

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

In the Matter of Timothy Oyler,)	
)	Complaint #06-060
Respondent.)	

**BOARD’S DECISION ON DISCIPLINARY
HEARING PANEL RECOMMENDATION**

On the 4th day of January, 2008, 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, Kelly A. Davis and Mark A. Franklin. 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, Stephen L. McCaleb. Respondent Timothy L. Oyler, submitted a written response in lieu of personally appearing after having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. Section 858-718, and the Oklahoma Administrative Procedures Act, Sections 250-323.

The Board, being fully advised in the matter, makes the following Order adopting 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 Action, 59 O.S. Section 858-700 *et seq.*
2. That the proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act 59 O.S. Section 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. Section 301-323.

3. That Respondent Timothy Oyler is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 12598CRA and was first licensed as a State Licensed Appraiser on July 12, 2004.

FINDINGS OF FACT

The Board adopts in full the finding of the hearing panel that the following facts were proved by clear and convincing evidence:

1. On or about April 13, 2006, Capital Home Mortgage (the "client") hired Respondent to appraise a parcel of land located at 20255 Liberty Road, Morris, Oklahoma 74445 (the "subject property"). The client represented to the Respondent that the estimated value of the property and the loan amount requested was One Hundred Ten Thousand Dollars and 00/100 (\$110,000.00).

2. On or about April 19, 2006, Respondent completed an appraisal on the subject property (the "report") and submitted it to the client. The effective date of the report is April 19, 2006. Respondent reported the final estimate of value as One Hundred Fifteen Thousand and 00/100 dollars (\$115,000.00). Respondent indicates on the report that the purpose of the appraisal was for a refinance transaction. Said report was purportedly performed in conformity with the Uniform Standards of Professional Appraisal Practice. Respondent reported that the data source utilized was PVPlus.

3. The report contained numerous errors, which in the aggregate, may have led to an inaccurate value of the subject property and a misleading report.

4. Respondent's reporting and analysis was insufficient and inadequate throughout the report, as explained below.

5. Respondent chose comparables superior to the subject property and failed to make adequate adjustments. In written responses to the Board, Respondent admitted the comparables were superior but explained that certain omitted adjustments "offset each other" which is not consistent with standards for appraisal practice. Respondent did not point out or adjust for the

fact that none of his comparables were metal buildings like the subject and that Comparable No. 1 in his report was mixed use even though evidenced by his data service PVPlus.

6. In completing the cost approach to value, Respondent did not report the source data, effective date or quality rating. Respondent offered no supporting evidence or analysis for depreciation, site improvement or site value.

7. Respondent provided insufficient site description except for describing the site as “rectangular” and offered no supporting information in its valuation.

8. Respondent incorrectly states in the report that the subject has a public sanitary sewer and public gas available.

9. Overall, Respondent did not adequately describe the subject, its condition, quality, its exterior or interior features or amenities, used boilerplate and generic comments. Justifications offered in Respondent’s written responses to the Board should have been in the report.

10. Respondent also made inconsistent adjustments for similar amenities or inadequate adjustments and provided no explanation for the adjustments made with respect to his selected comparables.

CONCLUSIONS OF LAW

The Board adopts in full the conclusion of the Hearing Panel that said conduct by the Respondent is in violation of:

1. That Respondent has violated 59 O.S. § 858-723(A)(6) through 59 O.S. §858-726, in that Respondent violated:

A) The Conduct and Management Sections of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

B) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

C) Standards Rule 1 of the Uniform Standards of Professional Appraisal Practice;

- D) Standards Rule 1-1 of the Uniform Standards of Professional Appraisal Practice;
- E) Standards Rule 1-2 of the Uniform Standards of Professional Appraisal Practice;
- F) Standards Rule 1-3 of the Uniform Standards of Professional Appraisal Practice;
- G) Standards Rule 1-4 of the Uniform Standards of Professional Appraisal Practice;
- H) Standards Rule 1-5 of the Uniform Standards of Professional Appraisal Practice;
- I) Standards Rule 1-6 of the Uniform Standards of Professional Appraisal Practice;
- J) Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice;
- K) Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice; and
- L) Standards Rule 2-2 of the Uniform Standards of Professional Appraisal Practice.

2. That Respondent has violated 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. That Respondent has violated 59 O.S. § 858-723(A)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

4. That Respondent has violated 59 O.S. § 858-723(A)(13), in that Respondent violated 59 O.S. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be

perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

FINAL ORDER

The Board, having adopted the Findings of Fact and Conclusions of Law as set forth above, sets forth the following Final Order adopting in full the recommendation of the Hearing Panel:

1. Respondent's appraisal credential be **SUSPENDED** for a period of not less than **ONE (1) YEAR** from the date any Order of the Board adopting this recommendation. Such suspension shall be in accordance with Board Rule OAC 600:15-1-15.

2. That Respondent may not reinstate his credential until:

A) Respondent successfully completes corrective education as follows:


- **FIFTEEN (15) HOURS** of Residential Appraiser Site Valuation and Cost Approach;
- **THIRTY (30) HOURS** of Residential Sales Comparison and Income Approaches;
- **FIFTEEN (15) HOURS** of Residential Market Analysis and Highest and Best Use; and
- **FIFTEEN (15) HOURS** of Residential Report Writing and Case Studies;

All corrective education must be completed with copies of the certificates of course completion transmitted to the administrative office of the Board within **ONE (1) YEAR** from the date of this Board Order. The courses must be tested, must be provided by one of the sponsoring organizations of the Appraisal Foundation, and must be live courses, attended in-person by Respondent (not distance and/or correspondence courses).

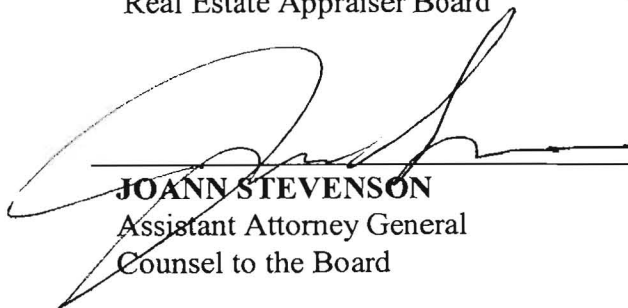
B) Respondent obtains a letter of good standing from the Texas Appraiser Licensing and Certification Board ("TALCB"), including evidence that Respondent has complied with the discipline imposed by the Agreed Final Order in docketed Complaint No. 04-080 and 04-106 entered on or about May 5, 2006 by the TALCB, whichever is less.

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 10 day of January, 2008.



KIM HOLLAND, Chairperson
Real Estate Appraiser Board



JOANN STEVENSON
Assistant Attorney General
Counsel to the Board

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed postage prepaid by certified mail with return receipt requested on this 10 day of January, 2008 to:

Timothy Oyler
5435 North Garland Avenue
Suite 140-194
Garland, TX 75040

CERTIFIED NUMBER
7002 2410 0001 7593 4296

and that copies were mailed to:

Brett M. Brown
10409 Major Avenue
Oklahoma City, OK 73120

Kelly A. Davis
117 East Russell
El Reno, OK 73036

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