

neighborhood. The lowest sales price was reported as Ninety Thousand and 00/100 Dollars (\$90,000.00), however the subject property was purchased by the borrower in the year 2006 for Sixty Four Thousand Five Hundred Dollars (\$64,500.00). Respondent did not use appropriate data sources for the subject property nor did he disclose or analyze the 2006 sale.

5. The comparable sales chosen by Respondent were not locationally, physically and functionally the most similar to the subject property.

6. Respondent's cost approach indicates that "Marshall & Swift and local cost" were used as the data sources for the cost per square foot. However, the numbers are clearly not from Marshall & Swift and were based on recent new construction sales figures stated in the appraisal.

7. The errors made by Respondent inflated the property's value.

AGREED CONCLUSIONS OF LAW

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, 2-3 and 8-2 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): "...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)(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 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."

CONSENT AGREEMENT

The Respondent, by affixing his signature hereto, acknowledges:

1. That Respondent has been advised of his right to seek the advice of counsel prior to signing this document, and has in fact retained Curtis Fisher as his legal counsel, 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. This Consent Agreement resolves any complaint pertaining to this appraisal report under the OREAB's jurisdiction.

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 shall pay an administrative fine in the amount of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00).
2. Respondent shall pay costs in the amount of One Thousand and 00/100 Dollars (\$1,000.00).
4. Fines and costs prescribed herein shall be paid in the manner contemplated by 59 Okla. Stat. §858-723B4.
5. 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.

RESPONDENT:

X Joe W. Fisher
JOE W. FISHER

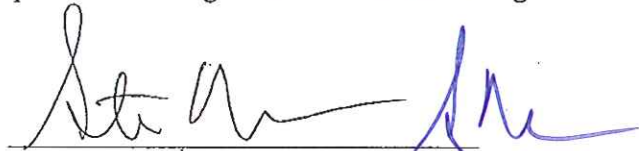
April 8, 2010
DATE

Curtis Fisher
CURTIS FISHER, Attorney for Joe W. Fisher

April 8, 2010
DATE

CERTIFICATE OF BOARD PROSECUTING ATTORNEY

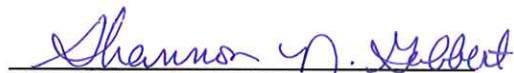
I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.




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

2-10-10 4-16-10
DATE

IT IS SO ORDERED on this 12th day of February, 2010.


SHANNON N. GABBERT, Board Secretary
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 Joe W. Fisher was mailed postage prepaid by certified mail with return receipt requested on this 20 day of April, 2010 to:

CURTIS FISHER
1861 East 15th Street
Tulsa, Oklahoma 74104

7009 2820 0001 5683 5662

and that copies were mailed to:

OFFICE OF THE ATTORNEY GENERAL

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

DERRYBERRY & NAIFEH, LLP

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

JOE W. FISHER

P.O. Box 111
Sand Springs, Oklahoma 74063



Christine McEntire