

IT IS SO ORDERED this 7th day of November, 2008.


KIM HOLLAND, CHAIRPERSON
REAL ESTATE APPRAISER BOARD


PRESTON S. DRAPER, ASST ATTY GENERAL



CERTIFICATE OF MAILING

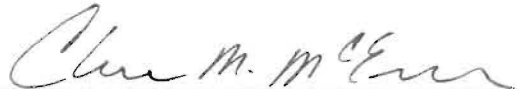
I, Christine M. McEntire, hereby certify that a true and correct copy of the above and foregoing BOARD'S DECISION ON ACCEPTANCE OF AFFIDAVIT OF VOLUNTARY SURRENDER IN LIEU OF DISCIPLINARY PROCEEDINGS was mailed by certified mail, return receipt requested, on the 17th day of November, 2008 to:

Richard M. Cole
Melvin L. McDaniel
100 N. Broadway, Ste 3120
Oklahoma City, OK 73102

**VIA CERTIFIED MAIL
7001 0320 0004 0179 5580**

and that copies were mailed by first class mail to:

Larry W. Boone, 700 W. South St, Pauls Valley, OK 73075;
William F. Stephens Jr., Hearing Panel Member, PO Box 871, Pauls Valley, OK 73075;
David W. Story, Hearing Panel Member, PO Box 985, Woodward, OK 73802;
John M. Travers, Hearing Panel Member, 9028 S. Norwood Ave, Tulsa, OK 74133;
Stephen C. Walton, Alternate Hearing Panel Member, 8282 S. Memorial, Tulsa, OK 74133;
Stephen L. McCaleb, Board Prosecutor, 4800 N. Lincoln Blvd., Oklahoma City, OK 73105; and
Preston S. Draper, Board Counsel, 313 N. E. 21st Street, Oklahoma City, OK 73105.



CHRISTINE M. McENTIRE



**STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD**
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408

**AFFIDAVIT OF VOLUNTARY SURRENDER OF APPRAISER CREDENTIAL
IN LIEU OF DISCIPLINARY PROCEEDINGS**

I, Richard M. Cole, being of lawful age, swear and affirm under penalty of perjury, that:
(Print full name of individual surrendering credential)

1. I hold an appraiser credential as a (check the appropriate box and enter certificate or license number):

- Trainee Appraiser, credential # _____; OR
- State Licensed Appraiser, credential # 12367SLA; OR
- Certified Residential Appraiser, credential # _____; OR
- Certified General Appraiser, credential # _____.

2. I desire to surrender my appraisal credential.

3. I am freely and voluntarily surrendering my appraisal credential.

4. In surrendering my credential, I am not subject to any duress or coercion.

5. I am aware that following grievance(s), investigation(s), and/or board complaint(s) are pending against me (please enter grievance, complaint, and/or control number(s); if there are more than 18 pending matters, complete another affidavit):

- 1. 08-019 2. _____ 3. _____ 4. _____ 5. _____ 6. _____
- 7. _____ 8. _____ 9. _____ 10. _____ 11. _____ 12. _____
- 13. _____ 14. _____ 15. _____ 16. _____ 17. _____ 18. _____

6. The contents of the above grievance(s), investigation(s), and/or board complaint(s) and the contents of any investigative or disciplinary files of the above pending grievance(s), investigation(s), and/or board complaint(s) are incorporated herein by reference.

7. I am aware that the allegations set forth in the above pending grievance(s), investigation(s), and/or board complaint(s), if proven, would constitute violations of the Oklahoma Real Estate Appraiser Act and/or the rules promulgated pursuant thereto, for which I could subject to be discipline by the Board, up to and including revocation of my appraiser credential.

8. I am fully aware of my rights to contest the allegations pending against me. These rights include: representation by an attorney at my own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify against me; the right to present evidence on my own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on my own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of a complaint and the right to obtain judicial review of the Board's decision. In exchange for the Board's acceptance of the surrender of my appraiser credential, I voluntarily waive all of these rights.

- 9. I am aware that surrender of my credential shall not become effective until it has been approved by a majority of the Board.
- 10. I acknowledge this affidavit shall be presented to the Board with a recommendation from Board staff at the next available scheduled meeting of the Board.
- 11. I understand that the Board is free to accept or reject my surrender of my credential and, if rejected by the Board, a formal disciplinary hearing on the above pending matters may be held.
- 12. I understand that if the surrender is not accepted by the Board, it shall be regarded as null and void. Any admissions I make in this affidavit will not be regarded as evidence against me in the subsequent disciplinary hearing. I will be free to defend myself and no inferences will be made from my willingness to submit this affidavit.
- 13. I understand and agree that neither the presentation of this affidavit nor the Board's consideration of this affidavit will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in this affidavit.
- 14. I understand and agree that should the Board accept my surrender of my appraiser credential that:
 - I cannot be identified as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser;
 - All reference(s) to certification/licensure must be immediately removed from all letterheads, business cards, appraisal report covers and other printed materials under my reasonable control; and
- 15. My real estate appraiser credential and pocket card are attached hereto.
- 16. I understand and agree that should the Board accept my surrender of my appraiser credential, I cannot and will not apply for reinstatement for a period of at least five (5) years.
- 17. I further state that (check one):

I do not hold a license, certificate or credential as an appraiser in another jurisdiction.

I do hold a license, certificate or credential as an appraiser in the following jurisdiction(s) [LIST ALL JURISDICTIONS]:

Jurisdiction and Certificate or License Number

Jurisdiction and Certificate or License Number

Jurisdiction and Certificate or License Number

Jurisdiction and Certificate or License Number

FURTHER AFFIANT SAYETH NOT.

Signed: x Philip M. Cole
(Signature of Individual surrendering credential)

STATE OF OKLAHOMA)

COUNTY OF Oklahoma) ss.

Subscribed and sworn to before me this 31ST day of OCTOBER, 2008.

Melvin L. McDaniel
Notary Public

My Commission expires:
3-15-2012

My Commission Number is:
04002406

