STATE OF OKLAHOMA

IN THE MATTER OF TONY M. HENSLEY,)	COMPLAINT NO. 08-076
)	
Respondent.)	

BOARD'S ORDER MODIFYING ORDER 09-027

On the 4th day of December, 2009 the above-numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board") pursuant to Respondent's written request to modify Board Order 09-027, effective November 6, 2009, due to financial hardship. Neither the Board's prosecutor, Sue Wycoff, nor the Respondent, Tony Hensley, appeared. The Board was represented by Bryan Neal, Assistant Attorney General.

The Board, after considering all evidence and argument, including, but not limited to a letter from Tony Hensley and the Board's Decision on Disciplinary Hearing Panel Recommendation, and being fully advised thereto, hereby makes the following Findings of Fact:

This Order is issued pursuant to the Oklahoma Certified Real Estate Appraiser Act, Title 59 Section 858-700 *et seq.* of the Oklahoma Statutes.

FINDINGS OF FACT

After hearing all the evidence received and presented and upon due consideration thereof, the Board finds by clear and convincing evidence that:

- 1. Respondent, Tony Hensley, is a Certified Residential Appraiser in the State of Oklahoma, holding License Number 12587CRA, and was first credentialed by the Oklahoma Real Estate Appraiser Board on February 14, 2003 as a Trainee appraiser having upgraded to his present level of licensure on April 28, 2004.
- 2. On November 6, 2009 the Board affirmed the decision of the Disciplinary Hearing Panel in its Disciplinary Hearing Panel Recommendation ordering the Respondent to 1). Be

placed on probation for one (1) year; 2). To successfully complete Course Nos. 613 and 614 within one (1) year of the date o the Board Order; and 3). Pay a fine in the sum of \$500.00 plus payment of the Board's costs for legal fees and travel costs pursuant to 59 O.S. Section 858-723(B).

3. On or about November, 23, 2009 correspondence was received by the Board from Respondent, Tony Hensley, in which he requested payment of the total fine and costs in the sum of \$3,357.50 be paid over a 36 month period (\$93.26 per month) due to economic hardship. In support of his request, the Respondent advises that he was involved in accident, underwent multiple surgeries and has been effectively unemployed for the past year.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction to hear this matter pursuant to Title 59 Sections 858-700 *et seq.* of the Oklahoma Statutes.
- 2. The Board having issued its Board Order 09-027 in this Complaint No. 08-076 imposing penalties, retains the authority to modify its own Orders under Title 59 Section 858-723 of the Oklahoma Statutes, as to the payment of fines and costs.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Real Estate Appraiser Board that Board Order 09-027 is MODIFIED with respect to only the payment of fines and costs as follows: the \$500.00 fine and costs associated with this matter in the sum of \$2,857.50 will be payable over a thirty-six (36) month period. The sum of \$93.26 will be due on or before the 15th day of each month, with the first payment to be made on or before January 15, 2010. If any of said payments is not received, a Notice and Order to Show Cause will be issued to Mr. Hensley requiring him to appear before the Board to show good cause why his license should not be suspended until payment in full be made.

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IT IS SO ORDERED on this 4 day of December, 2009

KIM HØLLAND, Chairperson Real Estate Appraiser Board

APPROVED AS TO FORM

BRYAN NEAL, Assistant Attorney General

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Board Order Modifying Board Order 09-027 was mailed postage prepaid by certified mail with return receipt requested on this /// day of December, 2009 to:

Tony Hensley 3509 West 42nd Place Tulsa, Oklahoma 74107 7008 3230 0000 8455 3684

Warren G. Morris 2532 E. 46th Place Tulsa, Oklahoma 74105 7008 3230 0000 8455 3677

and that copies were mailed to:

MOORE & VERNIER

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

ATTORNEY GENERAL'S OFFICE

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

CHRISTINE M. McENTIRE. Legal Secretary