

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

IN THE MATTER OF KAREN CARRIS)
Respondent,)
) Complaint No. 08-095
Disciplinary Hearing)

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board ("OREAB"), by and through the Prosecuting Attorney, Sue Wycoff, and the Respondent Karen Carris, 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 State Licensed Appraiser in the State of Oklahoma holding license number 12054SLA.
2. That on or about September 17, 2007, Respondent appraised a property at 801 North Weigle Avenue, Watonga, Oklahoma, and prepared a report of that appraisal.
3. That in her appraisal report Respondent made a series of errors, including but not limited to those listed below.
4. Respondent stated throughout the report that the neighborhood, which she inadequately described as "the city limits of Watonga" was exclusively composed of single family residences, while the subject property itself included a garage apartment in addition to the main dwelling.

5. Respondent never mentioned the garage apartment; she never described it as adding to or detracting from the value of the property; and she chose "Units One" for the general description section rather than the more accurate "One with Accessory Unit".

6. On page one of the URAR, Respondent reports the dimensions of the subject lot as 50 x 140. However, on the grid page, she (correctly) reports the site dimensions as 75 x 140.

7. Respondent did not correctly list the zoning classification as R-1, Single Residence. Rather, she used the same language she did for the zoning description: "urban residential".

8. Respondent did not accurately report the Book and Page for the subject's prior sale.

9. Although Respondent had the sales contract and reported the seller's concessions contained in the contract, she failed to report the FHA Supplement that required the seller to pay an additional \$1,500 in "non-allowables" for the buyer.

10. Respondent apparently failed to recognize that seller concessions of more than \$7,000 on a sales contract with a purchase price of \$85,000, might have an impact on the appraised value, and that under these circumstances an appraised value of \$89,900 might not be accurate or appropriate.

11. These errors and others resulted in Respondent producing a misleading and confusing appraisal report and ascribing an inflated value to the subject property.

12. That since she completed the appraisal report that is the subject of this disciplinary action, Respondent has taken and successfully completed a course in residential appraisal report writing.

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 her 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. Competency Rule, USPAP 2007 Edition;
 - b. Standard 1 and Standards Rules 1-1(b), 1-1(c), 1-2(e)(i), 1-4(a), & 1(4)(b) USPAP 2007 Edition; and
 - c. Standard 2 and Standards Rules 2-1(a), 2-1(b), 2-2(b)(iii), 2-2(b)(viii) USAP 2007 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 her 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 her 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 her 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, Karen Carris will, pay a five hundred dollar (\$500.00) administrative penalty plus costs of this action in the amount of four hundred and seventy five dollars (\$475.00). Payment of this administrative fine and costs will be in the manner specified by 59 O.S. §858.723 (B)(2) and (B)(4). In the event Respondent is unable to fully pay the penalty and costs within the required thirty-day period, she will be granted an additional thirty days **provided** she asks for the extension **before** the expiration of the original thirty days.

2. Within ninety days of receipt of a fully executed copy of this Consent Order, Respondent will successfully complete course #613, a thirty-hour course in Residential Sales Comparison and Income Approaches. The course must be in a live classroom format, presented by one of the sponsoring organizations of the Appraisal Foundation, and attended in person by Respondent. The course may not be taken by distance learning or correspondence or on-line. The course may not be used to satisfy the continuing education requirements for renewal of her credential. Respondent must provide Board staff with proof of successful completion of the course immediately upon completion.

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:

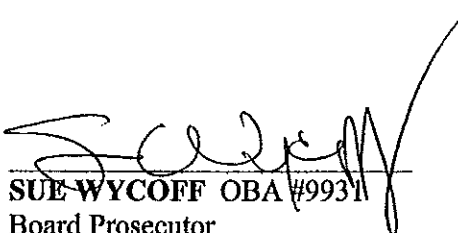


KAREN CARRIS

8-24-2009
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

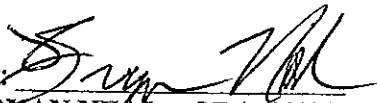
8-31-2009
DATE

IT IS SO ORDERED on this 2nd day of October, 2009.




KIM HOLLAND, Chairwoman
Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: 
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 confirm 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 8th day of October, 2009 to:

Karen L. Carris
1420 W. Garriott Road
Enid, Oklahoma 73703

Certified Mail Receipt
7008 3230 0000 8455 3356

and that copies were mailed 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, Oklahoma 73116


Christine M. McEntire, Legal Secretary