

In the Matter of Jeffrey W. McAlister,) Complaint #20-015  
Respondent. )

ORDER #21-009

completed the appraisal with an effective date of January 17, 2020.

2. On 2/21/ 2020, the loan processor sent Respondent a request from the collateral underwriter. Fannie Mae requested a condition adjustment review of Comp #2. The final Appraisal Report was signed on March 6, 2021 and reflected the appraisers review and condition adjustment in conformance with the request from Fannie Mae.

3. The assignment type was for a “purchase transaction”. The appraisal was performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice. The subject is a residential property.

4. The Respondent reported incorrect contract information because the Appraisal Report indicates that the sellers are paying 6% of the buyers closing cost, however, the contract is silent on the cost.

5. The Respondent did not accurately report the zoning. The Appraisal Report states the subject property is not zoned. The subject property is zoned A-2.

6. The Respondent reported the road as gravel but it is asphalt.

7. The Respondent did not report on-site improvements of a fireplace and fence on the property.

8. Sales 1 and 3 were not reported correctly. Sale # 1 had a cumulative DOM of 455, which was not reported. The report on Sale #3 states the sf to be 2,481, while the MLS shows the sf to be 2,445.

9. The Sales Comparison adjustments were not properly supported because the Report did not provide information regarding how the sales comparison adjustments were derived or supported.

10. The site value noted in the Appraisal Report was presented in the Cost Approach section but was not adequately supported.

11. Neighborhood boundaries reported in the appraisal were "Each of the sales and the subject are within the limits of Pontotoc County". However, that description is too broad and insufficient for the Intended Users to clearly understand.

12. The report indicates there is no fireplace or fence when the subject has both.

13. The report states there is vinyl in the bathroom when it has tile.

### **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 Competency Rule of the Uniform Standards of Professional Appraisal Practice;
- (B) Standard 1, Standards Rules 1-1, and 1-4, 6; and Standard 2, Standards Rules 2-1, of the Uniform Standards of Professional Appraisal Practice.
- (C) 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."

2. That Respondent 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.”

### **CONSENT AGREEMENT**

The Respondent, by affixing his 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 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.

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, which will be on June 4, 2021, at 9:30 a.m.

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.

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(s). 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 him at the subsequent disciplinary hearing. Respondent will be free to defend himself 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 shall take the following corrective education courses:

- 1) 613 – Residential Sales Comparison & Income Approach (30 Hours), and;
- 2) 612 – Residential Appraiser Site Valuation and Cost Approach (15 Hours).

2. Respondent agrees that he will successfully complete and pass the test associated with the courses within sixty (60) days from the date the Board approves this Order. Failure to complete and pass the courses in a timely matter will result in suspension until the courses are passed and completed with proof of completion.

3. For good cause, an extension may be granted by the Board. An application for an Extension of Time should be filed at least five (5) business days in advance of the Board meeting to be placed on a Board meeting agenda in advance of the deadline to comply with this Consent Order.

## **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:



Jeffrey W. McAlister  
Respondent

5/31/2021  
DATE



RACHEL LAWRENCE MOR,  
Counsel for Respondent

6/2/2021  
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  
400 NE 50<sup>th</sup> Street  
Oklahoma City, Oklahoma 73105

6-4-21

DATE

IT IS SO ORDERED on this 4<sup>th</sup> day of June, 2021.



JENELLE LEPOINT, Board Secretary  
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE  
APPRAISAL BOARD**

By:



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

**CERTIFICATE OF MAILING**

I, Kelly Reynolds, hereby certify that on the 4th day of June 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:

**Rachel Lawrence Mor**

**9214 8902 0982 7500 0380 01**

Landmark Towers West, Ste. 1000  
3555 N.W. 58<sup>th</sup> Street  
Oklahoma City, OK 73116

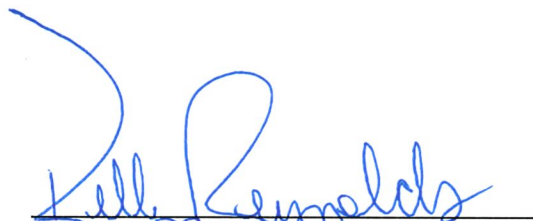
by First Class Mail to:

**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

  
KELLY REYNOLDS