

## STATE OF OKLAHOMA

IN THE MATTER OF RUSSELL McINTOSH, ) COMPLAINT NO. 07-101  
10420CRA )

## ORDER

This matter comes on for hearing before the Oklahoma Real Estate Appraiser Board on the 4th day of April, 2008 at the Oklahoma Insurance Department. The Board is represented by Prosecutor, Sue Wycoff, and is advised by Preston Draper, Assistant Attorney General. Mr. McIntosh appears in person without counsel.

The Board, after hearing oral argument, and upon review of the file and considering all evidence and argument, and being fully advised thereto, enters the following Findings of Fact and Conclusions of Law:

This Order is issued pursuant to the Oklahoma Real Estate Appraiser Act, Title 59 Section 858-700 *et seq.* of the Oklahoma Statutes.

## FINDINGS OF FACT

After hearing all the evidence presented and upon due consideration thereof, the Board finds by clear and convincing evidence that:

1. Proper notice of this hearing has been served on Respondent as required by law.
2. Respondent is licensed as an appraiser in the State of Oklahoma, holding credential

10420CRA.

3. On July 13, 2007 the Board adopted the hearing panel recommendations in Complaint No. 05-001 and ordered Mr. McIntosh to successfully complete a thirty-hour corrective education course: “613: Residential Sales Comparison and Income Approaches” from the list of course providers and courses approved by the Board, and furnish a certificate of course completion to the office of the Board

no later than November 30, 2007. Said Order is hereby incorporated by reference as if fully set forth herein.

4. On February 20, 2008 an Order to Appear and Show Cause was issued by the Real Estate Appraiser Board for alleged violations by Respondent of the Order of July 13, 2007 by reason of his failure to timely supply a certificate of course completion as directed. The Show Cause Order with attachment is hereby incorporated by reference as if fully set forth herein.

5. The Board appreciates Mr. McIntosh's forthrightness in admitting that he has failed to complete Course Number 613 as directed, but instead, completed Course Number 602, and has very tardily supplied a certificate of completion as to that course.

6. The Board finds that Mr. McIntosh has failed to Show Cause why his license should not be further disciplined, suspended or revoked.

7. This Order constitutes formal disciplinary action.

#### **CONCLUSIONS OF LAW**

The Board has jurisdiction to hear this matter pursuant to Title 59 Sections 858-700 *et seq.* of the Oklahoma Statutes.

The Board concludes that Respondent has violated an Order of the Board, in violation of the Real Estate Appraiser Act, and that such is grounds to deny, suspend or revoke Respondent's license and to impose an administrative penalty as provided at Title 59 Section 858-723C. and OAC Section 600:15-1-18 of the Rules promulgated by the Real Estate Appraiser Board. The Board further concludes that Respondent's license shall be disciplined as set forth in the Order below.

#### **ORDER**

IT IS THEREFORE ORDERED by the Oklahoma Real Estate Appraiser Board that Respondent is to complete Course Number "613: Residential Sales Comparison and Income Approaches" from a Board approved provider and furnish proof of course completion to the administrative office of the Board

no later than August 1, 2008. If Respondent finds that the course is not offered at such times that he is able to complete it, and provide proof of completion by August 1, 2008, he is to notify the Board Director immediately.

IT IS FURTHER ORDERED that Respondent shall pay an administrative penalty, payable to the Oklahoma Real Estate Appraiser Board, in the amount of two hundred fifty dollars (\$250.00). The penalty is to be paid only by certified check or money order within thirty (30) days of receipt of a fully executed copy of this Order.

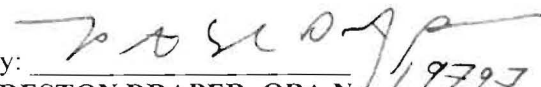
IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct by the Respondent is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

IT IS SO ORDERED on this 8 day of April, 2008

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



**OKLAHOMA REAL ESTATE  
APPRAISER BOARD**

By:   
**PRESTON DRAPER**, OBA No. 19797  
Assistant Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
(405) 522-4414

## **CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Order of Discipline was mailed by certified mail, return receipt requested, on this 8 day of April, 2008 to:

**Russell S. McIntosh**  
P.O. Box 27821  
Tulsa, OK 74149

**CERTIFIED MAIL RECEIPT**  
7002 2410 0001 7592 7441

**and that copies were mailed by first class mail to:**

**OFFICE OF THE ATTORNEY GENERAL**  
Attn: Preston Draper  
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, Legal Secretary**  
Real Estate Appraiser Board