order in the Oklahoma County District Court in Case Number CJ-2007-3944 containing the following language:

“IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Phillip B. Gates and each of his respective agents, servants, and all persons acting by and under his authority or in concert with him are restrained and enjoined from representing himself as licensed or certified as an appraiser by the State of Oklahoma, or any agency thereof, or assuming or using any title, designation, insignia, representation or abbreviation likely to create the impression of certification or license as a real estate appraiser by the State of Oklahoma, or any agency thereof, including, but not limited to, using any license, certificate, pocket card or any other appraiser credential, whether genuine, forged, fabricated, expired, inactive, suspended, revoked or on any type of probationary status purporting to be issued by the State of Oklahoma, or any agency thereof, except a current, unexpired, active, license or certificate, unrestricted by suspension or revocation, issued to Defendant by the Board;” and

“IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Phillip B. Gates and each of his respective agents, servants, and all persons acting by and under his authority or in concert with him are restrained and enjoined from representing himself as licensed or certified as an appraiser by the State of Oklahoma, or any agency thereof, or assuming or using any title, designation, insignia, representation or abbreviation likely to create the impression of certification or license as a real estate appraiser by the State of Oklahoma, or any agency thereof, including, but not limited to, indicating on any appraisal report or in any other medium or forum, in any way, shape, form or manner that he is certified or licensed as an appraiser by the State of Oklahoma, or any agency thereof;”.

AGREED CONCLUSIONS OF LAW

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

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

1. 59 O.S. § 858-732 C.6.
2. 59 O.S. § 858-723 C.9. through violation of 59 O.S. § 858-704 A.

CONSENT

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

1. He has been advised of his right 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:

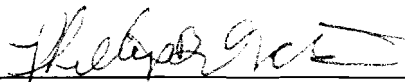
1. Respondent Gates' real estate appraiser credential is **REVOKED WITHOUT THE RIGHT TO REINSTATE**.

Respondent Gates 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.

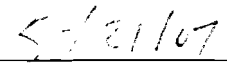
IT IS THEREFORE ORDERED that the Respondents' stipulations above are accepted and the above Consent Order incorporated herein shall be the Order of the Oklahoma Real Estate Appraiser Board.

DISCLOSURE

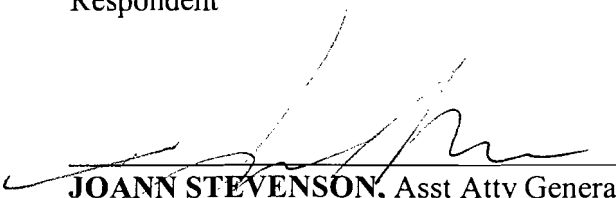
Pursuant to the Oklahoma Open Records Act, Title 51 Oklahoma Statutes Sections 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.




PHILLIP B. GATES
Respondent



DATE SIGNED



JOANN STEVENSON, Asst Atty General



DATE SIGNED

Counsel to the Real Estate Appraiser Board


KIM HOLLAND, CHAIRPERSON
REAL ESTATE APPRAISER BOARD

6-6-07
DATE SIGNED

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 7th day of June, 2007 to:

Phillip B. Gates
2209 Gladstone Terrace
Oklahoma City, OK 73120

VIA CERTIFIED MAIL
7006 0100 0000 9939 7090

and that a copy was mailed by first class mail to:

Joann Stevenson, Board Counsel, 313 N.E. 21st Street, Oklahoma City, OK 73105.


GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board
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