

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

In the Matter of <b>DONALD G. STAIGER,</b>	)	
	)	Complaint #09-119
	)	
Respondent.	)	

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

ON THE 8<sup>th</sup> day of October, 2010, the above numbered and entitled cause came on for hearing. The Oklahoma Real Estate Appraiser Board (the "Board") was represented by a Disciplinary Hearing Panel consisting of three members, David W. Atkinson, Richard E. Riley, and Jeanette S. Snovel. Ms. Snovel failed to appear for duty as a hearing panel member. By mutual agreement of Petitioner and Respondent, the proceeding was conducted with only two panel members present. David W. Atkinson served as Hearing Panel Chairman by agreement between the two remaining panel members. Said panel was represented by the Board's attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. The Respondent, Donald G. Staiger, appeared represented by counsel, Rex Earl Starr, 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.

Further, notice is made that on the 9<sup>th</sup> day of September, 2010 an Application for Oral Argument was filed with the Oklahoma Real Estate Appraiser Board by Respondent, Donald G. Staiger, by his counsel of record, Rex Earl Starr, requesting opportunity to address the discipline imposed on Mr. Staiger. Although Mr. Starr's subsequent Brief in Support of Oral Argument was stricken following the filing of a Motion to Strike, neither Mr. Staiger, nor Mr. Starr, appeared at the October 8, 2010 Board meeting to address the Board.

The Board, being fully advised in the matter, makes the following Order adopting in full 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.

3. That Respondent Donald G. Staiger is a Certified General Appraiser in the State of Oklahoma, holding license number 11102CGA and was first credentialed with the Oklahoma Real Estate Appraiser Board on November 17, 1993.

## 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. That Respondent Donald G. Staiger is a Certified General Appraiser in the State of Oklahoma, holding license number 11102CGA and was first credentialed with the Oklahoma Real Estate Appraiser Board on November 17, 1993.

2. Respondent was hired by Quantrix, an appraisal management company, on behalf of the JP Morgan Chase Bank (the "client") to complete an appraisal (the "appraisal") for a parcel of property located at 21564 Coffee Hollow Road, Tahlequah, Oklahoma (the "subject property").

3. The appraisal's date of appraised value was reported as December 30, 2008. Respondent reported a final estimate of market value as Two Hundred Thousand Nine Dollars and 00/100 (\$209,00.00). The report was submitted to the client.

4. That Respondent's appraisal report stated, in the Appraiser's Certification, that the appraisal was developed and the report prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

5. The Respondent committed errors in his report. These errors include the following contained in paragraphs six (6) through eighteen (18).

6. Respondent did not utilize all the appropriate data sources for the subject area. Reported data sources were County Assessor records and deed records. MLS is available for the subject area and should have been utilized.

7. The information in the site section is not complete and accurate. The site dimensions reported are irregular although the shape of the land is described as rectangular. Further, the street is asphalt and does not have gravel as a property. No explanation was stated as to the sloping and unlevel topography of the site.

8. The data in the improvements section is not complete and accurate. Respondent did not explain updates to justify the subject's effective age of 5 years with actual of 28 years.

9. The Property Condition Report Addendum states that no interior inspection was performed. However, the front page of the URAR states no other energy efficient items to note in sales grid where ceiling fans are listed.

10. The comparable sales selected are not locationally, physically, and/or functionally the most similar to the subject property. Comparables utilized are not the best available. All three sales utilized are considerably larger than the subject.

11. Only one data source was utilized by the Respondent, as Courthouse and PV Plus are the same. The appraisal report states there are currently 4 comparable properties listed for sale from \$161,000 to \$225,000 and the same figures for sales although Comparable sale #1 sold for \$260,000. However, Tulsa MLS showed at least 8 comparable listing ratings from \$149,900 to \$179,900 and at least 5 comparable sales ranging from \$142,500 to \$195,000. Respondent provided effective ages for all comparables; this data was not obtained from stated data source as it does not have this type of information. Comparable Sales #2 & #3 show same effective age of 10 years but dollar amount adjustments are not the same.

12. The data and analysis (including the individual adjustments) presented in the sales comparison approach are not complete and accurate. The report has missing and/or inaccurate comparable data reported, with appraiser only utilizing one data source. This has

led to numerous omissions of items that affect value. It should be noted that county records do not list ceiling fans although all of comparables are reported to have them.

13. Comparable Sale #1 has a 2 car attached carport and a 30x53 two car detached garage that approximately half is finished into recreation room. This property has an in ground pool not reported as well as a 16x16 shed.

14. Comparable #2 sold with private financing, not conventional financing. It has 4 bedrooms not the reported 3; it has 3.5 baths not the reported 2. It has a partially finished basement not mentioned.

15. Comparable Sale #3 has 3.5 baths, not 3 and also has an in ground pool not listed.

16. The data and analysis presented in the cost approach is not complete and accurate. The cost approach has been calculated with inaccurate numbers.

17. The sale or transfer history reported for the subject property and each of the comparable sales are not complete and accurate. The Multi-Purpose Addendum states the only source utilized to find out if subject had been listed for sale was owner, and market overview information was provided by realtors and other real estate professionals. MLS, while not used in this appraisal report, is available within this market area and if utilized would have been likely to enable the Respondent to produce a credible report that complied with USPAP.

18. There are too many omitted items that affect value not considered within the reviewed report.

### **CONCLUSIONS OF LAW**

The Board adopts in full the Conclusions of Law recommended by the hearing panel:

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 Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice;

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) Standard 1; and Standards Rules 1-1(a), (b), and (c), 1-4, and 1-6; Standard 2, and Standards Rule 2-1 of the Uniform Standards of Professional Appraisal Practice. These include, where appropriate, the sub sections of the referenced rules.

3. 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."

4. 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."

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."

#### **RECOMMENDED DISCIPLINE**

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

1. Respondent should be should be assessed an administrative fine in the amount of \$2,500; said fine to be paid as set forth at 59 O.S. § 858-723 B;

2. Respondent shall be placed on probation for a period of **SIX (6) MONTHS** under the following terms and conditions:

A) Respondent shall provide to the administrative of the Board, by not later than the fifth day of each month, an appraisal log specifying all appraisal work completed during the past month.

B) The Board may request copies of any appraisal work product listed on the appraisal log submitted with the understanding that the work product may be sent for review to ascertain compliance with the Uniform Standards of Professional Appraisal Practice and the Oklahoma Certified Real Estate Appraisers Act.

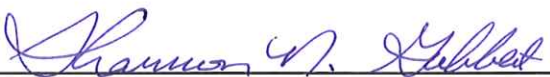
C) Respondent shall, within ten (10) days of receipt of a signed copy of the administrative order, subscribe in his own name to the Greater Tulsa Association of Realtors' Multi-List Service for the duration of the period of probation. Written proof of said subscription shall be provided to the Board's administrative office fifteen (15) days of receipt of a signed copy of the administrative order.


3. Should Respondent fail to comply with any of the terms and conditions set forth in the order, the Board's Director shall suspend Respondent's appraiser credential instanter; shall immediately notify the Respondent of said suspension by certified mail, return receipt requested; and shall immediately notify the National Registry of such suspension; and the credential shall remain suspended until such time as Respondent is in full compliance.

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

IT IS SO ORDERED this 8th day of October, 2010



  
SHANNON N. GABBERT, Secretary  
Real Estate Appraiser Board

  
BRYAN D. 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 by Certified Mail Return Receipt Requested on this 14 day of October, 2010 to:

**REX EARL STARR**

108 North First  
P.O. Box 918  
Stilwell, Oklahoma 74960

**7009 2820 0001 5683 7826**

**Donald G. Staiger**

P.O. Box 864  
Tahlequah, Oklahoma 74465

**7009 2820 0001 5683 7833**

and that copies were mailed to:

**OFFICE OF THE ATTORNEY GENERAL**

Attn: Bryan Neal

313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**DERRYBERRY & NAIFEH, LLP**

Attn: Stephen McCaleb  
4800 North Lincoln Blvd.  
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**Richard E. Riley, Hearing Panel Officer**

6101 Melrose Lane, Suite A  
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**David W. Atkinson, Hearing Panel Officer**

P.O. Box 30156  
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**Christine McEntire, Legal Secretary**