

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

In the Matter of US REAL ESTATE            )  
SERVICES, INC.                                    )     Complaint #A19-003  
Respondent.                                        )

**CONSENT ORDER**

COMES NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent US REAL ESTATE SERVICES, INC., and enter into this Consent Order pursuant to Oklahoma Statutes Title 59 §858-801, et seq. and Oklahoma Administrative Code 600:30-1-1, et seq. All sections of this order are incorporated together.

The parties are in agreement that a \$500 FINE and a LETTER OF WARNING is appropriate in this matter.

**AGREED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A summary of the allegations are as follows:

1. On January 31, 2019, the Oklahoma Real Estate Appraiser Board (“Board”) received a renewal application for US Real Estate Services, Inc. 60085AMC (“US Real Estate”).
2. Attached to that application was a June 5, 2018, Consent Order from the Minnesota Department of Commerce. The attached renewal application and unsigned Consent Agreement reflects that US Real Estate failed to separately report

the fee paid to the appraiser and the fee for appraisal management services to their clients violating Minn. Stat. § 82C.17, subd. 3 (2016). US Real Estate also failed to maintain written documentation describing and substantiating all methods and information used to determine fees in violation of Minn. Stat. § 82C.17 subd. 2 (c)(2016).

3. Further, in violation of Oklahoma law, 59 O.S. § 858-810, US Real Estate did not notify the Oklahoma Board within ten (10) days of the Minnesota Order as required under Oklahoma law.

4. The fully executed Minnesota Consent Order was signed by a US Real Estate Representative on June 5, 2018 and the Order was effective June 11, 2018.

#### **CONSENT AGREEMENT**

The Respondent, by affixing its signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document.

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 its 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 its professional practice in the State of Oklahoma.

5. The Respondent agrees and consents that this Consent Order shall not be used by it 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.

7. Respondent acknowledges this will be placed on the Board's agenda for its next monthly meeting after receipt of the executed Order from Respondent, and notice for the Order's placement on that agenda is accepted.<sup>1</sup>

8. All parties to this Consent Order have been represented by counsel.

9. This Consent Order may be executed in one or more counterparts, but all of such counterparts, taken together, shall constitute only one Consent Order. When delivered to the other party, facsimile and visual digital reproductions of original signatures shall be effective the same as if they were the originals.

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<sup>1</sup> Currently the next Board meeting is scheduled for 9:30 a.m. on December 6, 2019.

10. This Consent Order shall be governed by the internal laws of the State of Oklahoma without regard to the conflict of law principles.

11. This Consent Order contains the entire agreement between the parties hereto and all provisions of this Consent Order are contractual and not a mere recital. The Parties acknowledge that no presentation or promise not expressly set forth in this Consent Order has been made by any of the Parties hereto or any of their agents, employees, representatives, or attorneys. No modification of, or amendment to, this Consent Order shall be valid unless it is in writing and signed by the Parties. In the event any portion of this Consent Order shall be declared illegal or unenforceable as a matter of law, the remainder of the Consent Order shall remain in full force and effect.

12. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understanding, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified, supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. The undersigned Respondent agrees that presentation of this Consent Order to the OREAB without the undersigned Respondent being present shall not constitute an improper *ex parte* communication between the OREAB and its counsel.

14. The Parties represent and warrant to one another that each party has authority to enter into this binding Consent Order. The OREAB represents and warrants that the undersigned have full authority to execute this Consent Order on behalf of the OREAB and bind the OREAB to the terms set forth herein.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

16. The parties acknowledge that they understand the provisions of this Consent Order.

**CONSENT ORDER TO BE ACCEPTED OR REJECTED BY THE BOARD**

The Oklahoma Real Estate Appraiser Board will not submit this Consent Order for the Board's consideration until its agreement and execution by the Respondent. It is hereby agreed between the parties that this Consent Order shall be presented to the Board with recommendation for approval of the Board at the next scheduled meeting of the Board. The Respondent understands that the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal hearing on the complaint may be held. If the Board does not accept the Consent Order, it shall be regarded as null and void. Admissions by Respondent in the rejected Consent Order will not be regarded as evidence against it at the subsequent disciplinary hearing. Respondent will be free to defend itself and no inferences will

be made from his willingness to have entered this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in the Consent Order.

**ORDER**

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

1. Respondent agrees to a letter of warning and agrees to pay an administrative fine of \$500, to be paid pursuant to 59 O.S. §858-828.

**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:



KEITH GUENTHER  
US REAL ESTATE SERVICES, INC.

\_\_\_\_\_  
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  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112

12/19/19  
\_\_\_\_\_  
DATE

IT IS SO ORDERED on this 10<sup>th</sup> day of January, 2019.



\_\_\_\_\_  
ERIC SCHOEN, Board Secretary  
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE  
APPRAISER BOARD**



By: *Bryan Neal*  
**BRYAN NEAL, OBA #6590**  
Assistant Attorney General  
Attorney for the Board  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105

*Complaint # A19-003*



**CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that on the 13<sup>th</sup> day of January 2020 a true and correct copy of the above and foregoing Consent Order was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

**US Real Estate Services, Inc.**

9214 8902 0982 7500 0268 31

Attn: Keith Guenther

25520 Commercentre Drive, Suite 150

Lake Forest, California 92630

and that copies were forwarded by first class mail to the following:

**Bryan Neal, Assistant Attorney General**

OFFICE OF THE ATTORNEY GENERAL

313 N.E. 21st Street

Oklahoma City, OK 73105

**Stephen L. McCaleb**

DERRYBERRY & NAIFEH

4800 N. Lincoln Boulevard

Oklahoma City, OK 73105



CHRISTINE MCENTIRE