

BEFORE THE OKLAHOMA REAL ESTATE APPRAISER BOARD  
STATE OF OKLAHOMA

IN THE MATTER OF RONALD BURK,            )  
  RESPONDENT,    )  
  ) **Complaint No. 06-040**  
Disciplinary Hearing.    )

**CONSENT ORDER**

COME NOW the Oklahoma Real Estate Appraiser Board, by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent Ronald Burk, by and through his counsel, Daniel Gamino, and enter into this Consent Order in lieu of a formal administrative hearing pursuant to Oklahoma Statutes Title 59 Section 858-700 et seq. and Oklahoma Administrative Code 600:10-1-1 et seq.

**AGREED FINDINGS OF FACT**

For the purposes of this Consent Order, the following facts are hereby stipulated to by the parties and adopted by the Board:

1. That on or about February 17, 2005, Respondent prepared and signed an appraisal report for the property located at 1625 Linwood Boulevard in Oklahoma City.
2. That the property is a duplex, with a third apartment above the storage building in the rear of the property, located on a busy commercial/industrial street, and has an auto repair shop next door on one side and another duplex next door on the other side.
3. That the area is zoned C-4, General Business, by the Oklahoma City Planning and Zoning Commission, yet Respondent reported it as Single Family Residential.

4. That Respondent's three year sales history of subject included in the report, shows that the most recent sale of the property before the appraisal occurred in January, 2003. The purchase price was \$47,000.
5. Respondent valued the property at \$90,500 "as is" but provided no information or analysis to explain why the property, in a neighborhood he described as "stable" would be worth nearly twice as much just two years later.
6. Respondent reported no remodeling or updating or anything else that would justify such an increase in value on a residence in a commercial/industrial neighborhood.
7. Respondent's report states the property is "currently under purchase contract", yet includes no discussion or analysis of the sales contract.
8. Respondent reported the neighborhood as "suburban" and "25% - 75%" built up, when it is urban and 100% built up.
9. Respondent chose comparables that were not located on commercial streets, two of them being located in areas zoned as historic preservation districts.
10. Respondent did not develop an Income Approach analysis in spite of the subject property's obvious use as a rental property and in spite of the obvious rental properties in the neighborhood.
12. The property sold on or about February 24, 2005, apparently based on Respondent's appraisal. A foreclosure action was filed on October 17, 2005, that resulted in the seller reclaiming the property.

### **AGREED CONCLUSIONS OF LAW**

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause pursuant to Oklahoma law as set forth at Title 59 of the Oklahoma Statutes, Sections 858-701 et seq. and the Rules of the Real Estate Appraiser Board at OAC 600:10-1-1 et seq.
2. That the Respondent was properly notified of the complaint and of his right to counsel and that Respondent is represented by counsel.
3. That the Respondent hereby expressly waives any objections to the timeliness of the notification of the Complaint, the specificity of the charge, and the procedures of the Board.
4. That the Findings of Fact stipulated to by the Respondent constitute violation of the Statutes and Rules Governing Real Estate Appraisers, specifically: 59 O.S. §§ 858-723 C (6), (7), (8) & (9); and the Conduct Section of the 2005 Edition USPAP Ethics Rule as well as Standard 1 and Rules 1-1(a), (b); 1-2(e)(i) & 1-4(a) and 1-4(c)(i) and Standard 2 and Rules 2-1(a), 2-2(b)(iii) & (ix).

### **CONSENT AGREEMENT**

The Respondent, by affixing his signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document, and
2. That Respondent possesses the following rights among others:
  - a. the right to a formal, public fact finding hearing before a disciplinary panel of the Board;
  - b. the right to a reasonable notice of said hearing;

- c. the right to be represented by counsel at his own expense;
  - d. the right to compel the testimony of witnesses;
  - e. the right to cross-examine witnesses against him;
  - f. the right to present evidence on his own behalf;
  - g. the right to receive written findings of fact and conclusions of law supporting the final decision of the Board; and
  - h. the right to obtain judicial review of the final decision of the Board.
3. 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 to appeal this matter to the District Court.
  4. The Respondent consents to the entry of this Order affecting his professional practice of real estate appraising in the State of Oklahoma.

### **ORDER**

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of

Law:

1. Respondent Ronald Burk hereby agrees that he will, within thirty (30) days of receipt of a fully executed copy of this Consent Order, remit to the Board staff a penalty in the amount of two thousand dollars (\$2,000.00).
2. Respondent Ronald Burk hereby agrees that he will, within thirty (30) days of receipt of a fully executed copy of this Consent Order, remit to the Board staff the costs of this action in the amount of two hundred fifty dollars (\$250.00).
3. Respondent Ronald Burk will be reprimanded by having a copy of this Consent Order placed in his file at the office of the Real Estate Appraiser Board.
4. Respondent Ronald Burk will, within ninety (90) days of receipt of a fully

executed copy of this Consent Order obtain thirty (30) hours of education from a sponsoring organization of the Appraisal Foundation, to include education in selection of appropriate comparables and ethics in property valuation and appraisal practice, and will provide Board staff with proof of same within the ninety days.

### **DISCLOSURE**

Pursuant to the Oklahoma Open Records Act, 51 O.S. § 24-A.1 – 24A.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. This Consent Order embodies the entire agreement between the Board and Respondent. It may not be altered or modified without the express consent of the parties.

### **FUTURE VIOLATIONS**


In the event the Respondent fails to comply with any of the terms and conditions of this Consent Order, the Board reserves the right to issue an order requiring Respondent to show cause why he should not be further disciplined for failure to comply with any of the terms and conditions of this Consent Order.

DATE \_\_\_\_\_

SUE WYCOFF OBA #9931  
Board Prosecutor  
Real Estate Appraiser Board  
2401 NW 23<sup>rd</sup> Street, Suite 28  
Oklahoma City OK 73152

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 alleged in the formal Complaint.

**CERTIFICATION OF BOARD PROSECUTING ATTORNEY**

DATE  
*Jan 3, 2007*  
RONALD BURK  
  
RESPONDENT

I have read the above Subpoena of Real, Conclusions of Law and Consent Order. I understand that by its terms I waive certain rights accorded me under Oklahoma law. I agree to the above Consent Order.

I have read the above Stipulations of Fact, Conclusions of Law and Consent Order.

I understand that by its terms I waive certain rights accorded me under Oklahoma law. I agree to the above Consent Order.

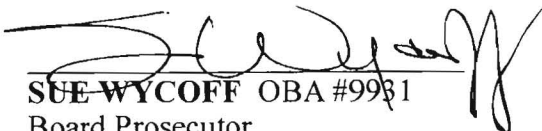
**RESPONDENT:**

\_\_\_\_\_  
**RONALD BURK**

\_\_\_\_\_  
DATE

**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 alleged in the formal Complaint.

  
\_\_\_\_\_  
**SUE WYCOFF** OBA #9981  
Board Prosecutor  
Real Estate Appraiser Board  
2401 NW 23<sup>rd</sup> Street, Suite 28  
Oklahoma City OK 73152

  
\_\_\_\_\_  
DATE

IT IS SO ORDERED on this 10 day of January, 2008.



**KIM HOLLAND**, Chairwoman  
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE  
APPRAISER BOARD**



By: \_\_\_\_\_  
**JOANN STEVENSON** OBA #  
Assistant Attorney General  
Attorney for the Board  
2401 NW 23<sup>rd</sup>. Street, Suite 28  
Oklahoma City OK 73152



**CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed postage prepaid by certified mail with return receipt requested on this 11<sup>th</sup> day of January, 2008 to:

**Ronald Burk**  
4917 S.E. 55<sup>th</sup>  
Oklahoma City, OK 73135

**CERTIFIED MAIL NUMBER**  
7002 2410 0001 7593 4326

and that copies were mailed to:

**OFFICE OF THE ATTORNEY GENERAL**  
Attn: Joann Stevenson  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**MOORE & VERNIER**  
Attn: Sue Wycoff  
301 N.W. 63<sup>rd</sup> Street  
Suite 550  
Oklahoma City, OK 73116

  
Christine McEntire