

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

IN THE MATTER OF)
STEFAN BARNHOUSE,)
RESPONDENT,) **Complaint No. 07-027**
)
Disciplinary Hearing.)

CONSENT ORDER

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

JURISDICTION

The Board has jurisdiction in this matter pursuant to the provisions of the Oklahoma Real Estate Appraisers Act, Title 59 Oklahoma Statutes Section 858-700 *et seq.*

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

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

1. On or about January 24, 2006 Respondent prepared and signed an appraisal report for the property located at 9602 East 126th Street North, in Collinsville, Oklahoma.
2. The property is a manufactured home, yet Respondent did not state whether the home was permanently connected to septic or sewer system, or whether the required engineer's certification of compliance for the design of the permanent foundation system was provided.

3. According to the County Assessor information, the property is a regular rectangular lot, zoned Agricultural. Respondent reported there was no zoning, and stated the lot had irregular dimensions.

4. In choosing comparable sales, Respondent ignored appropriate comparable sales within the same school district. He selected one sale that was not an arm's length transaction, but apparently was a non-sale transfer from one spouse to another.

5. Respondent stated that "sales of this quality homes are not plentiful" but did not explain this in any way to justify giving the manufactured home an effective age of two years when its actual age was seven years.

6. These and other errors and omissions resulted in Respondent giving the subject property an inflated valuation.

AGREED CONCLUSIONS OF LAW

Based on the foregoing, the Board and Respondent agree to the following Conclusions of Law:

1. 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.

2. That the Findings of Fact stipulated to by the Respondent constitute a violation of the Oklahoma Certified Real Estate Appraisers Act, specifically:

- 59 O.S. § 858-723(C)(7), (8) and (9)
- 59 O.S. §858-723(C)(6) by violation of Standard 1 and Standards Rules 1-1(b) and Standard 2 and Standards Rules 2-2(b)(iii), Uniform Standards of Professional Appraisal Practice.

CONSENT

The Respondent, 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. 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 and Consent, it is hereby ordered that :

1. Respondent is hereby publicly reprimanded and a copy of this Order will be retained in his file at the administrative office of the Board.

2. Within ninety (90) days of receipt of a fully executed copy of the Order, Respondent shall successfully complete two (2) thirty-hour corrective education courses: Course No. 632 General

Appraiser Sales Comparison Approach and Course No. 634 General Appraiser Report Writing and Case Studies; and shall furnish certificates of course completion to the administrative office of the Board. These courses must be taken from a provider included on the list of course providers approved by the Board, they may not be used as continuing education, and they may not be taken online or by any other form of distance learning.

3. Within thirty (30) days of receipt of a fully executed copy of this Order, Respondent shall pay an administrative penalty of seven hundred fifty dollars (\$750.00).

4. Within thirty (30) days of receipt of a fully executed copy of this Order, Respondent shall pay attorney fees and costs of this proceeding in the amount of one thousand dollars (\$1,000.00).

5. If Respondent does not submit certificates of course completion in accordance with the above and foregoing requirements, the Director shall, on behalf of the Board, immediately suspend Respondent's appraiser credential, provide notification to Respondent and to the Appraisal Subcommittee for inclusion on the National Registry and issue a notice and order directing Respondent to appear and show cause why he should not be further disciplined.

6. Respondent 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.

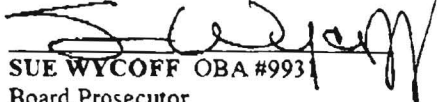
IT IS THEREFORE ORDERED that the Respondent's stipulations above are accepted and this Consent Order shall be the Order of the Oklahoma Real Estate Appraiser Board.

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.

CERTIFICATION

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 as alleged in the Complaint.




SUE WYCOFF OBA #9931
 Board Prosecutor
 Real Estate Appraiser Board
 2401 NW 23rd. Street, Suite 28
 P.O. Box 53408
 Oklahoma City OK 73152

Dated this 7th day of April, 2008.

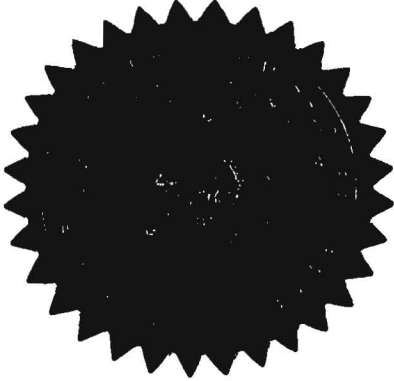


STEFAN BARNHOUSE
 Respondent

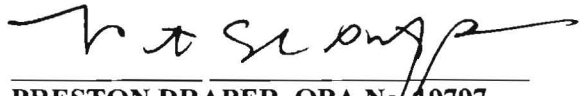


ERIGIE KENNEDY
 Counsel for Respondent

IT IS SO ORDERED on this 13 day of June, 2008




KIM HOLLAND Insurance Commissioner
Chairperson, Real Estate Appraiser Board


PRESTON DRAPER, OBA No. 19797
Assistant Attorney General
313 N.E. 21st 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 Consent Order was mailed by certified mail, return receipt requested, on this 17 day of June, 2008 to:

Stefan Barnhouse
5830 E. 78th Street
Tulsa, Oklahoma 74136

CERTIFIED MAIL RECEIPT
7002 2410 0001 7592 7458

Brigid Kennedy
Kennedy Law Firm
4334 Northwest Expressway, Suite 151
Oklahoma City, Oklahoma 73154-0773

7002 2410 0001 7592 7670

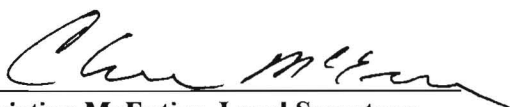
and that copies were mailed by first class mail to:

OFFICE OF THE ATTORNEY GENERAL

Attn: Preston Draper
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

MOORE & VERNIER

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


Christine McEntire, Legal Secretary
Real Estate Appraiser Board