

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

IN THE MATTER OF **RONNIE BURK**)
 Respondent,)
) Complaint No. 08-078
Disciplinary Hearing)

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent RONNIE BURK, representing herself, and enter into this Consent Order in lieu of a formal administrative hearing pursuant to Oklahoma Statutes Title 59 Section 858-700 et seq. and Oklahoma Administrative Code 600:10-1-1 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. That Respondent is a Certified Residential Appraiser in the State of Oklahoma holding license number 12474CRA.
2. That on or about June 25, 2008, Respondent appraised a property at 404 N. Astor, Broken Arrow, Oklahoma, and prepared a report of that appraisal.
3. That in his appraisal report Respondent made a series of errors, including but not limited to those listed below.
4. Respondent’s report listed the same information for zoning classification and zoning description; it did not report the actual zoning classification.
5. Respondent did not show on his grid page that two of his comparables had in-ground swimming pools.

6. Respondent reported the subject as having five bedrooms, one down and four up. MLS records for the property show it as having four bedrooms and a game room. Respondent's report did not include any explanation for this discrepancy; whether, e.g. the fourth bedroom upstairs actually contained a closet and window.

7. Respondent's report did not include any description of the subject neighborhood.

8. Respondent's explanation for some of the missing information is that he was experiencing difficulties with a new computer and new version of the appraisal software, which resulted in certain data fields being dropped from the completed report.

9. These errors and others resulted in Respondent producing a careless and negligent appraisal report.

AGREED CONCLUSIONS OF LAW

1. That the Oklahoma Real Estate Appraiser Board has jurisdiction of this cause pursuant to Oklahoma law as set forth at Title 59 of the Oklahoma Statutes, Sections 858-701 et seq. and the Rules of the Real Estate Appraiser Board at OAC 600:10-1-1 et seq.

2. That the Respondent was properly notified of the complaint and of his right to counsel.

3. 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.

4. That the Findings of Fact stipulated to by the Respondent constitute violations of the Statutes and Rules Governing Real Estate Appraisers, specifically:

- 59 O.S. §858-723(C)(7), "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal report, or in communicating an appraisal".

- 59 O.S. §858-723(C)(8), “Negligence or incompetence in developing an appraisal, preparing an appraisal report or communicating an appraisal”.
- 59 O.S. §858-723(C)(6), “Violation of any of the Standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act” by violation of:
 - a. Standard 1 and Standards Rules 1-1(b) & 1-1(c). USPAP 2008 Edition.

5. That in the event subsequent disciplinary action is instituted by the Board against Respondent’s license, no Consent resolution of the matter will be permitted unless that resolution includes the surrender of Respondent’s credential for a specified period of time.

CONSENT AGREEMENT

The Respondent, by affixing his signature hereto, acknowledges:

1. That Respondent has been advised 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 her; and
 - f. 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 it is ordered that:

1. Respondent Ronnie Burk will pay a two hundred dollar (\$200.00) administrative penalty as provided in 59 O.S. §858-723 B.2.

2. A letter of reprimand will be sent to Respondent and will be placed in Respondent's file at the Real Estate Appraiser Board office.

3. This action constitutes formal discipline and may be used in any subsequent disciplinary action against Respondent.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. § 24-A.1 – 24A.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.

FUTURE VIOLATIONS

In the event the Respondent fails to comply with any of the terms and conditions of this Consent Order, Respondent will be directed to show cause why her credential should not be revoked.

RESPONDENT:



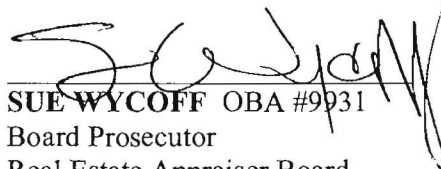
RONNIE BURK

26 AUG 09

DATE

CERTIFICATION OF BOARD PROSECUTING ATTORNEY

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 alleged in the formal Complaint.



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

8-31-2009

DATE

IT IS SO ORDERED on this 4th day of September, 2009.



A handwritten signature in black ink, appearing to read "Kim Holland".

KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By A handwritten signature in black ink, appearing to read "Bryan Neal".

BRYAN NEAL, OBA #6590
Assistant Attorney General
Attorney for the Board
2401 NW 23rd. Street, Suite 28
Oklahoma City OK 73152

CERTIFICATE OF MAILING

I, Christine McEntire hereby certify that a true and correct copy of the above and foregoing Consent Order was served via certified mail, return receipt requested on this 15th day of September, 2009 to:

Ronnie Burk
8861 N. 40th Street East
Wagoner, Oklahoma 74467

7008 3230 0000 8455 2021

With copies to:

OFFICE OF THE ATTORNEY GENERAL
Attn: Bryan Neal
313 N.E. 21st Street
Oklahoma City, OK 73105

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


Christine McEntire