

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

In the Matter of **DANIEL G. MEIER,**)
)
 Respondent.)
)
) Complaint #08-089
)
)
) Disciplinary Hearing.)

**BOARD’S DECISION ON
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 6th day of November, 2009, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the “Board”). The Disciplinary Panel hearing this matter consisted of three members, Patrick O. Glenn, Rusty R. Hartsell, and Terry L. Hinkle,. Patrick O. Glenn was elected and served as Hearing Panel Chairman. Said panel was represented by the Board’s attorney, Assistant Attorney General Bryan D. Neal. The case was prosecuted by the Board’s prosecutor, Stephen L. McCaleb. The Respondent, Daniel G. Meier, appeared pro-se, after having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, being fully advised in the matter, makes the following Order adopting the Panel’s Recommendation

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 proceedings were conducted in accordance with the Oklahoma Real Estate Appraiser Act, 59 O.S. § 858-700 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S., § 301-323.

FINDINGS OF FACT

The Board adopts in full the finding of the hearing panel that the following facts were proved by clear and convincing evidence:

1. Respondent DANIEL G. MEIER is a State Licensed Appraiser in the State of Oklahoma, holding license number 12845SLA and was first credentialed with the Oklahoma Real Estate Appraiser Board on October 13, 2008 (after transferring his license from Texas).

2. In October of 2008, US Bank (the "client") hired Respondent ("Meier" or "Respondent") to appraise a parcel of property located at 12772 S. 198th East Avenue, Broken Arrow, Oklahoma (the "subject property").

3. On or about October 17, 2008, Respondent completed a Uniform Residential Appraisal Report on the subject property. Respondent derived a market value of One Hundred Seventy Three Thousand and 00/100 dollars (\$173,000.00).

4. Said appraisal states in the appraiser's signed certification that the appraiser's analyses, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP").

5. The report contained numerous errors and is misleading. Some of the errors include, but are not limited to, those identified in the following paragraphs:

6. At the time of this appraisal, Respondent was a resident of Okeene, Oklahoma and the appraisal was for a property located in Broken Arrow, Oklahoma (approximately 173 miles away). Respondent admitted that he did not affiliate with an appraiser knowledgeable in the Broken Arrow market.

7. Respondent was not geographically competent to do the appraisal. Respondent admitted in testimony that he was not geographically competent and lacked knowledge of the Broken Arrow market.

8. Respondent did not utilize the multi-listing service (“MLS”) for the Broken Arrow area, which said data service is typically used and needed for appraisals in the Broken Arrow area.

9. Respondent utilized comparables/sales outside of the described neighbourhood when more comparable sales were available.

10. Respondent failed to make appropriate and supportable adjustments on his report. Among these were inconsistent age adjustments, failed to adjust for differences in bathroom counts, and to correctly identify that a comparable had a three car garage as opposed to a two car garage.

11. Respondent incorrectly defined the neighborhood, narrowly, and then left the neighborhood that he described to choose each of his comparables.

12. Respondent’s report was poorly written by his own admission and was found to be analytically poor by the panel.

CONCLUSIONS OF LAW

The Board adopts in full the conclusion of the Hearing Panel that said conduct by the Respondent is in violation of:

1. That Respondent has violated 59 O.S. § 858-723(C) (6) through 59 O.S. §858-726, in that Respondent violated:

a. The Conduct and Management Sections of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

b. The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

c. The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;

d. Standards Rules 1, 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 2, 2-1, 2-2, and 2-3 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

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

3. That Respondent has violated 59 O.S. § 858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

4. That Respondent has violated 59 O.S. § 858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

5. That Respondent has violated 59 O.S. § 858-723(C) (13), in that Respondent violated 59 O.S. § 858-732(A) (1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

FINAL ORDER

The Board, having adopted the Findings of Fact and Conclusions of Law as set forth above, sets forth the following Final Order confirming in part, and modifying in part, the recommendation of the Hearing Panel:

1. Respondent be fined five hundred dollars (\$500.00).

2. Respondent shall pay the costs of the proceedings, in the sum of two thousand dollars (\$2,000.00).

3. Payment of the fine and costs outlined above will begin on January 1, 2010 and will continue for twenty-four (24) months, with the payments due on the 1st of each month. Payments are to be made in twenty-four equal installments of \$104.16 with the final payment due in the sum of \$104.32. The first \$500.00 received will be applied to the fine.

4. That Respondent shall be under probation for six months from the date of this order during which Respondent will submit a log of all of his appraisals to the administrative office of the Board not later than the fifth day of each month and will provide copies of any appraisal reports and work files upon request of the Board during the period of probation.

5. Respondent shall successfully complete corrective education as follows:

- **THIRTY HOURS** further described as Course #601, Basic Appraisal Principles.

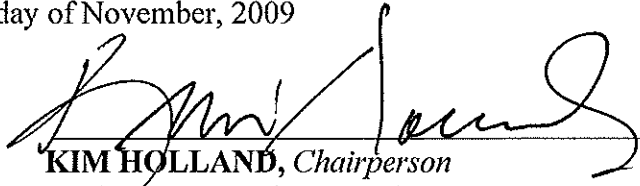
This course must be completed with a copy of the certificate of course completion transmitted to the administrative office of the Board within **SIX (6) MONTHS** from the date of any Board order accepting this recommendation. The course must be a live course, attended in-person by Respondent (not distance and/or correspondence courses).

6. Failure to comply with these requirements will result in suspension of the credential without further Board action until Respondent is in full compliance.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS THIRTY (30) DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED this 6th day of November, 2009





KIM HOLLAND, *Chairperson*
Real Estate Appraiser Board



BRYAN NEAL
Assistant Attorney General
Counsel to the Board

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed Certified Mail, Return Receipt Requested on this 22 day of November, 2009 to:

Daniel G. Meier
1711 S. Jackson Avenue, Apartment J
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7008 3230 0000 8455 4643

and by First Class Mail to:

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