

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

In the Matters of JAMES R. SINGLEY	)	
	)	Complaint #19-043
Respondent.	)	

**BOARD’S DECISION AS TO  
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 5<sup>TH</sup> day of March 2020, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the “Board” or “OREAB”). The above-numbered and entitled cause came on for hearing previously on December 21, 2020. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, Donald L. Henderson, of Tulsa, Oklahoma, James R. Artman of Norman, Oklahoma, and Jerry R. Juhnke, of Enid, Oklahoma, each of whom is a current Member of the Board’s Standards and Disciplinary Procedures Committee. Jerry R. Juhnke was elected and served as Hearing Panel Chairman at the hearing. Said panel was represented by the Board’s attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board’s Prosecutor, Stephen McCaleb. On behalf of the Board, Mr. McCaleb elected to have this matter recorded by electronic device and to rely on the electronic recording.

The Respondent, James “Jay” R. Singley of Oklahoma City, Oklahoma (the “Respondent”), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 19-043 (the “Notice”) by first class U.S. certified mail with return receipt requested to his last-known business and/or residence address on July 1, 2020, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the Administrative Procedures Act, 75 O.S. §§250-323, and received on July 6th, 2020, appeared in person in the hearing pro se, and was not represented by an Attorney.

The hearing in this matter was initially set for September 29, 2020, and was continued on



September 23, 2020, until November 10, 2020, pursuant to written notice to the Respondent by certified mail, and was continued again on November 13, 2020, until December 21, 2020, pursuant to written notice to the Respondent by certified mail.

The Respondent elected to have this matter recorded by electronic device and to rely on the electronic recording.

### **PRELIMINARY MATTERS**

The Board's Prosecutor, Mr. McCaleb, announced that that he had an Exhibit Book with twenty-two (22) exhibits that he identified and marked as Exhibits 1 through 22. The Respondent was afforded the opportunity and time he indicated he needed in which to examine the Exhibit Book with the twenty-two (22) exhibits.

The Board's Prosecutor subsequently moved for the admission of the Exhibit Book with its twenty-two (22) exhibits for the Board marked as Exhibits 1 through 22, respectively, to which there was no objection by the Respondent. Accordingly, the Exhibit Book with twenty-two (22) exhibits were admitted into evidence all at one time.

An examination of the Exhibit Book with its twenty-two (22) exhibits, consisted of the following (according to its table of contents):

Exhibit 1 Subject Report [Respondent's written appraisal report on the subject real property dated September 18, 2019 (2718 NW 14<sup>th</sup> Street, Oklahoma City, OK 73107)].

Exhibit 2 was identified as Bed and Breakfasts in Oklahoma County.

Exhibit 3 was Board Data on Sale 1 – 2235 NW 15<sup>th</sup> Street, Oklahoma City, OK.

Exhibit 4 was Board Data on Sale 2 – 2120 NW 16<sup>th</sup> Street, Oklahoma City, OK.

Exhibit 5 was Board Data on Sale 3 – 1833 W Park Place, Oklahoma City, OK.

Exhibit 6 was Board Data on the Subject – 2718 NW 14<sup>th</sup> Street, Oklahoma City, OK.



Exhibit 7 Groupon Ad for Subject – 2718 NW 14<sup>th</sup> Street, Oklahoma City, OK.

Exhibit 8 Lot Sales Used in Report

Exhibit 9 Sales Used in Report – MLS

Exhibit 10 Possible Alternate Sales – MLS

Exhibit 11 MLS Sales Within Boundaries

Exhibit 12 MLS Listings of Subject from 2008 and 2011

Exhibit 13 OKC Planning Department Document on Subject

Exhibit 14 OREAB Review on Subject

Exhibit 15 STATS Cream Ridge Addition – Sale 3

Exhibit 16 STATS Crestwood Addition – Alternate Sale 3 – 2723 NW 17<sup>th</sup> Street

Exhibit 17 STATS Englewood Addition – Sales 1 and 2

Exhibit 18 STATS Millers Addition – Subject

Exhibit 19 Form Comparison Regarding Type of Appraisal

Exhibit 20 Respondent's Work File

Exhibit 21 Yelp Ad for Subject, an order

Exhibit 22 Zoning Map

During the course of the hearing, the Board's Prosecutor introduced Order No. 19-005, an order from a previous disciplinary case against the Respondent dated May 1, 2019 (Complaint #18-010), he identified and marked as Exhibit 23 and a document he marked as Exhibit 24 and identified it to be the Respondent's written Response to the Grievance filed in this matter on October 23, 2019, the introduction of which two additional exhibits the Respondent did not object, and Exhibits 23 and 24 were admitted into evidence without objection.

Neither the Respondent nor the Board as parties to these proceedings requested that a court



reporter record this matter and neither the Respondent nor the Board as parties to these proceedings submitted any proposed findings of fact or proposed conclusions of law to the Disciplinary Hearing Panel for their consideration.

The Board's Prosecutor stated that in a previous disciplinary proceeding, Board Order No. 19-005 dated May 1, 2019 (Exhibit 23), the Respondent received corrective education and then was placed on probation (12 months).

The Respondent presented no exhibits as part of his defense in this matter.

**BACKGROUND (as provided in the Notice of Disciplinary Proceedings  
and Appointment of Hearing Panel)**

"On May 1, 2019, the Board issued Order #19-005 as to Complaint #18-010; Matter of James R. Singley ("Singley"). Under the terms of this Consent Order, Singley completed the following corrective education courses within 90 days: *Course #600, the 15-Hour National USPAP Course; Course #611, Residential Market Analysis and Highest & Best Use; and Course #614, Residential Report Writing and Case Studies.*

Immediately upon completion of the corrective education courses, Singley was placed on a 12-month period of probation. During probation, Singley is required to submit work logs identifying all appraisal assignments completed during the month prior. From each work log, appraisal assignments are randomly selected for review.

On October 3, 2019, pursuant to a request from Board staff, Singley submitted the subject appraisal report, which was listed on his work log for appraisal assignments completed during the month of September. This report was submitted to one of the Board's Appraiser Examiners for a USPAP-compliant work product review.

On October 9, 2019, Board staff received the Examiner's work product review of the subject appraisal [report], leading to this complaint.



It appears that the violations identified in the Work Product Review are similar to those found in Board Order #19-005. This report was completed after the required corrective education was completed. This grievance is being filed in order for the Probable Cause Committee and Board to determine whether additional action should be taken”.

### **WITNESSES AND EVIDENCE PRESENTED**

The Board’s Prosecutor presented one witness in support of the case against the Respondent: Appraiser Rod Bien, 10013, CRA, Oklahoma City, Oklahoma.

The Respondent testified on his own behalf in his defense and presented no other witness.

### **Rod Bien Testimony (Summary)**

Rod Bien testified that he is a Certified Residential Appraiser licensed in Oklahoma currently, that he has a contract with the State of Oklahoma to perform reviews, that he is allowed to perform peer reviews, that he has been a reviewer for years, that he has been an appraiser for 37 years as of March, that he performs reviews for AMCs and attorneys, and that he reviews for minimum Uniform Standards of Professional Appraisal Practice (USPAP) compliance on behalf of the State.

According to Mr. Bien, the State has a proprietary form with blocks that provides for commentary where the “no” box is checked, that in his reviews, he goes line by line, start to finish in a peer review report, that the end of the review provides for a rating, 12 or above is passing in five categories while any score below at a 2 or below is failed, a final reconciliation is a summary of his findings, that it takes anywhere from 3 to 10 hours to perform a peer review, that to perform a peer review he has to build a work file in which he notes things he sees with questions, and that in performing the peer reviews, he tries to keep it as simple as possible.

As to Exhibit 1, the Subject appraisal report, Mr. Bien noted that on page 7 (Bates-stamped page) in the Reconciliation Section (bottom of page 7), the Respondent did not develop the “Income



Approach”, even though the subject property was zoned as a planned unit development (PUD-677) and despite there being evidence that the subject property had been used at some point as a bed and breakfast (Exhibit 2, page 1 (Bates-stamped), and Exhibit 7, pages 1-4 (Bates-stamped)).

Also as to Exhibit 1, Mr. Bien noted that in the “Income Approach to Value” section, page 8 (Bates-stamped), the Respondent did not fill in the PUD-677 information. It is noted that the Respondent stated that the Income Approach was not applicable for the purpose intended and that he deemed it not necessary for credible results (Exhibit 1, page 8 (Bates-stamped) “Income” section).

As to Exhibit 2 “Bed and Breakfasts in Oklahoma County”, Mr. Bien noted that he found a listing for a Bed and Breakfast at 2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma 73107 (the address of the subject property), known as the “Ambrosia Rose” Bed and Breakfast, but he could not determine the current use of the subject property without more information (*See* also Exhibit 7, pages 1-4 (Bates-stamped) Groupon Ad for subject property). Mr. Bien stated he found the Bed and Breakfast information through a Google® search, that PUD-677 included only the subject property, that a planned unit development or “PUD”, usually have owner dues, and that there are different types of PUDs such as special planned unit developments or “SPUDs”. According to Mr. Bien, Exhibit 22 is a Zoning map that shows PUD-677 at 2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma from Data.okc.gov.

Back to Exhibit 1, Mr. Bien noted that the subject property was not in a “historically-protected” district and that the Respondent’s reference to the subject property in the “Improvements” section on page 6 (Bates-stamped) as being “historical” in design (style) was not appropriate, and that referring to the design (style) of the structure would be more appropriate as “Queen Anne”.

As to Exhibit 1, Mr. Bien also noted that the subject property included a free-standing Range/Oven (“MLS Listings of Subject from 2008 and 2011” Exhibit 12, page 5 (Bates-stamped)),



that are usually considered to be personal property and technically they are “personal property” but such free-standing Range/Ovens are commonly included with a property transfer, yet not disclosed in Exhibit 1, page 6 (Bates-stamped) to be a free-standing Range/Oven.

As to Exhibit 23, the previous Board Order #19-005, it was noted that a copy of the subject appraisal report involved therein was not attached to the Board Order, but page 19 of that appraisal report, paragraph 13 as to its Cost Approach is the same as in this appraisal report (Exhibit 1).

Back to Exhibit 1, Mr. Bien noted that in the “Additional Comments” section of the subject appraisal report page 8 (Bates-stamped), the storage/guest house, whichever it was, according to the Respondent was given no value at the request of the lender, and that whatever it was, such storage/guest house was in poor condition.

A review of the Respondent’s work file (Exhibit 20, page 2) disclosed data from Realist MLSOK, Inc. that the market value of the land (site) of the subject property is \$37,575 (from the Oklahoma County Assessor; *See* also Exhibit 6, page 1)) but the Respondent valued the land (site) at \$25,000 in his opinion of value in the Cost Approach (Exhibit 1, page 8 (Bates-stamped)). The Respondent included information as to land values of vacant land in the Respondent’s work file (Exhibit 20, page 17 (Bates-stamped)) in handwriting that he estimated the land value of vacant land at \$25,000.

As to Exhibit 1’s Supplemental Addendum (Exhibit 1, page 12), the site adjustment explanation provided, does not explain which lot was given more weight.

Mr. Bien noted that he generated the document “MLS Sales within Boundaries” Exhibit 11 which includes the Respondent’s three comparable sales and three alternative sales chosen by Mr. Bien as better comparables, under heading “Cross Property Agent Single Line”.

As to Exhibit 4, Mr. Bien noted that it was Respondent’s comparable Sale 2, 2120 NW 16<sup>th</sup>



Street, the County Assessor's records has no street view.

As to Exhibit 1, page 7 (Bates-stamped), Respondent's comparable Sale 2 (2120 NW 16<sup>th</sup> Street, Oklahoma City, Oklahoma) and Sale 3 (1833 W Park Place, Oklahoma City, Oklahoma) are both adjusted by -\$50,000 but such adjustments are not adequately supported.

As to Exhibit 9 Sales used in the appraisal report, Sale 1 (Exhibit 9, pages 2-3 at 2235 NW 15<sup>th</sup> Street, Oklahoma City, Oklahoma), the MLS listing with supporting photos of interior are superior for Sale 1's kitchen compared to the subject property's kitchen (Exhibit 12 MLS listings from 2008 and 2011, pages 2 and 5, 2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma).

Mr. Bien stated that the Respondent used term "County Records" as his verification source in his appraisal report (Exhibit 1, page 7 (Bates-stamped)) under the "Sales Comparison Approach" section on prior sales and transfer history of subject property and comparable sales), which is not adequate as a verification source without more information such as a Book and Page number or a document number.

A Gross Living Area (GLA) discrepancy was noted by Mr. Bien in the appraisal report (Exhibit 1, page 7 (Bates-stamped)) which provides as to Sale 1 (2235 NW 15<sup>th</sup> Street, Oklahoma City, Oklahoma), a GLA of 2,261 sq. ft. as compared to the County Assessor's records for Sale 1 (Exhibit 3, page 1) of 2,136 sq. ft.

According to Mr. Bien, Exhibit 10 are the possible alternate sales and MLS data he found including that of the property next door to the subject property at 2700 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma (Exhibit 10, pages 1-2), with its condition appearing very similar to that of the subject property and another alternate sale at 2719 NW 11<sup>th</sup> Street, Oklahoma City, Oklahoma, three blocks south but in the boundaries of the "neighborhood" as defined by the Respondent (*See* Exhibit 1, page 6), the condition of which appears to be C2 and superior to the condition of the subject property in



“Improvements” section of appraisal report (Exhibit 1, page 6 (Bates-stamped)) of C4.

According to Mr. Bien, the intended user was not specifically listed on page 3 of the appraisal report (Exhibit 1) and the form used for the appraisal report is an outdated form as it identified the appraisal report to be a “Summary” report, a type of report no longer authorized under USPAP as only “Self Contained” and “Restricted Use” type reports are authorized under USPAP.

In response to a question about the Bed and Breakfast ads in Exhibits 2, 7 and 21, Mr. Bien stated that he was unable to determine from those advertisements alone if the subject property was currently being operated as a Bed and Breakfast lodging.

**James “Jay” R. Singley Testimony (Summary)**

The Respondent, James “Jay” R. Singley, upon being duly sworn in, testified that when people are looking at houses from the 1920’s, that they are looking for a specific item, that the house next door (2700 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma) as provided in this matter as Exhibit 10, page 1, is not a good comparable sale, that Exhibit 10, page 8, is not a good comparable sale as it has a converted garage and only 1,880 sq. ft., that he takes care of his alternate sales, that both houses were updated at about the same time.

As to Exhibit 1, the Respondent described the subject property (2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma) as an average house in C4 condition and not in C3 condition, that granite used is not what is used today, that it’s a 10 to 12 year-old countertop.

As to the price he used for vacant lots, the Respondent noted that the Supplemental Addendum (Exhibit 1, page 12 (Bates-stamped)) explains how the vacant lots were priced.

The Respondent stated that a single family lives in the subject property (2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma), that the same family has lived in the house since 2011, that the subject property has not been a bed and Breakfast while it has been a single family home since 2011, that he



met with the family, that the area is governed by R-2 zoning even though the subject property is a planned unit development PUD-677, that he was careful in his appraisal work by taking an extra ten (10) hours to do this appraisal, and that in his opinion the highest and best use of the subject property is as a single-family residential property and not as a bed and breakfast.

The Respondent noted that this appraisal report (Exhibit 1) was done by him within the first month and a half of beginning his probation (Exhibit 23, Board Order # 19-005), that he thinks this appraisal report was USPAP compliant, that the neighborhood is an historic area with older homes, and that in such an area, people look for a specific style of house.

In response to a question that his defense of his cost approach in the appraisal report then-at issue in Exhibit 23 is the same as in this appraisal report on 2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma (Exhibit 1), the Respondent admitted his description is the same but he did the research and that this appraisal report (Exhibit 1) was done by him four (4) months later than the previous one was done.

In response to a question as to his identification of the intended user of the appraisal report (Exhibit 1), the Respondent stated that he believed that he did properly identify the intended user to be the lender.

At this point, the Respondent rested in his defense of this case.

The Respondent, James R. Singley did not file a Request for Oral Argument and did not appear to address the Board at the March 5, 2021 board meeting.

### **JURISDICTION**

1. The Oklahoma Real Estate Appraiser Board (the “OREAB”) or (the “Board”) has the duty to carry out the provisions of the Oklahoma Certified Real Estate Appraisers Act as set forth at Title 59 of the Oklahoma Statutes, §§858-701, *et seq.* and to establish administrative



procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

2. The OREAB has promulgated rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act in regard to disciplinary proceedings as set forth at the Oklahoma Administrative Code, §§600:15-1-1 thru 600:15-1-22, including administrative hearings.

3. The Respondent, JAMES R. SINGLEY, is a state licensed appraiser in the State of Oklahoma, holding certificate number 11922SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on February 2, 2017.

#### **FINDINGS OF FACT**

The Board hereby adopts in full the Findings of Fact of the Disciplinary Hearing Panel as follows:

1. The Respondent, JAMES R. SINGLEY, is a state licensed appraiser in the State of Oklahoma, holding certificate number 11922SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on February 2, 2017.

2. In September of 2019, the Respondent was hired to complete an appraisal (the “appraisal”) for a property located at 2718 NW 14<sup>th</sup> Street, Oklahoma City, Oklahoma 73107 (the “subject property”). The Respondent completed the appraisal and appraisal report with an effective date of September 18, 2019. The appraisal and appraisal report were purportedly performed in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).

3. The Respondent committed a series of errors in the appraisal report (Exhibit 1) which led to a misleading and non-credible appraisal report. These errors include, but are not limited to, the following in paragraphs 4-14.



## **GENERAL**

4. The appraisal report (Exhibit 1, page 8 (Bates-stamped) "Income" section) reported the Income Approach was not applicable for the purpose of the appraisal. However, this commentary is not acceptable without additional verbiage added to the Scope of Work (Exhibit 1, page 9 (Bates-stamped) "Scope of Work" section), such as "The development of the Income Approach was not necessary in order to arrive at a credible market value." In the Subject's case, there is evidence that it was formerly used as a Bed and Breakfast (Exhibits 2, 7 and 21), therefore the property may have a higher and better use as an income producer; however, the appraisal report lacks any such disclosure or analysis.

## **SITE/HIGHEST AND BEST USE**

5. The Respondent reported that the highest and best use is residential (Exhibit 1, page 6 (Bates-stamped) "Site" section). However, the zoning was done as a planned unit development (Exhibit 1, page 6 (Bates-stamped) "Site" section (PUD-677)) and the subject property appears to have been used as a bed and breakfast (Exhibits 2, 7 and 21).

## **DESCRIPTION OF IMPROVEMENTS**

6. As described further, relevant characteristics of improvements and any effect they have on value were not adequately described; additionally, personal property, trade fixtures or intangible items that were not real property, but included in the appraisal report (Exhibit 1, page 6 (Bates-stamped) "Improvements" section), were not adequately described and considered in the valuation process.

7. Although the Subject's general characteristics were adequately reported in the



appraisal report (Exhibit 1), the Subject's design was reported as "Historical" (Exhibit 1, page 7 (Bates-stamped) "Sales Comparison Approach" section), which is not a recognized architectural design/style. The Subject's design/style is more consistent with Victorian or Queen Anne.

8. Although the appraisal report lacked a photo of the Subject's range/oven, prior MLS listings displayed a free-standing range/oven (Exhibit 12, page 5 (Bates-stamped)). Although free-standing range/ovens are commonly conveyed as real property, the Respondent should have provided appropriate commentary.

### **COST APPROACH**

9. The site value was not developed by an appropriate appraisal method or technique. Lack of support for Subject's lot value: The Respondent indicated the "Site value was derived from Tax Records, Assessment, land sales in the area and the extraction method when other methods are not available" (Exhibit 1, page 8 (Bates-stamped) "Cost Approach to Value" section). The County Assessor values the Subject site at \$37,575 (Exhibit 6, page 1 (Bates-stamped)), while the Respondent valued Subject site at \$25,000 (Exhibit 1, page 8 (Bates-stamped)). The Respondent's Work File (Exhibit 20, page 17 (Bates-stamped)) contains a one line list of land sales within approximately two miles, ranging in size from 6,499 sf to 12,824 sf, with prices ranging from \$15,000 to \$93,000. The Respondent's notations on this list read "Vacant Land Estimated \$25,000". However, the Respondent failed to indicate which lot sale was given most weight and why. For example, there is a 12,824 sf site in this list that sold for \$29,900, while one 7,000 sf site sold for \$29,000, and another 7,000 sf site in the list sold for \$16,000.

### **SALES COMPARISON APPROACH**

10. As described further below, the Respondent did not adequately report his analysis of



comparable sales data that support the adjustments and indication of value by the sales; the Respondent did not provide adequate reasoning for adjustments, analysis, opinions and conclusions.

11. Inadequate Reasoning Provided for Adjustments or Lack of Adjustments: The appraisal report included the following explanation for the site adjustments: "Site Adjustment was based on search of vacant lot sales in the area, the subjects area, there were 5 lot sales from \$15,000 to \$29,000, with a median price for 7,000 sq.ft. lots of \$20,000 with an average of \$25,000. The difference based on those sales and extended area of sales determined a positive adequate of \$3,000 for the difference in the extra 4,200 sq.ft. for the subject" (Exhibit 1, page 12 (Bates-stamped) "Supplemental Addendum"). This explanation is not readily understood, as there is no reconciliation of the wide price range. Sale 2 is located on a main E/W thoroughfare; however, no such disclosure or analysis was found in the appraisal report in support of the lack of view adjustment. Condition adjustments of -\$50,000, applied to Sales 2 and 3 were not adequately supported within the appraisal report (Exhibit 1, page 7 (Bates-stamped) "Sales Comparison Approach" section) or the Respondent's Work File (Exhibit 20, page 15 (Bates-stamped) "Copy of Agent Single Line page 2 of 2). The interior photos for Sale 1, appear to reflect superior condition more consistent with C2 or C3, rather than C4 reported in the appraisal report Exhibit 1, page 6 (Bates-stamped) "Improvements" section). Therefore, Sale 1 adjusted value of \$214,620 (Exhibit 1, page 7 (Bates-stamped) "Sales Comparison Approach" section) seems embellished. MLS indicates Sale 3 is located in a development with a predominant value of \$204,500 (Exhibit 15, page 1 (Bates-stamped) "STATS Cream Ridge Addition Sale 3"; See also Exhibit 14, page 9 (Bates-stamped) OREAB Review on Subject "Review Overflow Addendum" half-way down the page), while subject's development has a predominant value of \$160,000 (Exhibit 18, page 1



(Bates-stamped) “STATS Millers Addition Subject”; *See* also Exhibit 14, page 9 (Bates-stamped) OREAB Review on Subject “Review Overflow Addendum” half-way down the page), not analyzed in the appraisal report in support of the lack of location adjustment.

12. Inadequate Sales Verification: The Sale Verification source reported in the appraisal report was “County Records” (Exhibit 1, page 7 (Bates-stamped)) under the “Sales Comparison Approach” section on prior sales and transfer history of subject property and comparable sales); however, that source alone is not acceptable without additional information such as the document number.

### **INCOME APPROACH**

13. The exclusion of the income approach was not properly supported (*See* Exhibit 1, page 8 (Bates-stamped) “Income” section).

14. The appraisal report reported in the Income approach (Exhibit 1, page 8 (Bates-stamped)), was not applicable for the purpose of this appraisal. However, this commentary is not acceptable without additional verbiage added to the Scope of Work (*See* Exhibit 1, page 9 (Bates-stamped) “Scope of Work” section), such as, “The development of the Income Approach was not necessary in order to arrive at a credible market value.” In the Subject’s case, there is evidence that it was formerly used as a Bed and Breakfast (Exhibits 2, 7 and 21). Therefore, the property may have a higher and better use as an income producer; however the appraisal report lacks any such disclosure or analysis.

### **CONCLUSIONS OF LAW**

The Board hereby adopts in full the Conclusions of Law of the Disciplinary Hearing Panel as Follows:

1. The Respondent James R. Singley has violated 59 O.S. §858-723(C)(6) through



59 O.S. §858-726, in that the Respondent violated:

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

B) Standard 1, Standards Rules 1-1, 1-2, 1-3, and 1-4; Standard 2, Standards Rules 2-1, and 2-2 of the Uniform Standards of Professional Appraisal Practice. These include the sub-sections of the referenced rules.

2. The Respondent James R. Singley has violated 59 O.S. § 858-723(C)(6):

“Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act”.

3. The Respondent James R. Singley 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. The Respondent James R. Singley 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."

### **FINAL ORDER**

Having Adopted in Full the Findings of Fact and the Conclusions of Law of the Disciplinary Hearing Panel, the Board hereby issues its Final Order as Follows:

1. The Respondent James R. Singley shall successfully complete corrective education as follows:

The **THIRTY (30) HOUR** Course Number 613 (#60F On-line): Residential Sales Comparison & Income Approaches.

The course must be completed with copies of certificates of course completion transmitted to the administrative office of the Board within **SIXTY (60) DAYS** from the date of the Board Order



plus a period of thirty (30) days after the Respondent James R. Singley is notified of the final agency order either personally or by certified mail, return receipt requested. The course must be tested and may be an on-line course. The course may be counted toward continuing education credit by the Respondent.

2. The Respondent James R. Singley shall be placed on **PROBATION** for a period of **ONE (1) YEAR** beginning immediately upon the date that the period of **THIRTY (30) DAYS** in which corrective education is ordered hereinabove to be completed shall end plus a period of thirty (30) days after the Respondent is notified of the final agency order either personally or by certified mail, return receipt requested. During the period of probation, Respondent James R. Singley shall provide an appraisal log on REA Form 3 to the administrative office of the Board no later than the fifth working day of each month detailing all his appraisal activity during the preceding month. The Board may select and require samples of work product from these appraisal logs be sent for review, to include for review the appropriate work file of the Respondent James R. Singley.

3. The Respondent James R. Singley shall pay an administrative fine in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** to the Board. Payment of the fine shall be remitted to the Board in accordance with the manner contemplated by 59 O.S. § 858-723(B).

4. Respondent James R. Singley shall pay to the Board a sum equal to all of the costs expended by the Board for legal fees and travel costs incurred in the matter of Complaint #19-043. The Board staff will provide a statement of the costs incurred as to the complaint, to Respondent James R. Singley, with the final order. Costs shall be fully paid by Respondent James R. Singley, within thirty (30) days from the date of any final order of the Board, plus a period of thirty (30) days after Respondent James R. Singley, is notified of the final agency order either personally or by certified mail, return receipt requested.

5. Failure by Respondent James R. Singley, to comply with any requirement of this



order shall result in his appraisal credential being suspended instanter, with notification forwarded immediately to Respondent James R. Singley, either personally or by Certified U. S. mail, return receipt requested.

**THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS 30 DAYS FROM THE DATE HE IS FIRST NOTIFIED OF THIS ORDER, EITHER PERSONALLY, OR BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED, TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.**

**IT IS SO ORDERED** on this 5th day of March 2020.

  
\_\_\_\_\_  
**JENELLE LEPOINT**, Administrative Officer  
Real Estate Appraiser Board

3-5-2021  
Date

  
\_\_\_\_\_  
**BRYAN NEAL**  
Assistant Attorney General and  
Attorney for the Board

3/5/2021  
Date





**CERTIFICATE OF MAILING**

I, Jenelle LePoint hereby certify that on the 15<sup>th</sup> day of March, 2021 a true and correct copy of the above and foregoing Board's Decision as to Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

**James R. Singley**  
10213 Oxlow Court  
Oklahoma City, OK 73159

9214 8902 0982 7500 0354 99

and by First Class Mail to:

**Bryan Neal, Assistant Attorney General**  
OFFICE OF THE ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**Stephen L. McCaleb**  
DERRYBERRY & NAIFEH  
4800 N. Lincoln Boulevard  
Oklahoma City, OK 73105

  
\_\_\_\_\_  
JENELLE LEPOINT



**RECAPITULATION OF MONTHLY BILLING**  
**COMPLAINT #19-043**  
**Matter of James R. Singley**

**CURRENT BILLING**

DATE	COMPLAINT # AND RESPONDENTS	HOURS	AMOUNT
<b>DERRYBERRY &amp; NAIFEH LLP</b>			
September, 2020	#19-043; Singley	15.25	\$2,135.00
October, 2020	#19-043; Singley	3.75	\$525.00
November, 2020	#19-043; Singley	16.00	\$2,240.00
December, 2020	#19-043; Singley	22.75	\$3,185.00
<b>Disciplinary Hearing Panel Mileage:</b>			
December 21, 2020	Donald Henderson		\$138.95
December 21, 2020	James Artman		\$28.29
December 21, 2020	Jerry Juhnke		\$100.17
<b>TOTAL BILLING</b>		<b>57.75</b>	<b>\$8,352.41</b>



**"I CERTIFY THAT THIS IS A TRUE AND  
ACCURATE RECAP OF AMOUNTS  
INVOICED IN THE ABOVE-REFERENCED  
MATTER.**

Dated this 5th day of March, 2021

**CHRISTINE MCENTIRE, DIRECTOR**  
**REAL ESTATE APPRAISER BOARD**