

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

IN THE MATTER OF GEOFFREY MONICAL,)
RESPONDENT,)
Disciplinary Hearing.) Complaint No. 06-057

CONSENT ORDER

COME NOW the Oklahoma Real Estate Appraiser Board, by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent Geoffrey Monical, representing himself, 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 March 6, 2006, Respondent prepared and signed an appraisal report for the property located at 25253 Riverview Road, Langley, Oklahoma in Mayes County, Oklahoma.
2. That the report was signed March 24, 2006, with an effective date for valuation of March 6, 2006.
3. That the report gave the gross living area of the subject property as 2,789 square feet without reporting a data source, and valued the property at \$450,000.

4. That on or about April 11, 2006, Respondent signed another appraisal for the same property, again giving the effective date of valuation as March 6, 2006.
5. That in report # 2, Respondent reported the gross living area as 3,472 square feet, used the same five comparable properties he used in report # 1, and arrived at the same valuation for the subject property, \$450,000.
6. That in report #2, Respondent's drawing of the second level of the property is significantly different and more detailed than in report #1 and provides more and larger measurements than in report #1.
7. That report #2 contains no further information or analysis regarding the comparables chosen and why they might still be the best comparables given the larger size of the subject property.
8. That Respondent admits that he mismeasured the upper level of the subject property initially; that when this was brought to his attention, he remeasured the house and corrected his error; that he originally selected the largest and most comparable sales within a reasonable time span; that nearby properties located on Grand Lake are not comparable to the subject property because they are on Grand Lake and the subject is not, it is on the Grand River below the Pensacola Dam that forms Grand Lake; that he looked again after his remeasurement but found no better comparables; that he recalculated his adjustments to the comparables to take into account the larger GLA of the subject property; but he did not alter his conclusion of value because most of the increased measurement was due to including a huge closet room and "nook and cranny" space, which did not increase the market value of the subject 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 Geoffrey Monical hereby expressly waives his right to 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 a violation of the Statutes and Rules Governing Real Estate Appraisers, specifically:

ALLEGATIONS OF VIOLATIONS

That Respondent's conduct as alleged above is in violation of the following:

1. 59 O.S. § 858-723(C)(7), (8) and (9).
2. 59 O.S. §858-723(C)(6) by violation of:
 - a. Standard 1 and Standards Rules 1-1(b).
 - c. Standard 2 and Standards Rules 2-2(b)iii.

CONSENT AGREEMENT

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

1. Respondent has been advised to of his right 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 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;
- d. the right to compel the testimony of witnesses;
- e. the right to cross-examine witnesses against him; and
- 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 Geoffrey Monical hereby agrees that he will, within thirty (30) days of receipt of a fully executed copy of this Consent Order, remit to the administrative office of the Board a fine in the amount of five hundred dollars (\$500.00).

- 2. Respondent Geoffrey Monical hereby agrees that he will, within thirty (30) days of receipt of a fully executed copy of this Consent Order, remit to the administrative office of the Board costs in the amount of two hundred fifty dollars (\$250.00).
- 3. A letter of warning will be placed in Geoffrey Monical's file at the Real Estate Appraiser Board Office.

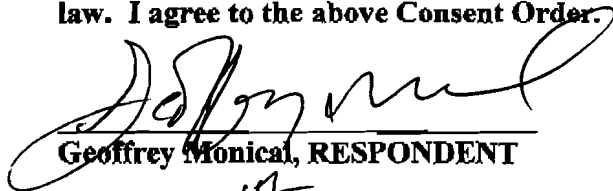
DISCLOSURE

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 appear and show cause why further action should not be taken against his license for failure to comply with any of the terms and conditions of this 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.

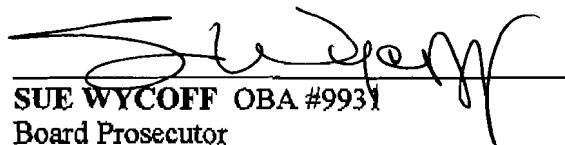


Geoffrey Monical, RESPONDENT

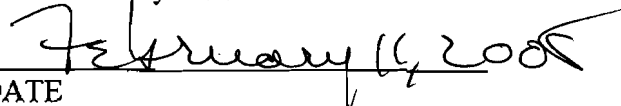
Dated this 4th day of February, 2008.

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 #9931
Board Prosecutor
Real Estate Appraiser Board
2401 NW 23rd Street, Suite 28
Oklahoma City OK 73152


DATE

It is so ordered, this _____ day of _____, 2008.

KIM HOLLAND, Chairperson
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: _____
JOANN STEVENSON OBA #
Assistant Attorney General
Attorney for the Board
2401 NW 23rd. 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 ___ day of February 2008 to:

Geoffrey Monicle
P.O. Box 511
Ketchum, Oklahoma 74350

CERTIFIED NUMBER
7002 2410 0001 7593 4791

and that copies were mailed to:

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

MOORE & VERNIER
Attn: Sue Wycoff
301 N.W. 63rd Street, Suite 550
Oklahoma City, Oklahoma 73116

Christine McEntire