



3. That Respondent Daniel Corff is a Trainee Appraiser in the State of Oklahoma, holding certificate number 90848TRA and was first credentialed with the Oklahoma Real Estate Appraiser Board on June 19, 2006.

4. That Respondent Johnny Corff is a State Certified Residential Real Estate Appraiser in the State of Oklahoma, holding certificate number 12009CRA and was first credentialed with the Oklahoma Real Estate Appraiser Board on April 29, 1999.

### **FINDINGS OF FACT**

The hearing panel finds that the findings of fact as set forth in the subsequent paragraphs were proved by clear and convincing evidence:

1. On or about August 29, 2007, Benchmark Mortgage (the "client") hired Respondents to appraise a parcel of property located at 13101 Southeast 110<sup>th</sup> Street, Oklahoma City, Oklahoma (the "subject property"). In the client's "Final Inspection Request Form", the client submitted to Respondents: "Sale Price/Value Needed: 500,000.00."

2. On or about September 13, 2007, Respondents completed an appraisal (the "report") on the subject property with an effective date of September 4, 2007. Respondents derived an appraised value of the subject property as Five Hundred Thousand and 00/100 Cents (\$500,000.00).

3. Said report states in the appraisers' signed certification that the appraisers' analyses, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP").

4. Said report contained the signature of Johnny Corff, who signed as Daniel Corff's supervisor.

5. That the administrative files of the Board contain an REA Form 8, Report of Supervisory Relationship, signed by Respondents including an "Addition of Supervisor" section bearing the signature of Johnny Corff which states, in relevant part: "I agree to supervise the appraiser trainee named on this form. I understand that I am responsible to the public and to the Board for the professional actions of this person. I agree to have the trainee perform

appraisal activity only under my active, personal and diligent supervision and direction, and I shall sign the trainee appraiser's reports."

6. The report resulted in an inflated value of the subject property, was misleading and contained inaccurate information. This includes, but is not limited, to the following contained in paragraphs 6-15.

7. Respondents failed to report that the subject property has a mobile home on its site.

8. Respondents incorrectly identified the subject neighborhood.

9. Respondents failed to disclose that the streets are not maintained by the City of Oklahoma City.

10. Respondents incorrectly listed the pricing of one-unit housing in the subject neighborhood.

11. Respondents failed to properly identify the zoning of the property.

12. Respondents misled the user with the statement "the home is recently completed new construction."

13. The comparables chosen and used by Respondents are not comparable to the subject property and the adjustments made to the comparables were inappropriate and misleading.

14. Respondents ignored, without explanation, comparables more suitable for the subject property which were available and appropriate to use for their report.

15. Subsequent to the Respondents report, a retrospective review was completed on the subject property and the reviewer derived an appraised value, as of September 4, 2007, of Three Hundred Forty Three Thousand and 00/100 Dollars (\$343,000.00).

### **CONCLUSIONS OF LAW**

That the Board adopts in full the Panel's conclusion that it was proven by clear and convincing evidence that Respondent's conduct was in violation of the following:

That such conduct by the Respondent is in violation of:

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

A) The Conduct Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

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

C) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;

D) Standards Rules 1, 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 2, 2-1 and 2-2 of the Uniform Standards of Professional Appraisal Practice.

2. That Respondents have violated 59 O.S. § 858-723(A)(6): "Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Real Estate Appraisers Act."

3. That Respondents have 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."

4. That Respondents have 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."

5. That Respondents have violated 59 O.S. § 858-723(A)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provision of the Oklahoma Certified Real Estate Appraisers Act."

6. That Respondents have 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."

7. The panel finds that any allegations of fraud were not proven by clear and convincing evidence in this matter.

### **FINAL ORDER**

The Board, having adopted the Findings of Fact and Conclusions of Law, as set forth above, sets forth the following final order:

1. As to Respondent Daniel Corff:

a. Respondent obtain a new supervisor within 30 days of the Board's acceptance of this recommendation; the new supervisor will physically inspect any property over \$150,000 in value for which Respondent completes an appraisal for a period of two years after receipt of a fully executed copy of the order; and failure to comply with these requirements will result in suspension of the credential without further Board action until Respondent is in full compliance;

b. Respondent will submit a log of all of his appraisals to the Board on a monthly basis and will provide copies of any appraisal reports and work files upon request of the Board for a period of two years after receipt of a fully executed copy of the order; and failure to comply with these requirements will result in suspension of the credential without further Board action until Respondent is in full compliance;

c. Respondent will complete 120 hours of educational courses from the core curriculum promulgated by the Appraiser Qualifications Board of The Appraisal Foundation, having OREAB Course Numbers of 611 or higher; said courses to be taken from one of the sponsoring organizations of the Appraisal Foundation; said courses to be taken within one year of receipt of a fully executed copy of the order; and failure to complete courses as required will result in suspension of the credential without further Board action until Respondent is in full compliance.

2. As to Respondent Johnny Corff:

a. Respondent will be prohibited from acting as a supervisor to any trainee

appraiser for a period of five years commencing upon receipt of a fully executed copy of the order;


b. Respondent will complete 120 hours of educational courses from the core curriculum promulgated by the Appraiser Qualifications Board of The Appraisal Foundation, having OREAB Course Numbers of 611 or higher; said courses to be taken from one of the sponsoring organizations of the Appraisal Foundation; said courses to be taken within one year of receipt of a fully executed copy of the order; and failure to complete courses as required will result in suspension of the credential without further Board action until Respondent is in full compliance.

**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 11 day of August, 2008.



  
\_\_\_\_\_  
**KIM HOLLAND**, Chairperson  
Real Estate Appraiser Board

  
\_\_\_\_\_  
**PRESTON DRAPER**  
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 Recommendations was mailed postage prepaid by certified mail with return receipt requested on this 12 day of August, 2008 to:

**Newell E. Wright, Jr.**  
P.O. Box 160  
Cheyenne, Oklahoma 73628

**Certified Mail Receipt No.**  
7002 2410 0001 7592 8745

and that copies were mailed to:

**Richard E. Grace, Hearing Panel Member**  
P.O. Box 3579  
Shawnee, Oklahoma 74802

**Donald H. Justice, Hearing Panel Member**  
P.O. Box 988  
Watonga, Oklahoma 73772

**Bill R. Moon, Hearing Panel Member**  
1925 East 18<sup>th</sup> Street  
Ada, Oklahoma 74820

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

**DERRYBERRY & NAIFEH, LLP**  
Attn: Stephen McCaleb  
4800 North Lincoln Blvd.  
Oklahoma City, Oklahoma 73105

**OKLAHOMA DEPARTMENT OF CONSUMER CREDIT**  
4545 North Lincoln Boulevard, Suite 104  
Oklahoma City, Oklahoma 73105

  
Christine M. McEntire