

FEB 06 2023

Real Estate Appraiser Board  
State of Oklahoma

## CONSENT ORDER

COME NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Board Prosecutor, Stephen McCaleb, and Accurate, Concise, Timely Appraisals (Respondent), by and through its attorney, Robert J. Haupt, and enter into this Consent Order pursuant to Oklahoma Statutes Title 59 § 858-700, et seq., and the Oklahoma Administrative Code 600:10-1- 1, et seq. All sections of this Order are incorporated together.

### AGREED FINDINGS OF FACT

1. This is a matter between an out of state appraisal management company: ACT Appraisal, Inc., registered since 2012 to do business in Oklahoma under the name Accurate, Concise, Timely Appraisals (hereinafter “Accurate” or “Respondent”) and a domestic appraisal management company: Act Appraisal Services, Inc. (hereinafter “Grievant”). The Grievant summarizes the previous actions against Respondent, which began in 2013. Then, Respondent having operated under its name ACT Appraisal, Inc. since its formation in 2002 became aware of Grievant formed and doing business in Oklahoma under a similar name, Act Appraisal Services, Inc. In an effort to avoid market confusing, Respondent then contacted the Grievant to purchase the Grievant’s corporate name. The Grievant declined the offer. In 2015, Grievant complained that Respondent had inappropriately utilized Grievant’s business name while conducting business in Oklahoma. Grievant had learned that Respondent had contacted a client of Grievant, for the purpose of attempting to do business with Respondent using Respondent's corporate name “ACT Appraisal, Inc.” and not

“Accurate Concise, Timely Appraisals” as registered in the state of Oklahoma. Respondent was previously issued a cease-and-desist letter by Grievant in 2016.

2. Respondent was also the recipient of a previous grievance filed by the same Grievant herein, under OREAB No. A15-048. In that case, as in the current matter, Grievant alleged that Accurate, Concise & Timely utilized the name “ACT Appraisals” when conducting business in the State of Oklahoma, despite the fact that “Act Appraisal Services, Inc.,” is registered by Grievant with the Oklahoma Secretary of State and Respondent is registered with the Oklahoma Secretary of State as “Accurate, Concise, Timely Appraisals”. In addition, Respondent failed, in both cases, to place its Oklahoma registration number on all communications, in accordance with §858-823(C), which states as follows:

An AMC registered in this state shall place its registration number on any instrument utilized by the AMC for procurement of appraisal services in this state.

3. In Case No. A15-048, the OREAB issued a Cease-and-Desist Letter to Accurate, Concise, Timely Appraisals dated September 13, 2016, in which the OREAB advised counsel for Respondent, its client may only conduct business in Oklahoma under Respondent's registered name and to place its registration number on all communications.

4. Following the issuance of the OREAB’s September 13th letter (referenced in paragraph 3 above), the Board received a letter from Respondent’s counsel, dated November 14, 2016, in which it advised that its client had taken steps to ensure the company would only use its Oklahoma registered name, Accurate, Concise, Timely Appraisals, on all future Oklahoma transactions. Despite these steps, the same Grievant and Respondent now find themselves before the OREAB, regarding the Respondent’s alleged use of the “ACT Appraisal” name.

5. In reviewing the supporting documents provided by the Grievant, as to Case No. A21-053, it was noted that Respondent’s communications with Grievant’s client, dated November 12,

2021, utilized the names “ACT Appraisals” and “Act Appraisal, Inc.,” and it did not contain the OREAB registration number for Accurate, Concise, Timely Appraisals, in violation of §858-823(C). Further, the PowerPoint presentation attached to the communication also made use of the names “ACT Appraisal” and “ACTt Appraisal Inc.” and failed to include its OREAB registration number. No findings are made as to Grievant’s other allegations.

6. Respondent does not deny the allegations of Grievant, but advises that the November 12, 2021, communication to Grievant’s client was made in error by a single employee of Respondent, despite safeguards taken by Respondent to prevent further communications in Oklahoma utilizing the “ACTAppraisal” name, which is Respondent's corporate name and which it uses in operating in 49 other states. Respondent now has taken additional steps to ensure that such miscommunication does not occur again, including adding further internal safeguards against direct contact with Oklahoma-based clients and emphasizing statements on its print materials, including emails that **"In Oklahoma, ACT Appraisal, Inc., is licensed and operates as Accurate, Concise, Timely Appraisals, under Oklahoma Real Estate Appraiser Board license number 60134AMC."**

#### **AGREED CONCLUSIONS OF LAW**

1. That Respondent has violated OAC 600:35-1-3(a), (b), and (c):

(a) It is the finding and declaration of the Oklahoma Real Estate Appraiser Board that registered Appraisal Management Companies are vested with a relationship of trust and confidence with respect to their relationships with their clients, lending institutions, both public and private guarantors or insurers of funds in real estate related transactions, and to the public interest; and that accordingly, the qualifications of honesty, candor, integrity, and trustworthiness are directly and substantially related to and indispensable to the conduct of their business operations.

(b) Every holder of an Appraisal Management Company registration, every Controlling Person, and every Designated Officer shall demonstrate by his or her conduct that he or she possesses the qualifications of honesty, candor, integrity, and trustworthiness.

(c) Every registered Appraisal Management Company, its Controlling Persons, and Designated Officer shall comply fully with the Oklahoma Appraisal

Management Company Regulation Act, the rules promulgated thereunder, and with all other applicable federal and state statutes including but not limited to FIRREA, TILA and RESPA.

2. In that Respondent violated OAC 600:35-1-3(a), (b), and (c), it also committed violations of 59 O.S. § 858-827:

(a) Committing any act in violation of the Oklahoma Appraisal Management Company Regulation Act;

(b) 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

(c) Procuring a registration or a renewal of a registration for the AMC or committing any other act by fraud, misrepresentation, or deceit.

3. The Board is granted its authority through 59 O.S. § 858-829, as follows: “The Oklahoma Real Estate Appraiser Board shall promulgate rules to implement the provisions of the Oklahoma Appraisal Management Company Regulation Act.”

### **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 pay an administrative fine of five-thousand dollars (\$5,000) to be paid within thirty (30) days of notification to Respondent of the order of the Board imposing the administrative fine pursuant to 59 O.S. §858-828(B)(1).

### **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:

Accurate, Concise, Timely Appraisals

By: 

Date 2/2/2023

Robert J. Haupt, OBA No. 18940  
Counsel for Respondent

Date   
2-2-23

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**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.

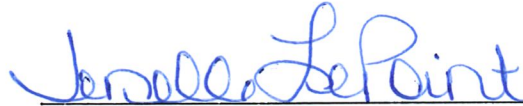


STEPHEN L. MCCALED, OBA #15649  
Board Prosecutor  
400 NE 50<sup>th</sup> Street  
Oklahoma City, OK 73105

Feb. 3, 2023

DATE

IT IS SO ORDERED on this 3rd day of February 2023.



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 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**CERTIFICATE OF MAILING**

I, Kelly Ann Reynolds, hereby certify that on the 6th day of February 2023, a true and correct copy of the above and foregoing Consent Order was placed in the US Mail, with postage prepaid, by Certified Mail to:

**Robert J. Haupt**

**9214 8902 0982 7500 0520 38**

Lathrop GPM LLP

10851 Mastin Blvd, Bldg 82, Ste 1000

Overland Park, KS 66201

and by First Class Mail to:

**Sandra Balzer, Administrative Hearing Examiner**

**Assistant Attorney General**

OFFICE OF THE ATTORNEY GENERAL

313 NE 21<sup>st</sup> Street

Oklahoma City, OK 73105

**Bryan Neal, Assistant Attorney General**

OFFICE OF THE ATTORNEY GENERAL

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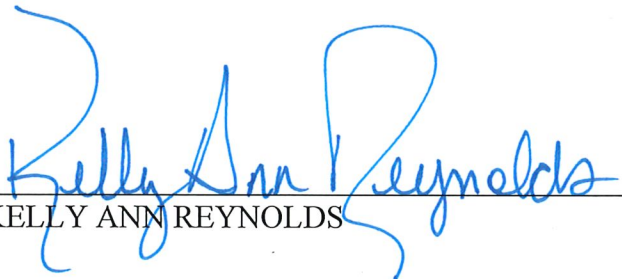
Oklahoma City, OK 73105

**Stephen L. McCaleb**

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Oklahoma City, OK 73105

  
KELLY ANN REYNOLDS