

Real Estate Appraiser Board
State of Oklahoma

Complaint #22-012

BOARD'S DECISION AS TO

ON THE 29th day of September, 2023, the above numbered and entitled cause came on for

The Respondent did not appear in person or through an attorney at the Office of the Oklahoma

WITNESSES AND EVIDENCE PRESENTED

As a preliminary matter, the Board's Prosecutor produced a bound notebook that he referred

D. According to the Board's Prosecutor, OREAB Exhibit A, is the Grievance from the Lender in this matter, Frisco Lender Services, LLC., which exhibit includes a copy of the Respondent's appraisal report, OREAB Exhibits B and C are data provided by the Board's Investigator, Betty Cagle, and OREAB Exhibit D, which is the Betty Cagle Investigation Report. At this point, the Board's Prosecutor moved for admission of Board's "Prosecution Exhibits", OREAB Exhibits A, B, C, and D. There being no objection, the OREAB Exhibits A, B, C, and D, were admitted into evidence.

Examination of OREAB Exhibit A discloses that it consists of the Grievance filed April 19, 2022, pages 1-3 Bates-stamped, an internal Exhibit "A", an email from Frisco Lender Services to Christine McEntire, Director of the Board, dated February 21, 2022, page 4 Bates-stamped, and a "Notice of Removal" letter dated December 16, 2021, addressed to the Respondent Bryce A. Gaden, page 5 Bates-stamped, an internal Exhibit "B", the Appraisal report pages 6-31 Bates-stamped, an internal Exhibit "C", the Frisco Lender Services, LLC., Appraiser Panel Management Appraiser Review Notes dated November 4, 2021, for Bryce A. Gaden's review, pages 32-33 Bates-stamped, and, an internal Exhibit "D", Consent Order of the Oklahoma Real Estate Appraiser Board dated December 4, 2020, involving and against Bryce A. Gaden in Complaint #19-028 [prior disciplinary complaint], which ordered sixty (60) hours of corrective education, pages 34-46 Bates-stamped.

Examination of OREAB Exhibit B discloses that it consists of Data research as to Respondent's selected comparables provided by Board Investigator Betty Cagle, pages 1-22 Bates-stamped.

Examination of OREAB Exhibit C discloses that it consists of additional Data research as to alternative comparables provided by Board Investigator Betty Cagle, pages 1-25 Bates-stamped.

Examination of OREAB Exhibit D discloses that it is the Investigation Report of Board Investigator Betty Cagle dated April 16, 2022, pages 1-20.

Near the end of the Hearing, the Board's Prosecutor presented another document he wanted to include marked as OREAB Exhibit G which was a document entitled "Board's Decision on Disciplinary Hearing Panel Recommendation" against the Respondent Bryce A. Gaden in Complaint #04-024 [prior disciplinary complaint], dated November 4, 2005, consisting of pages 1-7 (OREAB Exhibit G), which ordered a one-month suspension of the Respondent's appraiser credential as well as 75 hours of corrective education at that time. The Board's Prosecutor moved for the admission of OREAB Exhibit G. There being no objection, OREAB Exhibit G was admitted into evidence.

The Board's Prosecutor stated that he had a witness under subpoena who would testify by telephone named Sandi Gray who is employed by Frisco Lender Services, LLC., Appraiser Panel Management, 7609 W. Jefferson Blvd., Suite 250, Fort Wayne, Indiana 46804, as well as a Board Investigator named Betty Cagle, who is a Certified Residential Appraiser employed by the Board.

Sandra Gray-Zeller Testimony (Summary)

The Board's Prosecutor telephoned Sandi Gray via Speakerphone during the Hearing. Once contact was made telephonically, Sandi Gray answered the telephone call at which time she was sworn in by the Board Legal Secretary, Kelly Ann Reynolds, Ms. Gray-Zeller identified herself as Sandra Gray-Zeller, 2305 South Custer Drive, McKinney, Texas, and testified that she works for Frisco Lender Services, LLC. ("Frisco"), as a Staff Appraiser, that she is licensed in Texas as a Certified Residential Appraiser, that she has never met the Respondent, that part of Frisco's practices are to conduct a cursory review as part of an audit, to look for violations of USPAP [Uniform Standards of Professional Appraisal Practice], that Frisco found violations of USPAP by the Respondent, Bryce A. Gaden, that Frisco found issues with the Respondent's Appraisal report on the subject property located, according to the Respondent, at 3405 N. Narcissus Ave., Broken Arrow, Oklahoma 74012, that once Frisco found issues with the Respondent's aforesaid appraisal report that Frisco sent a

document to the Respondent she identified as a “notice of concern” which requested a response from the Respondent (*See* OREAB Exhibit A, page 4 marked internally as Exhibit “A” dated November 19, 2021, Bates-stamped), that no response was provided to Frisco by the Respondent, that as the Respondent failed to provide any such response to Frisco, Frisco sent a follow-up document to the Respondent she identified as a “notice of removal” (*See* OREAB Exhibit A, page 5 dated December 16, 2021 Bates-stamped) which noted that as the Respondent failed to respond to the previous notice, that Frisco notified the Respondent that he was being immediately removed from the Frisco panel.

Continuing, Ms. Gray-Zeller, testified that the Respondent did respond to Frisco’s “notice of removal”, that Frisco provided copies of its “notice of concern” [OREAB Exhibit A, (attached to OREAB Exhibit “A”), page 4 Bates-stamped], “notice of removal” [OREAB Exhibit A, page 5 Bates-stamped], and the Frisco Lender Services, LLC., Appraiser Panel Management Appraiser Review Notes [OREAB Exhibit “C” (attached to OREAB Exhibit A), pages 32-33 Bates-stamped], to the Board. According to Ms. Gray-Zeller, Frisco provided comments on the Respondent’s appraisal report in OREAB Exhibit A, page 33, that included, but was not limited to, comments such as there was no Respondent commentary as to a prior sale of the subject property in 2019, that there was insufficient commentary regarding the Respondent’s exclusion of the Cost Approach and the Income Approach to Value from his appraisal report, the Zoning was not accurate as the Respondent reported the zoning as RM Residential Single Family rather than the correct zoning of RM Residential Multifamily which was determined by Ms. Gray-Zeller from looking online at the Zoning Map [City of Broken Arrow], that the appraisal was for a refinance not a sale as reported by the Respondent in his appraisal report, and that the Highest and Best Use (H & BU) box was checked but the appraisal report contained no analysis by the Respondent which is required by USPAP. At this time the witness, Sandra Gray-Zeller, was excused from the Hearing.

The Board's Hearing Counsel noted at this point in the Hearing, that in light of the absence of the Respondent, it was necessary that there be evidence presented that the Respondent had proper notice of the Hearing, its continuance, and the allegations against him, and that the Notice of Disciplinary Proceedings and Appointment of Hearing Panel dated February 21, 2023, in Complaint No. 22-012, was received by the Respondent as well as the Notice of Continued Disciplinary Hearing dated May 10, 2023, which notified the Respondent that his Hearing in this matter was continued to June 21, 2023, at 9:30 a.m. at the office of the Oklahoma Insurance Commissioner, 400 NE 50th Street, Oklahoma City, Oklahoma 73105.

The Board's Prosecutor presented OREAB Exhibit E to the Hearing Panel, which OREAB Exhibit E was the Notice of Disciplinary Proceedings and Appointment of Hearing Panel ("Notice") dated February 21, 2023, in Complaint No. 22-012, that scheduled a Hearing in this matter on April 3, 2023, at 9:30 a.m. at the office of the Oklahoma Insurance Commissioner, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, which Notice was mailed to the Respondent, Bryce A. Gaden, of Tulsa, Oklahoma, by first class U.S. certified mail, postage-pre-paid, with return receipt requested with certificate number 9214 8902 0982 7500 0523 28 addressed to Bryce A. Gaden, 2836 E. 2nd Street, Tulsa, Oklahoma 74104, as certified by Kelly Ann Reynolds, Board Legal Secretary, through the attached Certificate of Mailing, on February 21, 2023. The Board's Prosecutor moved to admit OREAB Exhibit E, which was the Notice of Disciplinary Proceedings and Appointment of Hearing Panel dated February 21, 2023, with an attachment thereto entitled "Traveler Label" to which was attached a return receipt from the USPS dated February 27, 2023, and signed by the Respondent Bryce A. Gaden acknowledging delivery. There being no objection, OREAB Exhibit E was admitted into evidence.

The Board's Prosecutor presented OREAB Exhibit F to the Hearing Panel, which OREAB

Exhibit F was the Notice of Continued Disciplinary Hearing (“Continuance”) dated May 10, 2023, in Complaint No. 22-012, that rescheduled the Hearing in this matter to June 21, 2023, at 9:30 a.m. at the office of the Oklahoma Insurance Commissioner, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, which Continuance was mailed to the Respondent, Bryce A. Gaden, of Tulsa, Oklahoma, by first class U.S. certified mail, postage-pre-paid, with return receipt requested with certificate number 9214 8902 0982 7500 0539 50 addressed to Bryce A. Gaden, 2836 E. 2nd Street, Tulsa, Oklahoma 74104, as certified by Kelly Ann Reynolds, Board Legal Secretary, through the attached Certificate of Mailing, on May 10, 2023. The Board’s Prosecutor moved to admit OREAB Exhibit F, which was the Notice of Continued Disciplinary Hearing dated May 10, 2023, with an attachment thereto entitled “USPS Tracking Label Number 9214 8902 0982 7500 0539 50” to which was attached a return receipt from the USPS dated May 12, 2023, stating that the certified mailing to Respondent Bryce A. Gaden was delivered and left with an individual. There being no objection, OREAB Exhibit F was admitted into evidence.

The Respondent, Bryce A. Gaden of Tulsa, Oklahoma (“Respondent”), having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel in Complaint No. 22-012 (the “Notice”) by first class U.S. certified mail with return receipt requested to his last-known business and/or residence address on February 21, 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 received by the Respondent at his last known business and/or residence address on February 27, 2023, as verified by the USPS “Traveler Label 14006674” provided by representatives of the U.S. Postal Service for the Notice to the Board, and the Respondent having been mailed a copy of the Notice of Continued Disciplinary Hearing dated May 10, 2023, in Complaint No. 22-012, that rescheduled the Hearing in this matter to June 21, 2023, at 9:30 a.m. at the office of the Oklahoma

Insurance Commissioner, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, which Continuance was mailed to the Respondent, Bryce A. Gaden, of Tulsa, Oklahoma, by first class U.S. certified mail, postage-pre-paid, with return receipt requested with certificate number 9214 8902 0982 7500 0539 50 addressed to Bryce A. Gaden, 2836 E. 2nd Street, Tulsa, Oklahoma 74104, as certified by Kelly Ann Reynolds, Board Legal Secretary, through the attached Certificate of Mailing, on May 10, 2023, to which Notice and Continuance the 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 despite having left four voicemail messages on the Respondent's phone on June 20, 2023, the day before the rescheduled Hearing in this matter.

PRELIMINARY MATTERS

In light of the absence of Respondent or any Attorney appearing on his 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 his 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 present to testify 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.

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 presented another 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 in person that her address 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 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. 22-012, that in her investigations she is not going after the appraiser, that she does not know the Respondent, Bryce A. Gaden, personally, that she has investigated the Respondent's [appraisal] report, that she has been provided a copy of the Grievance and the Respondent's appraisal report in

this formal complaint [Complaint No. 22-012], 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 to a lack of USPAP compliance.

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 URAR (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 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, according to the Respondent, to be 3405 N. Narcissus Avenue, Broken Arrow, Oklahoma 74012 (*See* OREAB Exhibit B, MLS Sheet for the Subject, page 7 Bates-stamped)

As to general requirements, Betty Cagle noted that the appraiser [Respondent] should have his certification number as 12294CRA not just 12294 (*See* OREAB Exhibit A, Grievance, page 1 Bates-stamped; OREAB Exhibit A, Appraisal report, page 13 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3), that the appraiser [Respondent] does not explain what areas he researched and why he is using comps that are not from the Subject's immediate area, that the scope of work is not sufficient to let the reader know what the appraiser [Respondent] did or did not do, and

the Subject's previous sale is mentioned in the [appraisal] report (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Sales Comparison Approach" section page 9 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3), but it is not analyzed. Betty Cagle stated that the appraiser [Respondent] is required to do more than just list the previous sales price.

As to the "Neighborhood", Ms. Cagle said that the appraiser [Respondent] does not have any comments that are unique to the Subject's neighborhood, that for example, the appraiser [Respondent] does not mention that the Subject is located in a small, gated community with homeowner dues., that there is no mention what the homeowners dues include or if the dues are reasonable, that she put the Subject's neighborhood boundaries in MLS and came up with the following prices in the time period one year from the Appraisal report's effective date with a minimum price of \$148,900, a maximum price of \$385,000, an average price of \$253,808, and a median price of \$250,000, that the Respondent's appraisal report has a minimum price of \$330,000, a maximum price of \$495,000, and a predominant price of \$445,000 with no explanation of where the appraiser [Respondent] got these numbers, that the ages per MLS are 3 years to 67 years with an average age of 19 years while the Appraisal report has 1 year to 25 years with an average of 10 years with no explanation of where the appraiser [Respondent] got these numbers. (*See* OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 5).

Continuing as to the "Neighborhood", Ms. Cagle noted that the Respondent has the "stable" box checked, that per MLS, comparing October 26, 2019 to October 26, 2020 statistics, the minimum price was \$173,000 which means a decrease for the current year of \$148,900, that the maximum price increased from \$355,000 to \$385,000, that the average price decreased from \$259,605 to \$253,808 and the median price decreased from \$256,500 to \$250,000, and that there is no explanation for the

box to be marked as stable (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Neighborhood” section, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 5).

As to Site/Highest and Best Use, according to Ms. Cagle, the Respondent did not have the correct site dimensions, that the site dimensions are available free of charge from the Tulsa County Assessor website, that the correct dimensions are: 119.9 x 102.02 x 132.56 x 35.63 x 50.52 x 2.33, and that “Realist”, as referred to by the Respondent as a data source, does not have the correct dimensions as theirs are estimated dimensions. (See OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Site” section, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 7).

Continuing as to Site/Highest and Best Use, Betty Cagle noted that the Subject is a corner lot with irregular dimensions and in her opinion as an investigator, the Subject’s shape is not “Nearly Rectangle” as reported by the appraiser [Respondent] (OREAB Exhibit A, Appraisal report, “Site” section, page 8 Bates-stamped; See OREAB Exhibit B, “Plat Map” excerpt of Lot 19 with dimensions, and Subject MLS Data Sheet, pages 6-7 Bates-stamped; OREAB Exhibit D, Investigation Report, page 7). According to Ms. Cagle, the Zoning is stated to be RM – Single Family Residential, which is not accurate as RM is Residential Multi-Family (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Site” section, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 7). Further, Ms. Cagle noted that as to Highest and Best Use, the appraiser [Respondent] needs to do more than just check the box for highest and best use, that there needs to be a one or two sentence explanation how the appraiser arrived at that conclusion (See OREAB Exhibit A, Appraisal report, “Site” section, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 7).

As to Improvements, Betty Cagle indicates that the appraiser [Respondent] states that the Subject has been remodeled throughout, but he does not state when the remodeling occurred (OREAB Exhibit A, Appraisal report, “Improvements” section, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 9).

As to the Cost Approach, Betty Cagle stated that the appraiser [Respondent] is required to provide support for the land [site] value in the [Appraisal] report per the instructions on the Uniform Residential Appraisal Report (URAR) form [See OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, page 10 Bates-stamped), that the appraiser [Respondent] states that “site value is based on a combination of the appraiser’s knowledge of local land sales and the extraction method”, that the appraiser’s knowledge of local land sales is not supported, he must quote the sales in the [Appraisal] report such as sales price, address, closing date and site size, then he needs to explain his reasoning why he chose what he did, that if he uses the extraction method, it must be included in the [Appraisal] report, and that there is no explanation provided as to why the cost approach was not used other than it was not completed by the appraiser [Respondent] (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Cost Approach” section, page 10 Bates-stamped; OREAB Exhibit D, Investigation Report, page 11).

As to the Sales Comparison Approach, Board Investigator Betty Cagle stated that there is no explanation in the [Appraisal] report for the sales that are used, none of the sales have a pool, that as the investigator, Ms. Cagle researched approximately 2-3 miles from the Subject for sales with a pool, built between 1999-2005, containing 3,000-4,000 square feet, and found several other comparable sales that could have been used by the appraiser [Respondent] such as 20828 E. 48th Street, 1420 W. Sandusky Street, 1400 Trenton Street, 21222 E. 61 Street, and 3408 N. Narcissus Avenue, the appraiser [Respondent] did not explain any of the adjustments, that each adjustment is to be explained,

while the appraiser only stated that the sales were adjusted for a pool and age differences, and that with the number of sales Ms. Cagle found, she would not have used any of the sales used in the appraisal as they were two, three and 12 years old, and none had a pool and they are not located in the Subject immediate area (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Sales Comparison Approach" section, page 9 Bates-stamped; OREAB Exhibit D, Investigation Report, pages 13-14).

As to the Income Approach, Ms. Cagle noted that there is no mention of the Income Approach and why it was not used in the appraisal. (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Income" Section, page 10 Bates-stamped; OREAB Exhibit D, Investigation Report, page 15).

As to Final Reconciliation, Ms. Cagle indicated that the appraiser [Respondent] does not explain why the Cost Approach and Income Approach were not used. (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Cost Approach" and "Income" sections, page 10 Bates-stamped; OREAB Exhibit D, Investigation Report, page 17).

As to General Revisited, Ms. Cagle noted that the appraiser [Respondent] had a grievance filed against him a few years ago, that he took required education, and that it appears that the appraiser [Respondent] is continuing to make the same mistakes. (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, pages 6-31 Bates-stamped; OREAB Exhibit A, internally marked Exhibit "D", Consent Order #20-013, pages 34-46 Bates-stamped; OREAB Exhibit D, Investigation Report, page 19).

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.

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

The Respondent, Bryce Gaden, did not file an Application for Oral Argument and did not appear before the Board at the September 29, 2023 regular session meeting.

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, BRYCE A. GADEN (“Respondent”), is a certified residential appraiser in the State of Oklahoma, holding certificate number 12294CRA was first licensed with the Oklahoma Real Estate Appraiser Board on June 2, 2000.

FINDINGS OF FACT

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

1. The Respondent, BRYCE A. GADEN, is a certified residential appraiser in the State of Oklahoma, holding certificate number 12294CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on June 2, 2000.

2. In October of 2021, the Respondent was hired to complete an appraisal (the “Appraisal”) for a property located, according to the Respondent, at 3405 North Narcissus Avenue, Broken Arrow, Tulsa County, Oklahoma 74012 (the “Subject”) (*See* OREAB Exhibit A, page 8 Bates-stamped). The Respondent completed the Appraisal and Appraisal report with an effective

date of October 26, 2021 [OREAB Exhibit A, Appraisal report, page 9 Bates-stamped]. The Appraisal and Appraisal report were purportedly performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) (OREAB Exhibit A, Appraisal report, page 12 [certification #3] 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 4-16 hereinbelow.

4. The Respondent failed to correctly report his State certificate number and title below his signature on the Uniform Residential Appraisal Report (URAR) form in his Appraisal report (OREAB Exhibit A, Grievance, page 1 Bates-stamped; OREAB Exhibit A, Appraisal report, page 13 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3).

5. The Respondent does not explain what areas he researched and why he is using comparables that are not from the Subject's immediate area (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, pages 8-9 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3).

6. The Appraisal report's scope of work is not sufficient to let the reader know what the appraiser [Respondent] did or did not do (OREAB Exhibit A, Grievance, page 2; OREAB Exhibit A, page 11 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3).

7. The Respondent does not include comments that are unique to the Subject Neighborhood including that it is a gated community with homeowner dues (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 5).

8. The Subject neighborhood boundaries encompass a much larger area than the

Respondent's neighborhood housing trends ["Neighborhood" section] on page 1 of the Appraisal report (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, page 8 Bates-stamped; OREAB Exhibit D, Investigation Report, page 5) with no explanation of how these numbers were derived by the Respondent.

9. The Subject's previous sale is mentioned in the Appraisal report [OREAB Exhibit A, Appraisal report, "Sales Comparison Approach" section, page 9 Bates-stamped], but it is not analyzed. The Respondent is required to do more than just list the previous sales price. (OREAB Exhibit A, Grievance, page 2, OREAB Exhibit A, Appraisal report, pages 8-9 Bates-stamped; OREAB Exhibit D, Investigation Report, page 3). The improvements performed [OREAB Exhibit A, page 10] since the previous sale [OREAB Exhibit A, page 10 Bates-stamped] were inadequate to describe the reason for the significant increase in market value (OREAB Exhibit A, Appraisal report "Additional Comments" section, page 10 Bates-stamped)

10. Factors that affect marketability are not adequately and reasonably described. Market area trends are not adequately and reasonably discussed and analyzed (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Neighborhood" section, page 8 Bates-stamped).

11. The Respondent did not report the correct site dimensions which are readily available from on-line government sources (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Site" section, page 8 Bates-stamped; OREAB Exhibit D, Investigative Report, page 7).

12. The zoning description is inadequate and there is no discussion of highest-and-best use (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, "Site" section, page 8; OREAB Exhibit D, Investigation Report, page 7).

13. The Respondent states the Subject has been remodeled throughout and briefly describes the improvements, however the depth of analysis does not sufficiently support the increase in market value (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, pages 8-9 Bates-stamped; OREAB Exhibit D, Investigation Report, page 9 Bates-stamped).

14. There is no explanation as to why the cost approach was not used and there is no mention of the income approach, nor why it was not utilized in the Appraisal report (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Reconciliation” section and “Cost Approach” section pages 9-10 Bates-stamped and “Income” section, page 10 Bates-stamped; OREAB Exhibit D, Investigation Report, pages 11 and 15).

15. The Respondent did not provide support for the site [land] value (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Cost Approach” section, page 10 Bates-stamped; OREAB Exhibit D, Investigation Report, page 11).

16. There is no explanation for the sales [comparables] that are used in the Appraisal report [OREAB Exhibit A, marked internally as Exhibit “B” pages 6-31 Bates-stamped] and none of the comparables have a pool; the appraiser [Respondent] did not explain any of the adjustments (OREAB Exhibit A, Grievance, page 2 Bates-stamped; OREAB Exhibit A, Appraisal report, “Sales Comparison Approach” section, page 9 Bates-stamped; OREAB Exhibit D, Investigation Report, page 13). The Board’s investigation revealed multiple appropriate comparables with a pool, which could have been considered (OREAB Exhibit C, MLS Data Sheets with multiple appropriate comparables, pages 1-25 Bates-stamped; OREAB Exhibit D, Investigation Report, page 13).

CONCLUSIONS OF LAW

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

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

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice (USPAP);

[Findings of Fact No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, supports the Conclusion of Law that the Respondent violated the USPAP Competency Rule.]

B) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice (USPAP); and

[Findings of Fact No. 1, 2, 3, 5, 6, 9, 12, 14, 15, and 16, supports the Conclusion of Law that the Respondent violated the USPAP Scope of Work Rule.]

C) Standard 1, Standards Rules 1-1, 1-2, 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.1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, supports the Conclusion of Law that the Respondent violated USPAP Standard 1, Standards Rule 1-1.]

[Findings of Fact No. 1, 2, 3, 5, 6, 9, 14, 15, and 16, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-2.]

[Findings of Fact No. 1, 2, 3, 5, 10, 12, and 16, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-3.]

[Findings of Fact No. 1, 2, 14, and 15, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-4.]

[Findings of Fact No. 1, 2, 5, 9, 14, and 16, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-5.]

[Findings of Fact No. 1, 2, 5, 7, 9, and 15, supports the Conclusion of Law that the Respondent violated USPAP Standards Rule 1-6.]

[Findings of Fact No. 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, and 16, supports the Conclusion of Law that the Respondent violated USPAP Standard Rule 2, Standards Rule 2-1.]

[Findings of Fact No. 1, 2, 6, 12, and 14, supports the Conclusion of law that the Respondent violated USPAP Standards Rule 2-2.]

2. The Respondent Bryce A. Gaden 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. 1, 2, 3, 4, 5, 9, 10, 11, and 16, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(6).]

3. The Respondent Bryce A. Gaden 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. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 16, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(7).]

4. The Respondent Bryce A. Gaden 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. 1, 2, 3, 4, 9, 10, 11, 12, 14, and 16, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(8).]

5. The Respondent Bryce A. Gaden 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, 3, 4, 7, 11, 12, 14, and 15, supports the Conclusion of Law that the Respondent violated 59 O.S. § 858-723(C)(9).]

FINAL ORDER

1. The Respondent Bryce A. Gaden’s Oklahoma license as a certified residential appraiser in the State of Oklahoma, certificate number 12294CRA, shall be **SUSPENDED** for a period of **THREE HUNDRED SIXTY-FIVE (365) DAYS** beginning immediately upon the date

that any final order is entered in this matter plus a period of thirty (30) days after Respondent Bryce C. Gaden, is notified of the final agency order either personally or by certified mail, return receipt requested.

2. The Respondent Bryce A. Gaden, during his **THREE HUNDRED SIXTY-FIVE (365) day** period of **SUSPENSION** shall successfully complete corrective education as follows:

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

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

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

The **FIFTEEN (15) HOUR** Course Number 622: Advanced Residential Applications & Case Studies.

The courses must be completed with copies of certificates of course completion transmitted to the administrative office of the Board prior to the expiration of the ordered suspension period of **THREE HUNDRED AND SIXTY FIVE (365) days**. The courses must be tested and may be on-line courses. The courses shall **not** be counted toward continuing education credit by the Respondent.

3. Respondent Bryce A. Gaden, shall pay to the Board a sum equal to all of the costs expended by the Board for legal fees and travel costs incurred in the matter of Complaint #22-012. The Board staff will provide a statement of the costs incurred as to the complaint, to Respondent Bryce A. Gaden, with the final order. Costs shall be fully paid by Respondent Bryce A. Gaden, within thirty (30) days from the date of any final order of the Board, plus a period of thirty (30) days after Respondent Bryce A. Gaden, is notified of the final agency order either personally or by certified mail, return receipt requested.

4. Failure by Respondent Bryce A. Gaden, to comply with any requirement of this

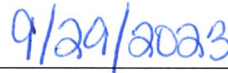
order shall result in his appraisal credential being suspended instanter, with notification forwarded immediately to Respondent Bryce A. Gaden, either personally or by Certified U. S. mail, return receipt requested.

THE BOARD WISHES TO ADVISE THE RESPONDENT THAT HE HAS 30 DAYS FROM THE DATE HE 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 29th day of September, 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 15th day of November 2023, 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:

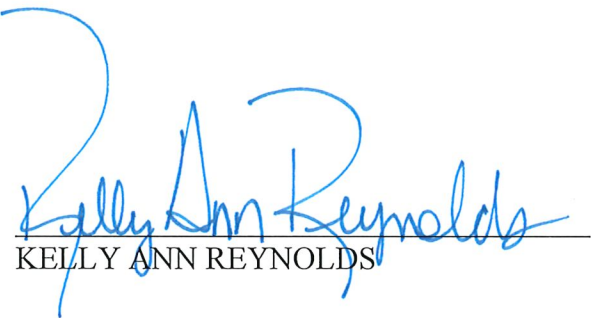
Bryce A. Gaden
2836 E 2nd St
Tulsa, OK 74104

9214 8902 0982 7500 0572 00

by First Class Mail to:

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

Stephen L. McCaleb
ODOM & SPARKS, PLLC
2500 McGee Dr, Ste 140
Norman, OK 73072


KELLY ANN REYNOLDS