



2. That Respondent went outside the neighborhood of the subject property for two of his comparables without providing sufficient reasons and justification for choosing comparables from a superior neighborhood.

3. That Respondent provided insufficient explanation for these choices in his Report, and did not make any adjustment for the superior neighborhoods of the comparables.

4. That Respondent's Report stated that the subject's construction and its functional utility were of average quality, yet he valued the subject well above the average sales price for the subject's neighborhood in the year before the appraisal.

5. That Respondent provided no page numbers for Marshall and Swift in the cost approach section of his Report so it is impossible to corroborate his figures.

6. That Respondent freely acknowledged his error in not providing sufficient explanation and justification for his comparable choices, expressed a desire to learn to perform appraisals better, and cooperated in the resolution of the Complaint.

### **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 Statutes and Rules Governing Real Estate Appraisers, 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), 1-1(c) 1-2(e)(1) and Standard 2 and Standards Rules 2-1(a) and 2-2(b)iii.

### **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. Within ninety (90) days of receipt of a fully executed copy of this Order, Respondent shall successfully complete one fifteen hour corrective education course, either #614, Residential Report Writing and Case Studies or #622, Advanced Residential Applications and Case Studies, and shall furnish a certificate of course completion to the administrative office of the Board. This course must be taken from a provider included on the list of course providers approved by the Board, and it may not be used as continuing education and may not be taken online, as self-study or by any other form of distance learning.
2. Within ninety (90) days of receipt of a fully executed copy of this Order, Respondent shall pay an administrative penalty of five hundred dollars (\$500.00).
3. Within ninety (90) 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 five hundred dollars (\$500.00).
4. 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 to be further disciplined.

5. 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 23<sup>rd</sup>. Street, Suite 28  
P.O. Box 53408  
Oklahoma City OK 73152

Dated this 17<sup>TH</sup> day of September, 2008.

  
MARK BRUNER  
Respondent

  
PRESTON DRAPER  
Assistant Attorney General  
Counsel to the Real Estate Appraiser Board



OKLAHOMA REAL ESTATE  
APPRAISER BOARD

  
COMMISSIONER KIM HOLLAND  
Chairwoman

**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 22 day of October, 2008 to:

**Mark D. Bruner**  
P.O. Box 140103  
Broken Arrow, Oklahoma 74014

**CERTIFIED MAIL RECEIPT**  
7002 2410 0001 7592 9087

and that copies were mailed to:

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

**MOORE & VERNIER**  
Attn: Sue Wycoff  
301 N.W. Expressway, Suite 550  
Oklahoma City, OK 73116

  
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Christine McEntire