BEFORE THE REAL ESTATE APPRAISER BOARD STATE OF OKLAHOMA

IN THE MATTER OF FRANK J. HENDRICKSON,)	
and MINDI L. MORGAN)	
Disciplinary Proceeding,)	Complaint No 08-081
)	-
Respondent.)	

BOARD'S DECISION ON ACCEPTANCE OF AFFIDAVIT OF VOLUNTARY SURRENDER BY FRANK J. HENDRICKSON IN LIEU OF DISCIPLINARY PROCEEDINGS

ON THE 4th day of September, 2009, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Board was represented by its counsel, Bryan D. Neal, Assistant Attorney General. Respondent appeared not. On the 12th day of August, 2009, Respondent filed with the administrative office of the Board a properly executed Affidavit of Surrender of Appraiser Credential in Lieu of Disciplinary Proceedings (the "Affidavit") dated August 12, 2009. The contents of the Affidavit are incorporated herein by reference, and the Affidavit is attached hereto as Exhibit A.

The Board, being fully advised in this matter, makes the following Order:

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 Respondent is a State Licensed Real Estate Appraiser in the State of Oklahoma holding credential number 11234SLA.

ORDER

The Board accepts the Voluntary Surrender of Appraiser Credential in Lieu of Disciplinary Proceedings under the terms and conditions set forth by paragraphs 1 through 17, inclusive, of the Affidavit.

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

KIM HOLLAND, CHAIRPERSON REAL ESTATE APPRAISER BOARD

APPROVED AS TO FORM:



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

į,	Frank Hendrickeon, being of lawful age, swear and affirm under penalty of perjusy, that: (Print full name of Individual surrendering credential)
1	
	Trainee Appraiser, credential #; OR
	State Licensed Appraiser, credential # 11234SLA; OR
	Certified Residential Appraiser, credential #; OR
	Certified General Appraiser, credential #
2,	i desire to surrender my appraisat credential.
з.	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. 08-081 2 3
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.
3.	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.

Page tof 2

- I am aware that surrender of my credential shall not become effective until it has been approved by a majority of the Spard.
- 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 sumender 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 shell 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
- 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 lilegely 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
- 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 (6) 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 cradential as an appraiser in the following jurisdiction(s) [LIST ALL JURISDICTIONSJ: Jurisdiction and Certificate or License Number FURTHER AFFIANT SAYETH NOT. (Signature of Individual surrendering credential) STATE OF OKLAHOMA COUNTY OF MUSKOGEE Subscribed and swom to before me this 121 2009; My Commission expires: My Commission Number le:

Page 2 of 2

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Decision on Acceptance of Affidavit of Voluntary Surrender by Frank J. Hendrickson in Lieu of Disciplinary Proceeding was mailed postage prepaid by certified mail with return receipt requested on this and of October, 2009 to:

Frank J. Hendrickson

7008 3230 0000 8455 3363

1403 Maxey Drive Muskogee, Oklahoma 74403

and that copies were mailed to:

OFFICE OF THE ATTORNEY GENERAL

Attn: Bryan Neal 313 N.E. 21st Street Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP

Attn: Stephen McCaleb 4800 North Lincoln Blvd. Oklahoma City, Oklahoma 73105

Christine McEntire