

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

In the Matter of LOUISE BREWER, )  
 )  
 Respondent. ) Complaints #21-007 & #21-007A

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

ON THE 8<sup>th</sup> day of July, 2022, the above numbered and entitled cause came on for hearing before the Oklahoma Real Estate Appraiser Board (the “Board” or “OREAB”), following a disciplinary hearing of the above-numbered and entitled cause held on April 26, 2022. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, Brent W. Stovall of Edmond, Oklahoma, Mark Thompson of Oklahoma City, Oklahoma, and Kevin D. Newport, of Sand Springs, Oklahoma, each of whom is a current Member of the Board’s Standards and Disciplinary Procedures Committee. Brent W. Stovall 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, Louise Brewer of Bokoshe, Oklahoma, who resides at 23845 Circle B Lane, Bokoshe, Oklahoma 74930, and whose business and/or mailing address is P. O. Box 1165, Panama, Oklahoma 74951 (“Respondent”), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaints No. 21-007 and No. 21-007A (the “Notice”) by first class U.S. certified mail with return receipt requested to her last-known business, last-known mailing address, and/or last-known residential address on March 15, 2022, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the Administrative

Procedures Act, 75 O.S. §§250-323, with electronic notice on March 24, 2022, that the Notice was available for pick-up on March 17, 2022, the Respondent appeared in person in the hearing pro se, and was not represented by an Attorney.

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 he had a Prosecution Evidence Exhibit Book with three (3) exhibits that were Bates-stamped that he presented and marked as: (1) Exhibit 1, Documents provided by Quicken Loans, LLC. on May 26, 2021 (produced by Subpoena) (Exhibit 1, pages 1-30 Bates-stamped), which included a copy of the Respondent's initial appraisal report with an effective date of January 18, 2021, and signed on February 9, 2021, and included no copy of any corrected appraisal report; (2) the Online Appraiser Grievance Form filed herein by the subject property owner, Jamie Phillips, on February 23, 2021 (Exhibit 2, pages 31-35 Bates-stamped), together with a copy of the Supplemental Grievance by the Board filed on April 12, 2021, with attached exhibits (Exhibit 2, pages 36-46); and, (3) Exhibit 3, Color Photos from the Grievant (property owner), Jamie Phillips, of the subject property at 70085 Falcon Road, Smithville, McCurtain County, OK 74957 (Exhibit 3, pages 47-98 Bates-stamped).

The Respondent stated that she had no objection to the admission of the Board's Exhibits 1 through 3 as presented in the Prosecution Evidence Exhibit Book with the three (3) exhibits.

The Board's Prosecutor subsequently moved for the admission of the three (3) exhibits for the Board marked as Exhibits 1 through 3, respectively, to which there was no objection by the Respondent. Accordingly, the Board's three (3) exhibits were admitted into evidence.

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 Respondent presented one (1) exhibit as part of her defense in this matter. The Respondent's exhibit marked as Exhibit R-1 was identified by the Respondent as her [previously requested and previously not produced] work file for this appraisal assignment, appraisal, and appraisal report, including only a copy of a previously not produced, corrected appraisal report with an effective date of January 18, 2021, and signed on March 31, 2021, for the subject property, but not including a copy of her initial appraisal report with an effective date of January 18, 2021, and signed February 9, 2021, for the subject property (*See Exhibit 1, Documents provided under subpoena by Quicken Loans, LLC. pages 1-30 Bates-stamped*).

In his opening statement, the Board's Prosecutor read the opening lines from the Preamble of the Uniform Standards of Professional Appraisal Practice (USPAP, Preamble page 1, lines 1-4) that the purpose of USPAP is "...to promote and maintain a high level of public trust in appraisal practice by establishing requirements for appraisers. It is essential that appraisers develop and communicate their analyses, opinions, and conclusions to intended users of their services in a manner that is meaningful and not misleading." According to Mr. McCaleb, USPAP defines the word "misleading" to mean "Intentionally or unintentionally misrepresenting, misstating, or concealing relevant facts or conclusions". (USPAP Definitions page 5, line 39). Continuing, the Board's Prosecutor noted that USPAP Standards Rule 1-1(c) provides that in developing a real property appraisal, an appraiser must "...not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results." According

to Mr. McCaleb, under state law at 59 O.S. §858-729, appraisers in Oklahoma must keep their records for five years and produce those records to the Board on reasonable notice, and the Respondent did not produce her records or work file to the Board upon the request of the Board.

The Respondent reserved the right to present an opening statement later in the Hearing when she was to present her defense.

### **WITNESSES AND EVIDENCE PRESENTED**

The Board's Prosecutor presented two witnesses in support of the case against the Respondent: (1) Jamie Phillips, surviving property owner of the subject property (via telephone); and, (2) Rodney "Rod" Bien, of Oklahoma City, Oklahoma, an Oklahoma Certified Residential Appraiser, 10013CRA, and a Board investigator.

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

### **Jamie Phillips Testimony (Summary)**

Jamie Phillips, upon being duly sworn, testified that she is the property owner and occupant of the subject property, that she lives at 70085 Falcon Road, Smithville, Oklahoma 74957, that the house on the subject property was not built in 2001 as stated in the Respondent's [original] appraisal report (*See Exhibit 1, page 5 Bates-stamped*), that her house was actually built in 2013, that the subject property was not 20 years old as stated by the Respondent (*See Exhibit 1, page 6 Bates-stamped*), that for almost 21 years before 2013, the subject property had a double-wide mobile home on it, that she met Ms. Brewer only once, that Ms. Brewer did the appraisal on the subject property, that the loan from Quicken Loans fell through due to the bad appraisal performed by Ms. Brewer that had a number of errors and false statements, that the subject property has no crawl space as claimed by Ms. Brewer (*Exhibit 1, page 5 Bates-stamped*), but rather, the subject property is on a concrete foundation and a slab, that the house that was only 8 years old has never been fully

remodeled or fully gutted, that the subject property no scuttle attic as reported by Ms. Brewer (Exhibit 1, page 5 Bates-stamped), but has a drop stair attic instead (*See* Exhibit 3, photograph of drop stairs on page 97), the subject property has a working, wood-burning fireplace contrary to what Ms. Brewer stated in her [original] appraisal report (*See* Exhibit 1, page 5 Bates-stamped), that the subject property had no fireplace at all (*See* Exhibit 1, page 6 “Sales Comparison Approach” in which Respondent reports subject has WBF or wood-burning fireplace).

Continuing, the home owner, Jamie Phillips stated that in her [original] appraisal report, Ms. Brewer did not include the fact that the subject property has a Generac generator on it (*See* Exhibit 3, photograph on page 98 Bates-stamped) that runs the entire house, that the generator has been on the subject property since it was newly built in 2013, that McCurtain County has a 911 (emergency telephone) system contrary to what Ms. Brewer said in her appraisal report (*See* Exhibit 1, page 11 Bates-stamped) as Ms. Phillips knows as Ms. Phillips used the McCurtain 911 (emergency phone) system to summon an ambulance for her husband who just died exactly two months ago to the day [of the Hearing], that the subject property has travertine tile in it (*See* Exhibit 3, pages 74-76, 79, 93, 95), that the subject property has granite countertops (*See* Exhibit 3, pages 79-80, 82-87, 89, 92), and hardwood flooring (*See* Exhibit 3, pages 67-68, 70, 77, 85, 89), that the square footage of the house as reported by Ms. Brewer was not correct (Exhibit 1, page 5 [original] appraisal report states 2,708 sq ft while Exhibit 1, page 28 property owner email states 3,568 sq ft), that the property owners, Anthony and Jamie Phillips had to cancel their loan application with Quicken Loans due to the bad appraisal performed by Ms. Brewer, and that she and her late husband had to pay some attorneys \$725.00 to get their abstract back even though the abstract was not brought up to date.

When offered the opportunity to cross-examine Ms. Phillips, the Respondent said she had no questions of the witness, Jamie Phillips.

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

Rod Bien, upon being duly sworn in, testified that he is a Certified Real Estate Appraiser and reviewer, that he does work for the Board as a Board Investigator, that he is licensed as a Certified Residential Appraiser, that he has been an appraising for over 30 years, and that he performed no review.

As to the Sales Comparison Approach (Exhibit 1, page 6 Bates-stamped) subject property and comparable sales site values, Mr. Bien stated that the Respondent's site adjustments in the [original] appraisal report were not appropriate, that no site adjustments were made [in the comparable sales] in the [original] appraisal report, and no support was provided for the absence of site adjustments. Mr. Bien stated that there was something as to site value provided by the Respondent in her Cost Approach (See Exhibit 1, page 7 Bates-stamped).

As to the Sales Comparison Approach (Exhibit 1, page 6 Bates-stamped) subject property and comparable sales actual ages, Mr. Bien noted that the Respondent states in her [original] appraisal report (Exhibit 1, page 6 Bates-stamped) that the subject property was 20 years old, that the Respondent's Comparable 1 was 42 years old, that her Comparable 2 was 25 years old and her Comparable 3 was 51 years old, yet the Respondent made no age adjustments and that there is a lack of support provided for no age adjustments.

As to the Respondent's Cost Approach in her [original] appraisal report (Exhibit 1, page 7 Bates-stamped), Mr. Bien stated, that while he is not a Marshall & Swift subscriber, in his opinion the Respondent's reported Marshall & Swift figures were too low or understated. Mr. Bien stated that site improvements to the subject property were not identified (Exhibit 1, page 7).

When offered the opportunity to cross-examine the witness Rod Bien, the Respondent declined to do so and said she had no questions of Mr. Bien.

At this point in the Hearing, the Board's Prosecutor said that the State rests.

**Louise Brewer Testimony (Summary)**

The Respondent, Louise Brewer, appearing pro se, upon being duly sworn in, testified that she performed an appraisal on the subject property at 70085 Falcon Road, Smithville, Oklahoma 74957, that she made mistakes, that she cloned another appraisal report, that she did a revised appraisal report that fixed the crawl space issue (Exhibit R-1, un-numbered pages 53-76), that the subject property does not have a scuttle attic as she reported in her original appraisal report (Exhibit 1, page 5 Bates-stamped), and that she did not provide a copy of her revised appraisal report to the property owner Jamie Phillips as Ms. Phillips was not her client and USPAP does not require her to send it to anyone that's not her client.

As to site adjustments, if any, to the Respondent's Sales Comparison Approach (Exhibit 1, page 6 Bates-stamped), the Respondent stated maybe she should have done site adjustments but she did not know how to make site adjustments, that she has never been asked to do site adjustments, that she was never been taught how to make site adjustments, that her mother [unidentified], who was a Certified General Appraiser, never taught her how to do site adjustments, that she learned appraising from her mother, that as of March this year she [the Respondent] has been appraising for 22 years, and that, while lifting up a manilla folder containing papers as proof, the Respondent testified she has her work file for this appraisal in the form of the manilla folder containing papers the Respondent identified collectively as her "work file" with her during the Hearing, and that the copy she lifted up is the only copy she brought with her for the Hearing.

At this point, the Hearing was recessed to afford time to the Board staff in which to make copies of the Respondent's "work file" for the Board, the Board's Prosecutor, the three Members of the Hearing Panel, and the Board's Hearing Counsel, and to afford an opportunity to the Board's

Prosecutor to review the Respondent's documents marked as Exhibit R-1 which the Respondent identified to be her "work file" for this appraisal as the Respondent did not make any copies for presentation during the Hearing.

Resuming her testimony, the Respondent admitted that her presentation of her "work file" at the Hearing is the first time she has produced her "work file" for this appraisal to the Board. The Respondent also admitted in the Hearing that the Board had previously requested a copy of her "work file" for this appraisal in writing (*See* Exhibit 2, page 41 Bates-stamped email from Board dated March 25, 2021), and further admitted in writing by the Respondent through an email (*See* Exhibit 2, page 41 Bates-stamped Respondent's email dated March 25, 2021), that she would send a copy of her work file to the Board the next week, and when asked in the Hearing why she had not sent her work file to the Board the next week as she had said that she would, the Respondent testified that she guesses she forgot [to do so]. [*See also* Exhibit 2, page 45 Bates-stamped Respondent's email dated March 31, 2021, to Board that she would have her work file uploaded to the Board by the end of the same business day, March 31, 2021].

When the Board's Prosecutor was asked if he had any objection to the admission of Exhibit R-1 into evidence, the Board's Prosecutor stated that he had no objection and Exhibit R-1 was admitted into evidence without objection.

With the admission of Exhibit R-1 into evidence, the Respondent stated that she had corrected her original appraisal report to make the changes requested by a "reviewer" and provided in the Hearing by the Respondent which she identified as a yellow highlighted comment page (Exhibit 3, un-numbered page 79; *See also* Exhibit 2, page 34 Bates-stamped presenting the identical page from the property owner's on-line Grievance without the Respondent's yellow highlighted language). The Respondent stated that she had a corrected appraisal report in her work



file which she identified as being the long-size pages [legal-size pages (14 ½ by 11)] in the copy of her work file she presented as Exhibit R-1 containing un-numbered pages 53-76. The Respondent testified that her corrected appraisal report includes a correction to delete the reference to the foundation as containing a crawl space and replace it with a reference to the foundation being a concrete foundation/slab (Exhibit R-1, un-number page 54 “Improvements” Section) as requested by the “reviewer”. Continuing, the Respondent further testified that, as requested, her corrected appraisal report deleted the reference to the subject property having a “scuttle attic” and replaced it with the attic having “stairs” (Exhibit R-1, un-numbered page 54 “Improvements” Section). Still further, the Respondent testified that her corrected appraisal report now reports that the subject property has a fireplace (Exhibit R-1, un-numbered page 54 “Improvements” Section) as requested by the “reviewer”.

In response to a series of questions, the Respondent stated that she is familiar with USPAP, that she is not familiar with the Competency Rule [of USPAP], that she agreed that she had correspondence with the Board (Exhibit 2, pages 41-46 Bates-stamped) and that she did not respond to the Board’s correspondence because she forgot, that her mother who taught her appraising was a Certified General Appraiser, that her mother did not assist her on this appraisal, that her mother passed away about 5 or 6 years ago, that she did her corrected appraisal report in February of 2021, that she was paid for her work, that the appraisal report changes were requested by the reviewer on February 22, 2021, that she signed her corrected appraisal report on March 31, 2021, that she did not provide a copy of her corrected appraisal report to the property owner as she was not her client and because she was not required to provide a copy of the property owner, that she does 5 or 6 appraisals a month, that she does a lot of appraisals in McCurtain County, Oklahoma, because no one else will do appraisals in McCurtain County, and that it takes her two and a half hours for her to

drive from her home in Bokoshe (Le Flore County), Oklahoma, to McCurtain County, Oklahoma, to do appraisals.

The Respondent admitted that her corrected appraisal report is still wrong on some changes she made and some she did not make because the subject property's attic is a "drop stair attic" and not a "stairs attic" as she reported in her corrected appraisal report (Exhibit R-1, un-numbered page 54 "Improvements" Section), that she admitted the house on the subject property was built in 2013 in her corrected appraisal report (Exhibit R-1, un-numbered page 54 "Improvements" Section), and that she made no correction in her corrected appraisal report (Exhibit R-1, un-numbered pages 53-76) as to the remodeling or updating of the bath rooms or kitchen even though it was a change requested by the "reviewer" (Exhibit R-1, un-numbered page 79; *See also* Exhibit 2, page 34 Bates-stamped presenting the identical page from the property owner's on-line Grievance without the Respondent's yellow highlighted language).

Having been already called to testify by the Board's Prosecutor, the Respondent chose to not make her opening statement as she had previously reserved the right to do so and stated she had nothing further to say in her defense.

The Respondent, Louise Brewer, did not file an Application for Oral Argument and did not appear before the Board.

### **JURISDICTION**

1. The OREAB 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, LOUISE BREWER, is a state licensed appraiser in the State of Oklahoma, holding certificate number 12234SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on March 17, 2000.

#### **FINDINGS OF FACT**

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

1. The Respondent, LOUISE BREWER, is a state licensed appraiser in the State of Oklahoma, holding certificate number 12234SLA and was first licensed with the Oklahoma Real Estate Appraiser Board on March 17, 2000.

2. In January of 2021, the Respondent was hired to complete an appraisal (the “appraisal”) for a property located at 70085 Falcon Road, Smithville, McCurtain County, Oklahoma 74957 (the “subject”). The Lender/Client was Quicken Loans, LLC. The Respondent completed the appraisal with an effective date of January 18, 2021, and then signed the appraisal report on February 9, 2021 (the “appraisal report”) (Exhibit 1, page 10 Bates-stamped). The assignment type was for a refinance transaction. The appraisal and appraisal report were purportedly performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) (Exhibit 1, page 9 Bates-stamped).

3. The Respondent committed a series of errors in the appraisal report which led to a

misleading and non-credible appraisal report. These errors include, but are not limited to, the following in paragraphs 4-10.

**COMPLAINT NO. 21-007**

4. For all of the comparables, no site adjustments were made (*See* Exhibit 1, page 6 Bates-stamped “Sales Comparison Approach” Section). The Respondent admitted in the Hearing that she does not know how to make site adjustments, that she has never been asked to make site adjustments, and that she has never been taught how to make site adjustments. No site adjustments / commentary was provided to support a lack of site adjustments.

5. The Respondent in her initial appraisal report (Exhibit 1, pages 4-27 Bates-stamped), incorrectly reported the subject as having a crawl space and also being on a concrete foundation / slab (Exhibit 1, page 5 Bates-stamped “Improvements” Section). The Respondent produced a corrected appraisal report at the Hearing (Exhibit R-1, un-numbered pages 53-76) that corrected the crawl space and concrete foundation walls, to a concrete slab only, through her client at the request of the property owner through a revision request (Exhibit 2, page 34 Bates-stamped).

6. The Respondent states in her initial appraisal report both that the kitchen and bathrooms have been updated / remodeled 1 to 5 years ago **and** that the house has been completely gutted and remodeled, when neither is the case. The Respondent produced a corrected appraisal report at the Hearing (Exhibit R-1, un-numbered pages 53-76), that removed the statement that the house on the subject property had been completely gutted and remodeled through her client at the request of the property owner through a revision request (Exhibit R-1, un-numbered page 54), but the Respondent did not however remove the erroneous comment that

the kitchen and bathrooms had been updated within 1 to 5 years in this house built in 2013 on the subject property.

7. The Respondent originally identified the property in her initial appraisal report as having a scuttle attic (Exhibit 1, page 5 Bates-stamped) when it has a drop stair attic. The Respondent produced a corrected appraisal report at the Hearing (Exhibit R-1, un-numbered page 54) that changed the scuttle attic to a stair attic while the attic was actually a drop stair attic (See Exhibit 3, page 97 Bates-stamped, Photo depicting a drop stair attic).

8. The Respondent originally identifies in her initial appraisal report no fireplace (Exhibit 1, page 5 Bates-stamped "Improvements" Section) when the subject has a fireplace. The Respondent, by checking a box in the "Improvements" Section in her corrected appraisal report (Exhibit R-1, un-numbered page 54), changed her comment that the subject property did have a fireplace.

9. All comps were older than the subject property, however no age adjustments were applied (Exhibit 1, page 6 Bates-stamped). The Respondent admitted in the Hearing that she does not know how to make age adjustments, that no one has ever asked her to make age adjustments, and that no one ever taught her how to make age adjustments. No age adjustments / commentary was provided to support a lack of age adjustments.

**COMPLAINT NO. 21-007A**

10. The Respondent has failed to comply with a request by the Board for a copy of her work file for this appraisal assignment, appraisal, and appraisal report (Exhibit 2, pages 41-46 Bates-stamped). In an email to the Board dated March 25, 2021 (Exhibit 2, page 41 Bates-stamped) as well as in another email to the Board dated March 31, 2021 (Exhibit 2, page 45,

Bates-stamped), the Respondent informed the Board each time that she would provide a copy of her work file for this appraisal assignment to the Board and in the Hearing the Respondent admitted that she previously forgot to send a copy of her work file to the Board. The Respondent produced no evidence that she provided her corrected appraisal report (Exhibit R-1, un-numbered pages 53-76) to her client Quicken Loans, LLC. at any time.

### **CONCLUSIONS OF LAW**

The Board hereby adopts the Conclusions of Law of the Disciplinary Hearing Panel, as follows:

1. The Respondent Louise Brewer has violated 59 O.S. §858-723(C)(6) through 59 O.S. §858-726, in that the Respondent violated:

A) The Ethics Rule and Conduct Section of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

[Findings of Fact No. 1, 2, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated the USPAP Ethics Rule and Conduct Section, in pertinent part, “an appraiser must comply with USPAP when obligated by law or regulation, or by agreement with the client or intended users”, and that “an appraiser must not perform an assignment in a grossly negligent manner”, by purporting or representing to the client to have performed the appraisal and appraisal report for the subject property in accordance with USPAP, by performing this appraisal assignment in a grossly negligent manner by incorrectly reporting existing improvements, and by not making site adjustments and age adjustments to comparable sales.]

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

[Findings of Fact No. 1, 2, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated the USPAP Competency Rule, in pertinent part, that “an appraiser must: (1) be competent to perform the assignment; (2) acquire the necessary competency to perform the assignment; or (3) decline or withdraw from the assignment”, by not being competent to know how to make site adjustments or age adjustments to comparable sales, by not acquiring such necessary knowledge, and by not declining or withdrawing from this appraisal assignment which required knowing how to make site adjustments and age adjustments to comparable sales, or by acquiring such knowledge.]

C) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated the USPAP Scope of Work Rule, in pertinent part, that “for each appraisal...an appraiser must: 1. Identify the problem to be solved; 2. determine and perform the scope of work necessary to develop credible assignment results; and 3. disclose the scope of work in the report”, by not properly identifying the problem that all of her comparable sales required site adjustments and age adjustments that she did not make, or did not know how to make, that were necessary to develop credible assignment results and that the Respondent failed to determine and perform the scope of work necessary to develop credible assignment results.]

D) Standard 1, Standards Rules 1-1, 1-2, 1-3, 1-4, and 1-6; 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.

[Findings of Fact No. 1, 3, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standard 1, Standards Rule 1-1, in pertinent part, that “in developing an appraisal an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses to produce a credible appraisal and not render appraisal services in a careless or negligent manner, such as by making a series of errors that, in the aggregate affects the credibility of those results”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales.]

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-2, in pertinent part, that “in developing an appraisal an appraiser must...determine the scope of work necessary to produce credible assignment results in accordance with the [USPAP] Scope of Work Rule”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site or age adjustments.]



[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-3, in pertinent part, that “when necessary to produce credible assignment results in developing a market value opinion, [Comment]...an appraiser must avoid making an unsupported assumption or premise about market area trends, effective age, and remaining life”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent has violated USPAP Standards Rule 1-4 , in pertinent part, that “in developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-6, in pertinent part, that “in developing a real property appraisal, an appraiser must (a) reconcile the quality and quantity of data available and analyzed within the approaches used; and (b)

reconcile the applicability and relevance of the approaches, methods, and techniques used to arrive at the value conclusion(s)”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standard 2, Standards Rule 2-1, in pertinent part, that “in reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading, and each written real property report must: (a) clearly and accurately set forth the appraisal in a manner that will not be misleading; (b) contain sufficient information to enable the intended user(s) of the appraisal to understand the report properly...”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

[Findings of Fact No. 1, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 2-2, in pertinent part, that “...the report content and level of information requirements in this Standards Rule are minimums for each type of report. An appraiser must supplement a report form, when necessary, to ensure that any intended user of the appraisal is not misled and

that the report complies with the applicable content requirements”, in not correctly reporting existing improvements on the subject property, and by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

2. The Respondent Louise Brewer 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”.

[Findings of Fact No. 2, 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated 59 O.S. §858-723 (C)(6) by violating the standards for the development or communication of real estate appraisals as provided in the Act through the Respondent’s gross negligence in not complying with the standards of USPAP to correctly report existing improvements on the subject property, and by not making, and by not knowing how to make site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

3. The Respondent Louise Brewer 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."

[Findings of Fact No. 4, 5, 6, 7, 8, and 9, support the Conclusion of Law that the Respondent violated 59 O.S. §858-723(C)(7) by failing or refusing to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal, through gross negligence in not correctly reporting existing improvements on the subject property, by not making, and by not knowing how to make, site adjustments and age

adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

4. The Respondent Louise Brewer 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."

[Findings of Fact No. 4, 5, 6, 7, 8, and 9, supports the Conclusion of Law that the Respondent violated 59 O.S. §858-723(C)(8) that an appraiser who performs an act or omission negligently or incompetently in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal, through gross negligence in not correctly reporting existing improvements on the subject property, by not making, and by not knowing how to make, site adjustments and age adjustments to comparable sales, and by not providing commentary to support a lack of site and age adjustments.]

5. The Respondent Louise Brewer has violated 59 O.S. §858-723 (C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

[Findings of Fact No. 1, 2, 4, 9, and 10, supports the Conclusion of Law that the Respondent violated 59 O.S. §858-723 (C)(9) by willfully disregarding or violating the provisions of the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. §858-700 to §858-732 (the "Act"), including but not limited to, the Act's provisions that require appraisers to make available for inspection and copying all records required to be maintained, such as a work file, to the Board (59 O.S. §858-729), the Act's provisions that define a "certified appraisal report" to "...represent to the public that the signed certified appraisal report meets the appraisal standards defined in the Oklahoma Certified Real Estate Appraisers Act" (59 O.S. §858-703), and the

Act's provisions that an Oklahoma certified appraiser must comply with USPAP when a written appraisal states that it is in compliance with USPAP (59 O.S. §858-726).]

6. The Respondent Louise Brewer has violated 59 O.S. §858-729 (C): "All records required to be maintained pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall be made available by the Oklahoma certified real estate appraiser for inspection and copying by the Board on reasonable notice to the appraiser."

[Finding of Facts No. 1, 2, and 10 supports the Conclusion of Law that the Respondent violated the provisions of 59 O.S. §858-729 (C) that all records required to be maintained under the Oklahoma Certified Real Estate Appraiser Act, in this matter the Respondent's work file containing all of her records for this appraisal assignment, appraisal, and appraisal report, shall be made available by the Oklahoma certified real estate appraiser for inspection and copying by the Board on reasonable notice to the appraiser, in this matter the Respondent as a state licensed appraiser, did not make a copy of her work file available to the Board when requested by the Board for inspection and copying on reasonable notice provided to the Respondent by emails dated March 24, 2021, and March 25, 2021.]

### **FINAL ORDER**

Having adopted in full the Findings of Fact and Conclusions of Law of the Disciplinary Hearing Panel, the Board hereby issues its Final Order as follows:

1. The Respondent Louise Brewer's Oklahoma license as a state licensed appraiser in the State of Oklahoma, certificate number 12234SLA, shall be **SUSPENDED** for a period of **ONE HUNDRED EIGHTY (180) DAYS** beginning immediately upon the date that any final order is entered in this matter plus a period of thirty (30) days after Respondent Louise Brewer, is notified of the final agency order either personally or by certified mail, return receipt requested.

2. The Respondent Louise Brewer shall successfully complete the entire Core Curriculum Requirement for State Licensed Appraisers through corrective education as follows:

The **FIFTEEN (15) HOUR** Course Number 600: National USPAP Course.

The **THIRTY (30) HOUR** Course Number 601: Basic Appraisal Principles.

The **THIRTY (30) HOUR** Course Number 602: Basic Appraisal Procedures.

The **FIFTEEN (15) HOUR** Course Number 611: Residential Market Analysis and Highest and Best Use.

The **FIFTEEN (15) HOUR** Course Number 612: Residential Site Valuation & Cost Approach.

The **THIRTY (30) HOUR** Course Number 613: Residential Sales Comp and Income Approaches.

The **FIFTEEN (15) HOUR** Course Number 614: Residential Report Writing and Case Studies.

At least three (3) of the six (6) courses totaling not less than Seventy-five (75) Hours must all be completed with copies of certificates of course completion transmitted to the administrative office of the Board within **NINETY (90) DAYS** from the date of the Board Order plus a period of thirty (30) days after the Respondent Louise Brewer is notified of the final agency order either personally or by certified mail, return receipt requested, **with this corrective education requirement to run concurrently with her One Hundred Eighty (180) Day license suspension as provided above in Section 1.**

Remaining courses totaling no more than Seventy-five (75) Hours not all completed within **an additional period immediately thereafter of NINETY (90) DAYS, must all be completed** with copies of certificates of course completion transmitted to the administrative office of the Board within that period of **NINETY (90) DAYS** (or a period totaling **ONE HUNDRED EIGHTY (180) DAYS** from the date of the Board Order). All of the courses must be tested and

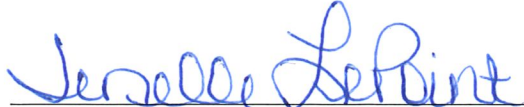
may be an on-line course(s). The courses shall **not** be counted toward continuing education credit by the Respondent.

3. The Respondent Louise Brewer shall be placed on **PROBATION** for a period of **SIX (6) MONTHS** beginning immediately upon the date that the period of **ONE HUNDRED EIGHTY (180) DAYS** in which corrective education is ordered hereinabove to be completed shall end plus a period of thirty (30) days after the Respondent Louise Brewer is notified of the final agency order either personally or by certified mail, return receipt requested. During the period of probation, Respondent Louise Brewer 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 Louise Brewer.


4. Failure by Respondent Louise Brewer, to comply with any requirement of this order shall result in her appraisal credential being suspended instanter, with notification forwarded immediately to Respondent Louise Brewer, either personally or by Certified U. S. mail, return receipt requested.

**THE BOARD WISHES TO ADVISE THE RESPONDENT THAT SHE HAS 30 DAYS FROM THE DATE SHE 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 8th day of July, 2022.

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date





**CERTIFICATE OF MAILING**

I, Kelly Reynolds, hereby certify that on the 30th day of September 2022, 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 to:

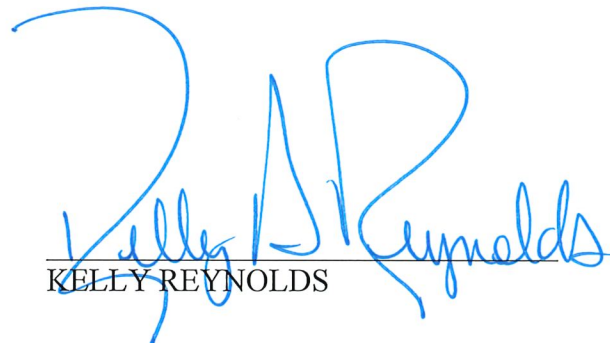
**Louise Brewer**  
PO Box 1165  
Panama, OK 74951

**9214 8902 0982 7500 0494 03**

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, LLP  
4800 N. Lincoln Boulevard  
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KELLY REYNOLDS