

SEP 06 2023

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

Real Estate Appraiser Board
State of Oklahoma

In the Matters of LOUISE BREWER,

Respondent.

)

) Complaint #22-018 and #22-018A

)

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

ON THE 7th day of July, 2023, the above-numbered and entitled causes came on for hearing before the Oklahoma Real Estate Appraiser Board (the “Board” of “OREAB”), following a disciplinary hearing of the above-numbered and entitled causes held on April 24, 2023. The Board was represented by a Disciplinary Hearing Panel composed of three (3) appraiser members, Robin Poteet, of Edmond, Oklahoma, Heath E. Boyles of Oklahoma City, Oklahoma, and Michael G. Stacy, of Edmond, Oklahoma, each of whom is a current Member of the Board’s Standards and Disciplinary Procedures Committee. Michael G. Stacy 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 did not appear in person or through an attorney at the Office of the Oklahoma Insurance Commissioner, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, for the scheduled Hearing at the appointed hour on April 24, 2023, at 9:30 a.m. Accordingly, the Hearing Panel afforded the Respondent additional time in which to appear. The Respondent did not appear in person or through an attorney by 9:43 a.m. and the Hearing continued in the absence of the Respondent.

Noting the Respondent's failure to attend the Hearing in person or through an attorney, the Board's Prosecutor called the Board's Director, Christine McEntire, to testify.

WITNESSES AND EVIDENCE PRESENTED

Upon being duly sworn, the Board's Director Christine McEntire, testified that the Respondent, Louise Brewer of Panama, Oklahoma (the "Respondent"), was mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 22-018 and 22-018A (the "Notice") by [first class] U.S. certified mail with return receipt requested, a copy of which such certified mail envelope addressed to the Respondent was identified by the Board's Director, Ms. McEntire, as Exhibit A, the envelope number 9214 8902 0982 7500 0529 08 was addressed to the Respondent at P.O. Box 1165, Panama, Oklahoma 74951-1165, on March 17, 2023, and marked "Return to Sender Unclaimed Unable to Forward".

The Board's Prosecutor moved to admit Exhibit A into evidence, and there being no objection, Exhibit A was admitted into evidence.

The Board's Prosecutor represented to Ms. McEntire that the Respondent had been subjected to a previous Board action, to which representation Christine McEntire stated that the Respondent had indeed been the subjected to a previous Board proceeding. The Board's Prosecutor asked Ms. McEntire to identify a document marked as Exhibit C, which this witness identified to be the Board's Order #22-014 filed (in Complaint #21-007 and #21-007A) on September 30, 2022, and that on page 25 thereof, was the Certificate of Mailing with the Respondent's mailing address in that matter being P. O. Box 1165, Panama, Oklahoma 74951, the same address for the Respondent as used in this proceeding by the Board to provide notice to the Respondent.

The Board's Prosecutor moved to admit Exhibit C, to which motion there was no objection, and Exhibit C was admitted into evidence without objection.

Continuing, Ms. McEntire was asked to identify Exhibit F which she did identify as the Board's records of licensee contact information that she stated she printed out the day of the Hearing

in hardcopy form, which records include the Respondent's mailing address of P. O. Box 1165, Panama, Oklahoma 74951, which address Ms. McEntire noted was the same address for the Respondent as was used in a previous Board disciplinary proceeding against the Respondent, Complaint #21-007 and #21-007A [Board Order # 22-014].

The Board's Prosecutor move to admit Exhibit F into evidence, and there being no objection, Exhibit F was admitted into evidence.

Ms. McEntire was asked to identify Exhibit B which Christine McEntire did identify as a United States Postal System (USPS) Tracking History which showed that the U. S. certified mail envelope number 9214 8902 0982 7500 0529 08 was addressed to the Respondent at P.O. Box 1165, Panama, Oklahoma 74951-1165, on March 17, 2023, that it was available for pick up by the Respondent on March 20, 2023, a date more than 30 days before the Hearing on April 24, 2023, with a USPS pick up reminder provided to the Respondent on March 25, 2023, and the said envelope was returned by the USPS to the Board marked "Return to Sender Unclaimed Unable to Forward".

The Board's Prosecutor moved to admit Exhibit B into evidence, and as there was no objection, Exhibit B was admitted into evidence.

In response to a question, Ms. McEntire stated that the Respondent was mailed by U.S. certified mail, a copy of the Grievance filed in this matter at the same P. O. Box that the Board used before in the previous disciplinary matter [Exhibit C] to contact the Respondent, that the Respondent was notified of the Grievance filed this matter, and that the Respondent even responded to the Grievance.

The Respondent, Louise Brewer of Panama, Oklahoma ("Respondent"), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 22-018 and 22-018A (the "Notice") by first class U.S. certified mail with return receipt requested

to her last-known business and/or residence address on March 17, 2023, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the Administrative Procedures Act, 75 O.S. §§250-323, that was available for pickup by Respondent in the post office in Panama, Oklahoma, on March 20, 2023, and was returned Unclaimed to sender as the Notice was unable to be forwarded as verified by the USPS Tracking History Sheet provided by representatives of the U.S. Postal Service for the Notice to the Board, to which Notice which Respondent failed to appear at the hearing in person and was not represented in the hearing by an Attorney.

In response to a question from the Board's Hearing Panel Counsel, the Board's Prosecutor indicated that he had had no contact with the Respondent about the hearing. Also in response to a question from the Board's Hearing Panel Counsel, the Board's Director, Christine McEntire, stated that she too had received no communications from the Respondent, Louise Brewer, about the hearing.

PRELIMINARY MATTERS

In light of the absence of Respondent or any Attorney appearing on her behalf, the Board's Prosecutor noted the Board Rule at OAC 600: 15-1-12 informed the Hearing Panel that, under the Board's Rules OAC 600: 15-1-12 for a Failure to Appear, the Hearing Panel could proceed with this matter as a Default due to the absence of Respondent and the Board's Prosecutor moved for a Default. The Board's Prosecutor noted that under Board Rule OAC 600:15-1-12, that the allegations against the non-appearing Respondent may be deemed admitted and an appropriate sanction recommended.

The Board's Hearing Counsel asked the Hearing Panel Members if they understood the Board's Rule OAC 600:15-1-12 as to a Failure to Appear, to which Hearing Panel Members stated or indicated that they did so understand, agreed that the Respondent failed to appear, and were satisfied that the Respondent was notified of the Hearing in advance and that the Respondent had failed to appear. Accordingly, the Board's Hearing Counsel ruled and stated that the Respondent was in default

for her failure to appear.

The Board's Prosecutor proceeded to offer to supplement the Respondent's failure to appear through the testimony of the Board Investigator, Betty Cagle, whom he stated was available to testify by telephone should the Hearing Panel Members wish to hear her testimony. The majority of the Hearing Panel Members indicated that they would like to hear testimony from the Board's Investigator, Betty Cagle, to which the Board's Investigator contacted Ms. Cagle to testify by telephone.

The Respondent (who was absent and found to be in default in this proceeding) did not submit any documents for admission as evidence in this matter. Further, no party in these proceedings requested that a court reporter record this matter and no party to these proceedings submitted any proposed findings of fact or proposed conclusions of law to the Disciplinary Hearing Panel for its consideration.

The Board's Prosecutor next presented an Exhibit Book labeled as "Hearing Exhibits" with ten (10) exhibits prepared as Board data by an appraiser witness he intended to call and actually did call, the Board Investigator, Betty Cagle, that were marked as (1) Exhibit 1, 1080 Rd pvplus [from Sequoyah Co. Records, for the Subject property], (2) Exhibit 2, 1082 Realtor.com, (3) Exhibit 3, Lot 22 Sale pvplus, (4) Exhibit 4, Lot 61 Sale pvplus, (5) Exhibit 5, Lot 81 Sale pvplus, (6) Lot Sale, (7) Exhibit 7, Muldrow (Oklahoma) Current Market Analysis (CMA), (8) Exhibit 8, New Assignment, (9) Subject MLS Photos, and, (10) Subject - Multi-List System (MLS) Listing Details, Fort Smith, AR MLS. The Board's Prosecutor moved to collectively admit the ten (10) exhibits in the Exhibit Book labeled "Hearing Exhibits", into evidence, to which there was no objection due to the Respondent's absence, and the ten (10) exhibits were admitted into evidence.

Subsequently, during the Hearing, the Board's Prosecutor presented another document labeled

as Exhibit 11, entitled “Grievance” which listed Fannie Mae as the Grievant. The Board’s Prosecutor moved for admission of Exhibit 11 into evidence, to which there was no objection, due to the absence of the Respondent, and Exhibit 11 was admitted into evidence without objection.

An examination of Exhibit 11 provides the following:

Exhibit 1 (with Bates-stamped page numbers) consisted of a cover sheet (page 1) for a document identified to be the Grievance (page 2) against the Respondent, a copy of the Respondent’s written appraisal report on the subject real property dated December 8, 2021 (479970 E 1080 Rd., Muldrow, Oklahoma), with an Opinion of Value as of February 6, 2021, of \$293,000.00 attached (pages 3-26).

WITNESSES AND EVIDENCE PRESENTED

The Board’s Prosecutor presented one (1) witness in support of the case(s) against the Respondent, appraiser and Board Investigator, Betty Cagle, 10179CRA.

Board Investigator Betty Cagle Testimony (Summary)

The Board Investigator Betty Cagle, upon being duly sworn in, testified that her address [of record] is in Owasso, Oklahoma 74055, that she is a Real Estate Appraiser, that she has been an appraiser since 1984, that her credentials include being a SRA with the Appraisal Institute, and a USPAP [Uniform Standards of Professional Appraisal Practice] Instructor for at least probably 15 years, that she teaches USPAP Courses, and that in that capacity she considers herself proficient in USPAP.

Continuing, Ms. Cagle stated that she is employed by contract with the Board to conduct investigations, that she is familiar with the formal complaint against the Respondent in this Complaint No. 22-018 and 22-018A, that she has investigated the Respondent’s [appraisal] report, that she has been provided a copy of the Respondent’s appraisal report and a copy of the Respondent’s work file

in this formal complaint [Complaint No. 22-018 and 22-018A], that she has conducted an investigation into the Respondent's appraisal report, that sometimes [at the request of the Board's Prosecutor], she conducts an investigation into a formal complaint and she tells the Board's Prosecutor she has no issues with an appraisal report he has provided to her, but as to this Respondent's appraisal report in this Complaint, Ms. Cagle stated she found issues as the Respondent was not USPAP compliant.

In response to a question as to the procedures she uses in conducting an investigation in such situations, Betty Cagle stated that she typically reads the grievance, then she starts [reading] at the beginning of an appraiser's [appraisal] report, that she reads through it, that she goes back over it again, that she verifies each section of the [appraisal] report starting on page 1 of the UARA [sic] (Uniform Residential Appraisal Report), that she uses MLS [Multi-List Service] for average high-low sales prices/ages in the neighborhood boundaries the appraiser uses, that she moves to next section, that she looks at each section of a report on its own, that she types up a report stating her findings, that she provides a summary sheet of her findings through a page 3, and that she typically sends a copy of her typed report to the Board's Prosecutor and to the Board's Director, Christine McEntire.

Continuing, Ms. Cagle identified the address of the Subject property to be 479970 E 1080 Rd., Muldrow, Oklahoma, and she noted that the effective date of the Respondent's Appraisal report is February 6, 2021 (Exhibit 11, page 6), that the Respondent's Appraisal report mentions that it was reopened by the Respondent on February 15, 2021, on February 19, 2021, and again on December 4, 2021, that the third reopening on December 4, 2021, is a date more than ten (10) months past the report date (effective date) of February 6, 2021, that because of these three reopening dates there should be three appraisal reports in the Respondent's work file but the Respondent's work file she has, does not have a copy of any of the Respondent's appraisal reports, where there should be three

such reports filed, one dated February 15, 2021, another dated February 19, 2021, and a third dated December 4, 2021, as USPAP requires a copy of each appraisal report submitted to a Respondent's client to be kept on file in the Respondent's work file, that the Respondent took out her comparables as requested by the client, that under FAQ 142 in USPAP that it's a misleading report to take out the comparables, that there should be three comparables in appraisal reports that are chosen only by the appraiser, that an appraiser should never take out comparables at the request of the appraiser's client as it is up to the appraiser to determine the three best comparables and not up to the client to do so even if the client does not like the chosen three comparables, that if an appraiser thinks they need to take out any comparables that they have chosen, they should probably do a new assignment.

Betty Cagle noted that it is a USPAP violation to not analyze sales of the Subject occurring within the last three years as is the situation here as the Respondent did not note the sale of the Subject in 2019 as provided in Exhibit 1 [at page 1], that she has a copy of the Respondent's work file, that there are no copies of any appraisal reports in the Respondent's work file, and that it is a USPAP Record Keeping Rule violation to not have any of the Respondent's appraisal reports in the Respondent's work file.

Continuing, Ms. Cagle testified that the Respondent's neighborhood boundaries are too large as provided in the Grievance in Exhibit 11 at page 4 in the Neighborhood Section, the neighborhood is supposed to be similar properties, the boundaries go from Sallisaw down to Roland.

As to Highest and Best Use, according to Ms. Cagle, the Respondent did not provide any evidence of performing any analysis of highest and best use of the Subject as improved other than checking a "yes" box in the Appraisal report in violation of USPAP.

As to the use of the realtor.com or MLS pictures [photographs], there is no explanation why MLS pictures were used by the Respondent in the Appraisal Report on the 1004 Form unless there

are reasons given.

As to Listing No.1 in Exhibit 11, page 21, Ms. Cagle states the listing has a pole barn, but the Appraisal report says there are none, that Listing 2 has an outdoor brick fireplace that is not listed in the Appraisal report, and that Listing No. 3 has an inground swimming pool that was not mentioned in the Appraisal report.

As to the Income Approach (Exhibit 11, page 6), Ms. Cagle said the Appraisal report did not include the Income Approach being performed without any explanation.

As to the Reconciliation Section (Exhibit 11, page 5), that speaks to the appraiser giving 100% majority of the weighting being given to the Respondent's Comparables 1, 2, and 3 "...based on the net and gross adjustment being lower", Ms. Cagle commented, lower than what?

In response to a question, Ms. Cagle does not believe she knows the Respondent, that she found the Appraisal report to be a misleading report with several USPAP violations, record keeping violation, the December 6, 2021 Appraisal report should be a "new assignment", the selection of comparables with the big difference in reported market values the first time and the reported market values the second time causes her to have concerns about the competency of the Respondent in selecting comparables as its just too big a difference in light of a copy of the first comparables were not in the Respondent's work file, she has no idea as to what comparables were used.

After Ms. Cagle completed her testimony, the Board Prosecutor said the Board rested its case.

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 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 December of 2021, the Respondent was hired to complete an appraisal (the “Appraisal”) for a property located at 479970 E 1080 Road, Muldrow, Oklahoma 74948 (the “Subject”). The Respondent completed the Appraisal and Appraisal report with an effective date of February 6, 2021 [Grievance, Exhibit 11, page 9]. The Appraisal and Appraisal report were purportedly performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP).

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 4-31 hereinbelow.

GENERAL

4. The analysis of agreements of sale, options, or listings of Subject property current as of the effective date of Appraisal [February 6, 2021] and sales that occurred within three years prior were not adequately summarized [Exhibit 11, “Contract” Section, page 4].

5. The Respondent’s inspection date is February 6, 2021 [Exhibit 11, “Reconciliation” Section, bottom of page 5]. The Appraisal report date is December 6, 2021 [Exhibit 11, “Effective Date of Appraisal”, located below the Respondent’s signature, page 9]. On page 6 of the Grievance [Exhibit 11, “Additional Comments” Section, page 6], the Respondent states the Appraisal report was reopened on February 15, 2021, February 19, 2021, and on December 4, 2021. There should be a copy of each one of the Appraisal reports in the Respondent’s work file [See Board Investigator Betty Cagle Testimony (Summary) above], but according to Ms. Cagle, there was only one Appraisal report in the Respondent’s work file. In the third revision, the three original comparables (according to information in the Respondent’s work file) were removed and three new comparables inserted at the request of the client [See Exhibit 11, page 9, Client Name “New American Funding”, Tustin, California]. It would also appear that the Respondent’s opinion of market value was changed. The Respondent’s removal of the Respondent’s own chosen comparables and the Respondent inserting new ones “suggested” by the client ten (10) months after the inspection date constitutes a “new assignment”.

6. Frequently Asked Question 142 (FAQ 142) in USPAP states it can result in a misleading appraisal report to take out or remove comparables [See Board Investigator Betty Cagle Testimony (Summary) above]. It appears that the Respondent failed to explain what comparable sales criteria information the Respondent researched. There are no notes in the Respondent’s work file or the Appraisal report dated and signed December 8, 2021, according to Ms. Cagle, that

indicate the Respondent explained or justified the Respondent's decision to replace the Respondent's original comparables with comparables "suggested" by the client's reviewer [Exhibit 11, "Additional Comments" Section, page 6].

7. According to the Board's investigator, Betty Cagle [*See* Board Investigator, Betty Cagle Testimony (summary) above], it appears the original market value of the Subject property was \$352,000. The market value on the Appraisal report shows \$293,000. This is a big difference and makes the reader question the Respondent's competency.

8. According to Board Investigator Betty Cagle, there are no copies in the Respondent's work file of any of the appraisal reports prepared and signed by the Respondent [other than the Exhibit 11 Appraisal report dated December 8, 2021]. Also, according to the Board's Investigator, Betty Cagle, there should be three (3) versions of the Respondent's Appraisal report in the Respondent's work file (*See* Board Investigator Betty Cagle Testimony (Summary) above). This is a Work File/Record Keeping violation by the Respondent identified herein [and in the style of this case on page 1 hereof] as Complaint #22-018A.

NEIGHBORHOOD

9. Factors that affect marketability were not adequately and reasonably described (Exhibit 11, "Neighborhood" Section, page 4).

10. Neighborhood boundaries were not adequately and reasonably defined (Exhibit 11, "Neighborhood" Section, page 4).

11. Market area trends were not adequately and reasonably discussed and analyzed (Exhibit 11, "Neighborhood" Section, page 4).

12. The Respondent failed to supply sufficient information in the Respondent's

December 8, 2021, Appraisal report to demonstrate that Respondent properly analyzed and reported the market conditions and market trends for the Neighborhood the Respondent selected and defined (*See* Exhibit 11, “Neighborhood” Section, page 4).

13. The Respondent reports in the Appraisal report (dated December 8, 2021), the market has been exceptionally slow for 30 months (Exhibit 11, “Neighborhood” Section, page 4). However, the Board investigation through the Board’s Investigator, Betty Cagle, found the county clerk records [Sequoyah County, Oklahoma] for the Subject’s subdivision – Saddleback Ranch in the Town of Muldrow, Oklahoma, and found three (3) sales in the Saddleback Ranch subdivision, within one (1) year of the effective date of the Appraisal report. According to Ms. Cagle, there is no mention in the Respondent’s work file on research for the Subject’s subdivision (Board Investigator Betty Cagle Testimony (Summary) above).

SITE/HIGHEST AND BEST USE

14. An opinion to the Highest and Best Use, and the current use, was not provided by the Respondent in the Appraisal report beyond checking a “yes” box and by not providing any evidence of performing any analysis of the highest and best use of the Subject as improved [*See* Exhibit 11, “Site” Section, page 4].

DESCRIPTION OF IMPROVEMENTS

15. The relevant characteristics of improvements and any effect they have on value were not reported and analyzed in the Appraisal report dated December 8, 2021 [Exhibit 11, “Improvements” Section, page 4].

16. The relevant conditions or depreciation (physical, functional or external) factors that affect the improvements were not reported and analyzed in the Appraisal report dated December 8, 2021 [Exhibit 11, “Improvements” Section, page 4].

17. The Respondent in the Respondent's Appraisal report did not mention that on Page 1 of the Uniform Residential Appraisal Report (URAR) [Exhibit 11,"Improvements" Section, page 4], about the Subject's shop building. According to a past Multi-List System (MLS) listing of the Subject, from when it last sold – the shop building has a small apartment including a full bathroom. There are no interior photographs of the shop in the Appraisal report. The Subject's shop building is 40' X 60' based upon the Building Sketch provided in the Grievance, Exhibit 11, page 16.

COST APPROACH

18. The cost estimates were not market oriented and supported (Exhibit 11, "Cost Approach" Section, page 6).

19. The Respondent did not identify and correctly analyze depreciation items (physical, functional, external) [Exhibit 11, "Cost Approach" Section, page 6].

20. The Respondent noted the presence of the detached shop building in the Sales "Comparison Approach" section in the Grievance, Exhibit 11, page 5, for the Subject. The shop building is not included in the Respondent's Appraisal Report's "Cost Approach" section in the Grievance on page 6 of Exhibit 11. The shop cost estimates are not included in the "Cost Approach" section despite the shop being a significant improvement [Exhibit 11, "Cost Approach" Section, page 6]. However, the Respondent's Cost Approach in the Grievance, Exhibit 11, page 6, does not account for the contributory value of the shop. In other words, the shop building was included as existing in the Sales Comparison Approach, but then the Respondent's Appraisal report provided no value for the shop, leading to a misleading report.

21. There should be some functional obsolescence for the Subject's shop building

according to the Board's Investigator, Betty Cagle (*See* Board Investigator Betty Cagle Testimony (Summary) above). According to Ms. Cagle, typically the cost of the building does not equal the market value and the difference is considered functional obsolescence.

SALES COMPARISON APPROACH

22. There is no "proof" in either the Appraisal report or in the Respondent's work file as to why no site adjustments were made [*See* Exhibit 11 "Sales Comparison Approach" Section, page 5, differences in site size among the Subject (6.2 acres) and Comparable 1 (3.1 acres), Comparable 2 (9.99 acres), and Comparable 3 (10.0 acres)]. According to Ms. Cagle, there is no documentation in the Respondent's Appraisal report or work file for the Respondent's reasoning for no site adjustments.

23. No evidence was presented that the Respondent researched the Subject's subdivision for sales. Two sales (of the four sales in the "Hearing Exhibits") were found by the Board's Investigator in the Subject's subdivision that could have been used by the Respondent in the Appraisal report (Exhibit 1 [Subject], page 1; Exhibit 3, page 1; Exhibit 4, page 1; and, Exhibit 5, page 1).

24. In the Appraisal report, the Respondent reports an analysis of the sales indicates an adjustment of \$10,000 for the cost of having a shop built (Exhibit 11, "Sales Comparison Approach" Section, page 5). The shop is 40' X 60' or 2,400 square feet with a bathroom (Exhibit 11, "Building Sketch", page 16). The Respondent failed to explain her rationale in arriving at \$10,000 in an adjustment for the Subject's detached shop (Exhibit 11, "Sales Comparison Approach" Section, page 5).

25. There is no documentation or an amended appraisal report showing what comparables the Respondent removed or replaced [*See* Exhibit 11, "Additional Comments"

Section, page 6, where the Respondent notes reopening the Appraisal on December 4, 2021, at the reviewer's request, to change out the comparables "...for the ones the reviewer suggested"]. The Appraisal report dated December 8, 2021, is a misleading report because the comparables were changed after the Appraisal report was signed by the Respondent.

26. The Respondent provided no explanation as to the reason the pictures [photographs] she used of her comparables were not her original photographs, but rather appear to be from realtor.com or MLS, in violation of USPAP.

27. Listing No. 1 has a 40' X 30' pole barn (Exhibit 11, "Additional Listings", page 21). Listing No. 2 has an outdoor brick fireplace (Exhibit 11, "Additional Listings", page 21). Listing No. 3 has an inground swimming pool (Exhibit 11, "Additional Listings", page 21). None of these improvements are included or accounted for in the Appraisal report (Exhibit 11, "Sales Comparison Approach" Section, page 5).

INCOME APPROACH

28. There is no explanation in the Appraisal report why the Income Approach [Exhibit 11, "Income Approach to Value", page 6] was not used in the Appraisal report.

FINAL RECONCILIATION

29. The quality and quantity of data available and analyzed within the approaches used was not adequately reconciled.

30. Respondent reports that: "The appraiser [Respondent] gave 100% majority of the weighting was given to Comparables 1, 2 and 3 based on the net and gross adjustment being lower" (See Exhibit 11, "Reconciliation" Section, page 5, for the quoted language). However, the intended user may not understand the meaning of the language above as chosen and expressed by the Respondent.

GENERAL REVISITED

31. The Appraisal report does not contain sufficient information to enable the client(s) and intended user(s) who receive or rely on the Appraisal report to understand it properly.

CONCLUSIONS OF LAW

The Board hereby adopts in full 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 Sections of the Uniform Standards of Professional Appraisal Practice Ethics Rule;

[Findings of Fact No. 2, 3, 5, 6, 8, 13, 20, 23, 25, and 26, supports the Conclusion of Law that the Respondent violated the USPAP Ethics Rule and Conduct Section.]

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

[Findings of Fact No. 2, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, supports the Conclusion of Law that the Respondent violated the USPAP Competency Rule.]

C) The Record Keeping Rule of the Uniform Standards of Professional Appraisal Practice; and

[Findings of Fact No. 2, 3, 5, 6, 8, 13, 22, 23, and 25, supports the Conclusion of

Law that the Respondent violated the USPAP Record Keeping Rule.]

D) Standard 1, Standards Rules 1-1, 1-3, 1-4, 1-5, 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. 2, 3, 7, 9, 21, and 25, supports the Conclusion of Law that the Respondent violated USPAP Standard 1, Standards Rule 1-1.]

[Findings of Fact No. 12, and 14, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-3.]

[Findings of Fact No. 28, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-4.]

[Findings of Fact No.4, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-5.]

[Findings of Fact No. 29, and 30, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-6.]

[Findings of Fact No. 2, 3, 9, 21, 26, 30, and 31, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 2, Standards Rule 2-1.]

[Findings of Fact No. 14, and 28, supports the Conclusion of law that the Respondent violated USPAP Standards Rule 2-2.]

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, 3, 9, 10, 11, 16, 18, and 19, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(6).]

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. 2, 3, 7, 9, 10, 11, 16, 18, 19, 20, and 21, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(7).]

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. 2, 3, 9, 10, 11, 16, 18, 19, 20, 21, 26, and 28, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(8).]

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. 2, and 3, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(9).]

6. The Respondent Louise Brewer has violated 59 O.S. § 858-729(C), which requires: “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.”

[Findings of Fact No. 2, 3, 5, 6, 7, 8, 13, 23, and 25, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-729(C).]

FINAL ORDER

Having adopted in full the Findings of Fact and Conclusions of Law of the Disciplinary Hearing Panel, the Board hereby Orders that:

1. The Respondent Louise Brewer’s Oklahoma license as a state licensed appraiser in the State of Oklahoma, certificate number 12234SLA, shall be **REVOKED** 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. Respondent Louise Brewer, shall pay to the Board a sum equal to the costs expended by the Board for legal fees and travel costs incurred in the matter of Complaint #22-018 and #22-018A up to not to exceed **THREE THOUSAND DOLLARS (\$3,000.00)**. The Board staff will provide a statement of the costs incurred as to the complaint(s), to Respondent Louise Brewer, with the final order. Costs levied shall be fully paid by Respondent Louise Brewer, within thirty (30) days from the date of any final order of the Board, 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.

3. 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 7th day of July, 2023



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 Ann Reynolds, hereby certify that on the 6th day of September 2023, a true and correct copy of the above and foregoing Order was placed in the US Mail, with postage pre-paid, by Certified Mail to:

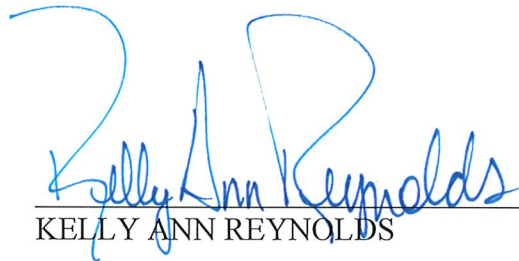
Louise Brewer
PO Box 1165
Panama, OK 74951

9214 8902 0982 7500 0570 88

by First Class Mail to:

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KELLY ANN REYNOLDS