

In the Matter of LENDER'S E-AMC, LLC,)
) Complaint #A19-045
 Respondent.)

COMES NOW the Oklahoma Real Estate Appraiser Board ("OREAB"), by and through the Prosecuting Attorney, Stephen McCaleb, and the Respondent, LENDER'S E-AMC, LLC., by and through its attorney of record, Leif Swedlow, 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 Respondent will stipulate to assessment of a \$100,000 FINE and a permanent ban from conducting any Appraisal Management business in Oklahoma. Further, if Christopher G. Davis, or any affiliated party (including any family member of Mr. Davis) applies for licensure in Oklahoma, the payment of the \$100,000 fine assessed against Respondent shall be paid prior to such application, with no guarantee of a license being granted.

A summary of the allegations are as follows:

1. Lender's e-AMC, LLC ("Lenders") is an appraisal management

company previously registered in the State of Oklahoma under Registration #60021AMC. Lenders was first licensed in Oklahoma in March 2011. Lenders' registration in Oklahoma as an approved appraisal management company expired on March 31, 2016.

2. In April 2017, Lenders attempted to renew their registration, advising that they were unaware that their registration had expired. A Cease and Desist letter was issued. A document subpoena was subsequently issued to Lenders requesting a roster or spreadsheet identifying all appraisal assignments conducted in Oklahoma between the date of expiration of Lenders (March 31, 2016) and April 15, 2017. Lenders submitted a roster of all appraisal assignments in Oklahoma during this period which reflected that Lender conducted 496 appraisal assignments while not properly registered. A complaint was filed against Lenders which ultimately resulted in an agreed Consent Order. Pursuant to the terms of that Order, a \$7,000 fine was ordered to be paid by Lenders for acting in violation of the *Oklahoma Appraisal Management Company Regulation Act*.

3. While investigating an unrelated complaint against an Oklahoma appraiser, Board staff became aware that Lenders was continuing to operate in Oklahoma as a registered appraisal management company. The signature block for an appraisal report of 1115 S. Quaker Avenue, Tulsa, Oklahoma, shows the email address for the lender/client to be e-AMC-orders@eamc1.com. Upon review of the

appraiser's work file for this appraisal, Board staff located the "eAMC Appraisal Management Co. Order Form." The assignment from Lenders to the appraiser was made on September 11, 2019. The registration # for Lenders was 60021AMC and the order form reflected an inaccurate expiration date of May 31, 2020.

4. A second appraisal was located for 601 Loop Drive in Sand Springs, Oklahoma. Again, the signature block reflects the lender/AMC e-mail address to be e-AMC-orders@eamc1.com. Within the work file of the appraiser is an eAMC Appraisal Management Co. Order Form with an assignment date of September 20, 2019. The registration # for Lenders was 60021AMC and the order form reflected an inaccurate expiration date of May 31, 2020.

5. At the bottom of each appraisal assignment order form, Lenders purports to be registered in Oklahoma, as well as New Mexico, Arkansas, Indiana, Louisiana, North Carolina, Tennessee, Florida, Utah, Kansas, Texas, Colorado, Missouri, and Michigan. On page two of the assignment order forms, Oklahoma registration numbers are reflected as 60021AMC which has been expired since 2016, as well as 60073AMC which is assigned to "My AMC" a registered appraisal management company in Dallas. The expiration date of My AMC's registration is May 31, 2020. This is the date used by Lenders on their appraisal assignment order forms. Board staff communicated with the designated officer of My AMC and they advised that they have no connection with Lenders and are not familiar with anyone

associated with that entity.

6. On October 17, 2019, a document subpoena was issued to Lenders requesting the communication logs between Lenders and the appraiser for the Quaker Avenue and Loop Drive appraisals referenced above. On October 17, Christopher Davis, President and CEO of Lenders replied that “although he was hoping never to see my name in his inbox again” Lenders would comply with my request.

7. On October 22, 2019, a second Cease and Desist Notice was issued to Lenders. While a response was not received from Lenders, on this same date, an e-mail communication received from Open Mortgage LLC (“Open Mortgage”) confirms that Respondent Lenders has advised Open Mortgage that “As of today, we are not presently accepting orders in Oklahoma and have notified the lenders until we have more detail.”

8. On October 25, 2019, a document subpoena was issued to Lenders requesting a roster or spreadsheet identifying all appraisal assignments conducted in the State of Oklahoma for which Lenders performed appraisal management services between April 15, 2017, to the current date.

9. On November 12, 2019, Lenders responded by providing a roster of assignments it conducted appraisal management services in Oklahoma during the required time frame. A review of those records reflects two different clients and

1,196 appraisal assignments.

10. Concurrently, document subpoenas were issued to various lenders that were identified on Respondent Lenders website, as well as other social media sites, such as LinkedIn. Assignment rosters were received from four lenders reflecting 1,753 appraisal assignments conducted in Oklahoma post April 15, 2017. This is 557 more than identified by Lenders.

11. In violation of the *Oklahoma Appraisal Management Company Regulation Act*, Lenders has shown to have operated in Oklahoma in an unregistered capacity since March 31, 2016. Lenders has admitted to 496 appraisal assignments in Oklahoma between March 31, 2015 and April 14, 2017. Lenders was previously disciplined under Board Order #18-017 and ordered to pay a \$7,000 fine which defaulted on by Lenders. Despite that, Lenders has continued to work in Oklahoma since that time. Documentary evidence has shown that Lenders has conducted approximately 1,757 appraisal assignments in Oklahoma between 2017 and 2019 for a total of 2,253 appraisal assignments since 2016 without proper registration.

12. A business entity search with the Oklahoma Secretary of State reflects that, while registered, Lenders was typically inactive or suspended for 3 to 4 months each year. As of today, they have not been authorized to conduct business in Oklahoma since January 15, 2019.

13. Lenders is aware of the statutory requirements to register having

already been disciplined for conducting unlawful appraisal management company practice in Oklahoma in 2018. Lenders is also registered in multiple other states as an appraisal management company. Its continued operations in Oklahoma despite proper authority from the Oklahoma Secretary of State, as well as the Oklahoma Real Estate Appraiser Board is unlawful.

VIOLATIONS OF LAW

1. 59 O.S. § 858-804 Unlawful Acts -- Application Requirements

"A. It is unlawful for a person to directly or indirectly engage or to attempt to engage in business as an AMC, to directly or indirectly perform or to attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an AMC without first obtaining a registration issued by the Oklahoma Real Estate Appraiser Board under the provisions of the Oklahoma Appraisal Management Company Regulation Act."

2. 858-827 Grounds for Censure, Suspension or Revocation of Registration, or Fine of Appraisal

"The Oklahoma Real Estate Appraiser Board may censure an AMC, conditionally or unconditionally suspend or revoke any registration issued under the Oklahoma Appraisal Management Company Regulation Act, or impose administrative fines not to exceed Five Thousand Dollars (\$5,000) per violation of the Oklahoma Appraisal Management Company Regulation Act, if in the opinion of the Board, an AMC is attempting to perform, has performed, or has attempted to perform any of the following acts:

1. Committing any act in violation of the Oklahoma Appraisal Management Company Regulation Act;
2. Violating any rule or regulation adopted by the Board in the interest of the public and consistent with the provisions of the Oklahoma Appraisal Management Company Regulation Act; or
3. Procuring a registration or a renewal of a registration for the AMC

or committing any other act by fraud, misrepresentation, or deceit.

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. Solely for purposes of resolving this matter, 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. All other original allegations in this matter are dismissed.

6. 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.¹

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

8. 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.

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

10. 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.

¹ Currently the next Board meeting is scheduled for 9:30 a.m. on April 9, 2021.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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:

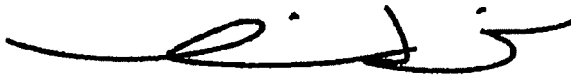
1. Respondent agrees to pay an administrative fine of \$100,000, to be paid pursuant to 59 O.S. §858-828.

2. Respondent agrees to a permanent ban from any interest in any Appraisal Management Company in Oklahoma. If Christopher G. Davis, any family member of Mr. Davis, or any affiliated party applies for licensure in Oklahoma, the fine of \$100,000 shall be paid prior to such application with no guarantee of a license being granted.

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:



LENDER'S EAMC, LLC.
Christopher G. Davis
Managing Member

04/07/2021

DATE



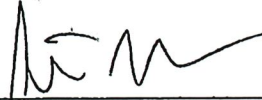
Leif Swedlow,
Counsel for Respondent

4/8/21

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.

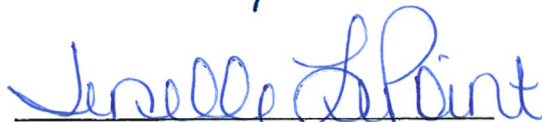


STEPHEN MCCALED, OBA #15649
Board Prosecutor
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

4-9-21

DATE

IT IS SO ORDERED on this 9th day of April, 2021.



JENELLE LEPOINT, Board Secretary
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**

By: 
BRYAN NEAL, OBA #6590

Assistant Attorney General
Attorney for the Board
313 NE 21st Street
Oklahoma City, Oklahoma 73105

CERTIFICATE OF MAILING

I, Kelly Reynolds, hereby certify that on the 20th day of May, 2021, 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:


Leif E. Swedlow
Rubenstein & Pitts
1503 East 19th Street
Edmond, OK 73013
Attorney for Lender's E-AMC, LLC

9214 8902 0982 7500 0376 53

and by First Class Mail to:

Bryan Neal, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
313 NE 21st Street
Oklahoma City, OK 73105

Stephen L. McCaleb
DERRYBERRY & NAIFEH, LLP
4800 North Lincoln Blvd.
Oklahoma City, OK 73105


KELLY REYNOLDS