

Codes for Enid, and/or by using the Section Township Range (Section 4 Township 22 North Range 7 West).

6. In the neighborhood section, the most similar in quality & design are also located in Willow West. Respondent's comments lack discussion and are vague. Pheasant Run Golf Community is a growing Community, and residential units along Pheasant Run, and Clubhouse Drive back to the course and/or greenbelt. These two streets are the only streets as of the effective date. The Homeowner's Association is controlled by the developer until the pool is in place. Once the pool is completed all residents will start to contribute. The golf course is private, & solely for the residents. The home owners/occupants can or do not have to contribute. Based on a knowledge of Oklahoma & its market/s, the reader should know there have been other similar house/golf communities that have eventually closed their courses and developed the land into additional residences. Refer to the "Appraisal Review Report" addendum.

7. In the Site section, the site is closer to 17,425 square feet, rather than 9,000 square feet as disclosed.

8. Comparable #4 is superior to the subject, and the report lacks sufficient adjustments.

9. The Report has multiple typographical errors in describing the comparables.

10. The data presented is not supportable using paired sales analysis, extraction, and/or by analyzing the depreciated cost of each comparable. The improvements for each comparable are not disclosed correctly, with regards to age, bedroom, bath count, GLA and garage storage, which has caused the upward adjustments to be applied that are not supportable.

11. The appraiser did not use two common sources of data used by local appraiser,

i.e., county records, and MLS. The reconciliation places weights on #1 and #3, but each do not support the final market value. The report lacks supporting comments, and/or narrative. Since there are omissions, and inconsistencies the sales comparison approach is neither complete nor accurate.

14. The Report contains inconsistent information with verifiable data, and lack of sufficient reasoning for not adjusting for differences when comparing the comparables to the subject.

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

3. That Respondent hereby expressly waives any objections to the timeliness of the notification of the Complaint, the specificity of the charges, and the procedures of the Board.

4. Respondent agrees that should this matter be presented to the Board's duly appointed hearing panel, violations of the Oklahoma Real Estate Appraisers Act could be found.

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

A) The Conduct Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule, in that Respondent should have used commonly used data sources for the subject area to perform a competent appraisal and the failure to do so resulted in a misleading, though not fraudulent, appraisal report;

- 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, 1-2, 1-4, 1-5, 1-6, and 2-1 of the Uniform Standards of Professional Appraisal Practice. These include the subsections of the referenced rules.

6. 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."

7. 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."

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 him; 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.

5. The Respondent agrees and consents that this Consent Order shall not be used by him for purposes of defending any other action initiated by the Board regardless of the date of the appraisal.

6. All other original allegations in this matter are dismissed.

ORDER

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered and that:

1. Respondent, CARL WIENS, agrees to take the following corrective education classes, all provided by a Foundation sponsor:

<u>NUMBER</u>	<u>HOURS</u>	<u>COURSE NAME</u>
611	15	Residential Market Analysis and Highest and Best Use
612	15	Residential Appraiser Site Valuation and Cost Approach
613	30	Residential Sales Comparison and Income Approaches
614	15	Residential Report Writing and Case Studies
621	15	Statistics, Modeling and Finance
622	15	Advanced Residential Applications and Case Studies

Sixty of these hours shall be successfully completed within one hundred eighty days of the adoption of this order, with the remaining forty five hours to be completed within three hundred sixty days of the adoption of this order. Proof of completion of said courses shall be received by the office of the Oklahoma Real Estate Appraiser Board within the time prescribed.

2. Respondent, CARL WIENS, is placed on probation for one year with the following stipulations:

(1) CARL WIENS shall transmit a log on the REA Form 3 of all appraisal reports rendered during each month to the administrative office of the Board, to arrive by the fifth calendar day of the following month, with the understanding that the Board will request work product from such logs for the purpose of review for compliance with USPAP.

3. Failure to comply with the provisions of this Order will cause Respondent's license to be suspended instanter until compliance occurs.

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 suspended immediately until said terms and conditions are met.

RESPONDENT:

Carl W. Wiens
CARL WIENS

11/4/09
DATE

[Signature] 11-4-09
JAMES S. MATTHEWS, JR.,
6

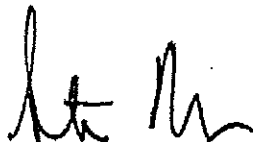
COUNSEL FOR RESPONDENT

11-4-09

DATE

CERTIFICATE 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.

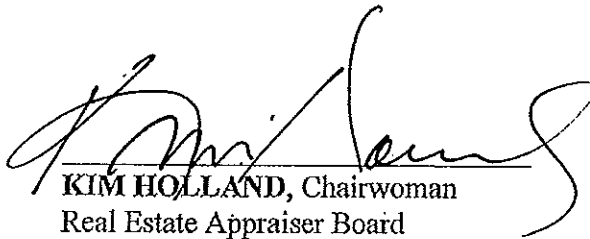
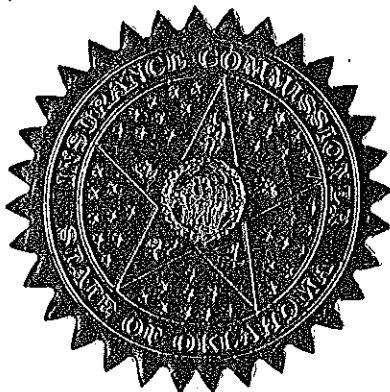


STEPHEN MCCALED, OBA #15649
Board Prosecutor
2401 NW 23rd Street, Suite 28
Oklahoma City, Oklahoma 73152

11-4-09

DATE

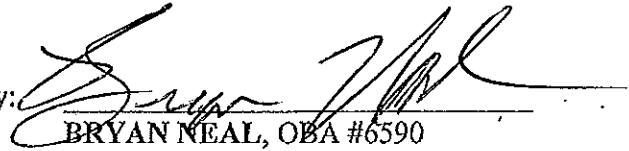
IT IS SO ORDERED on this 6th day of November 2009.



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, Oklahoma 73152

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that a true and correct copy of the above and foregoing Consent Order for Respondent Carl W. Wiens was mailed Certified Mail, Return Receipt Requested on this 16th day of November, 2009 to:

James S. Matthews, Jr.
3524 N.W. 50th Street
Oklahoma city, Oklahoma 73112

7008 3230 0000 8455 3479

and by First Class Mail to:


OFFICE OF THE ATTORNEY GENERAL

Attn: Bryan Neal
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Oklahoma City, OK 73105

DERRYBERRY & NAIFEH, LLP

Attn: Stephen McCaleb
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Carl W. Wiens
3309 N. Holloway
Bethany, Oklahoma 73008


Christine McEntire