BEFORE THE REAL ESTATE APPRAISER BOARD STATE OF OKLAHOMA

In the Matter of Donald Todd Yeager,)	
)	Complaint #07-102
Respondent.)	

BOARD'S DECISION ON DISCIPLINARY HEARING PANEL RECOMMENDATION

ON THE 1st day of August, 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, Terry L. Hinkle, Scott C. Goforth and James R. Harelson. Terry L. Hinkle was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's counsel, Assistant Attorney General Preston S. Draper. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. No appearance was made by Respondent, Donald Todd Yeager, after having been mailed a copy of the Disciplinary Hearing Panel Recommendation by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, being fully advised in the matter, making 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 Act, 59 O.S. § 858-700 et seq.
- 2. That the proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.
- 3. That Respondent Donald Todd Yeager is a Certified Residential Real Estate Appraiser in the State of Oklahoma, holding credential number 10838CRA and was most recently credentialed by the Oklahoma Real Estate Appraiser Board on July 10, 2006.

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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:

- On or about October 9, 2007, a Criminal Information was filed in the United
 States District Court, District of Minnesota, charging Respondent with violations of United
 States Code sections 1343 and 1346. Said matter was given 07-CR-531 as its case number.
 - 2. On or about October 11, 2007, Respondent entered a plea of guilty in the matter.
- At the time he entered his guilty plea, Respondent held a credential as a Certified Residential Appraiser in the State of Oklahoma, certificate number 10838CRA, which was issued on July 10, 2006.
- 4. The facts to which Respondent pled guilty included "From approximately 2004 through 2005, in the State and District of Minnesota, the defendant, Donald Todd Yeager, devised and intended to devise a scheme to defraud by means of depriving mortgage lending companies of the intangible right to the defendant's honest services as a Certified Residential Real Property Appraiser, performed free of deceit, fraud, dishonesty, conflict of interest and self-enrichment, and caused the transmission of an interstate wire communication for the purpose of executing his scheme; all in violation of Title 18, United States Code, Sections 1343 and 1346."
- 5. The appraisals involved in Respondent's Minnesota case reflected predetermined values which were primarily provided by a mortgage broker and were not the product of independent professional analysis

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:

That Respondent has violated 59 O.S 2001. §§ 858-723(A)(5) & (10) and 59
 Supp.2007 § 858-723(C)(4).

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. Respondent's appraisal credential be **REVOKED WITHOUT THE RIGHT TO REAPPLY** pursuant to 59 O.S. Supp.2007 § 858-723(A)(1).

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 // day of August, 2008.

KIM HOCLAND, 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 $\angle 2$ day of August, 2008 to:

D. Todd Yeager HC 66, Box 107C Overbrook, Oklahoma 73453 **CERTIFIED MAIL RECEIPT NO.** 7002 2410 0001 7592 8448

and that copies were mailed to:

Scott C. Goforth, Hearing Panel Member 3705 West Memorial Road, Suite 306 Oklahoma City, Oklahoma 73134

James R. Harelson, Hearing Panel Member P.O. Box 430 Piedmont, Oklahoma 73078

Terry L. Hinkle, Hearing Panel Member 7814 N.W. 94th Street, Suite A Oklahoma City, Oklahoma 73162

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Christine M. McEntire

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