

11-11-68

Real Estate Appraiser Board
State of Oklahoma

Real Estate Appraiser Board
State of Oklahoma

Complaint #21-039

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board ("OREAB"), by and through the Prosecuting Attorney, Stephen McCaleb, and Matthew T. McCormick (Respondent), by and through his attorney of record Rachel Lawrence Mor, and enter into this Consent Order pursuant to Oklahoma Statutes Title 59 §858-700, et seq. and Oklahoma Administrative Code 600:10-1-1, et seq. All sections of this order are incorporated together.

AGREED FINDINGS OF FACT

1. In March of 2020, Respondent was hired to complete an appraisal (the "appraisal") for a property located at 4917 E 105th St, Tulsa, Tulsa County, OK 74137 (the "subject"). The Lender/Client was First Oklahoma Mortgage. Respondent completed the appraisal with an effective date of March 25, 2020. The assignment was for a refinance transaction..

2. Market area trends were not adequately discussed and analyzed;

3. The Appraiser did a good job of explaining the highest and best use but should have expanded his discussion. The Appraiser notes that the language used in the report he learned in a USPAP class but he will be happy to expand upon it in

compliance with the investigators suggestion.

4. Respondent stated that the kitchen and bathrooms were fully renovated. The investigator wanted more detail and suggested that he put fewer pictures per page and that the specifications be put in the Appraisal Report and not just in the work file. The Respondent is happy to adjust his reports accordingly.

5. Pursuant to instructions in the form 1004, the appraiser did not provide "proof" in the report of the site value and placing the land sales in the work file does not meet the requirements on the 1004 form. Respondent will put a short sales summary in every report from now on.

6. The Appraisal Report states that he did not develop a cost approach but he did not put his excel file in the report. It was in his work file. He will put the excel file in the Appraisal report from here on.

7. The investigator wants each line item on the sales comparison approach to be a separate adjustment. The Appraiser knows that the actual age on form 1004 is not the effective age. The Appraiser will begin to put in his reports the process he used to arrive at the adjustments.

AGREED CONCLUSIONS OF LAW

1. That Respondent has violated 59 O.S. § 858-723(C)(6): "violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act."

CONSENT AGREEMENT

The Respondent, by affixing his signature hereto, acknowledges:

1. That Respondent has been advised to seek the advice of counsel prior to signing this document.
2. That Respondent possesses the following rights among others:
 - a. the right to a formal fact-finding hearing before a disciplinary panel of the Board;
 - b. the right to a reasonable notice of said hearing;
 - c. the right to be represented by counsel;
 - d. the right to compel the testimony of witnesses;
 - e. the right to cross-examine witnesses against her; and,
 - f. the right to obtain judicial review of the final decision of the Board.
3. The Respondent stipulates to the facts as set forth above and specifically waives his right to contest these findings in any subsequent proceedings before the Board and to appeal this matter to the District Court.
4. The Respondent consents to the entry of this Order affecting his professional practice of real estate appraising in the State of Oklahoma.
5. The Respondent agrees and consents that this Consent Order shall not be used by him for purposes of defending any other action initiated by the Board regardless of the date of the appraisal.

6. All other original allegations in this matter are dismissed.
7. Respondent acknowledges this will be placed on the Board's agenda for its next monthly meeting after receipt of the executed Order from Respondent, and notice for the Order's placement on that agenda is accepted.
8. All parties to this Consent Order have been represented by counsel.
9. This Consent Order may be executed in one or more counterparts, but all of such counterparts, taken together, shall constitute only one Consent Order. When delivered to the other party, facsimile and visual digital reproductions of original signatures shall be effective the same as if they were the originals.
10. This Consent Order shall be governed by the internal laws of the State of Oklahoma without regard to the conflict of law principles.
11. This Consent Order contains the entire agreement between the parties hereto and all provisions of this Consent Order are contractual and not a mere recital. The Parties acknowledge that no presentation or promise not expressly set forth in this Consent Order has been made by any of the Parties hereto or any of their agents, employees, representatives, or attorneys. No modification of, or amendment to, this Consent Order shall be valid unless it is in writing and signed by the Parties. In the event any portion of this Consent Order shall be declared illegal or unenforceable as a matter of law, the remainder of the Consent Order shall remain in full force and effect.

12. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understanding, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified, supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. The undersigned Respondent agrees that presentation of this Consent Order to the OREAB without the undersigned Respondent being present shall not constitute an improper *ex parte* communication between the OREAB and its counsel.

14. The Parties represent and warrant to one another that each party has authority to enter into this binding Consent Order. The OREAB represents and warrants that the undersigned have full authority to execute this Consent Order on behalf of the OREAB and bind the OREAB to the terms set forth herein.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

16. The parties acknowledge that they understand the provisions of this Consent Order.

CONSENT ORDER TO BE ACCEPTED OR REJECTED BY THE BOARD

The Oklahoma Real Estate Appraiser Board will not submit this Consent Order for the Board's consideration until its agreement and execution by the Respondent(s). It is hereby agreed between the parties that this Consent Order shall be presented to the Board with recommendation for approval of the Board at the next scheduled meeting of the Board. The Respondent understands that the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal hearing on the complaint may be held. If the Board does not accept the Consent Order, it shall be regarded as null and void. Admissions by Respondent in the rejected Consent Order will not be regarded as evidence against him at the subsequent disciplinary hearing. Respondent will be free to defend herself and no inferences will be made from her willingness to have entered this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in the Consent Order.

ORDER

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered and that:

1. Respondent shall pay an administrative fine of two thousand and five hundred dollars (\$2,500) 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 §858-723.

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

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. §§24-A.1 – 24A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

RESPONDENT:



Matthew T. McCormick,
Respondent

11/2/2023

DATE



Rachel Lawrence Mor,
Counsel for Respondent

11/2/2023

DATE

CERTIFICATE OF BOARD PROSECUTING ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma and the Respondent with regard to the violations alleged in the formal Complaint.




STEPHEN MCCALED, OBA #15649
Board Prosecutor
400 NE 50th Street
Oklahoma City, Oklahoma 73105

11-3-23

DATE

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



Board Secretary,
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISAL BOARD**



By:



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

CERTIFICATE OF MAILING

I, Kelly Ann Reynolds, hereby certify that on the 3rd day of November 2023, a true and correct copy of the above and foregoing Consent Order was placed in the U.S. Mail, with postage pre-paid by Certified Mail to:

Rachel Lawrence Mor
RACHEL LAWRENCE MOR, P.C.
Landmark Towers West, Ste. 1000
3555 N.W. 58th Street
Oklahoma City, OK 73112

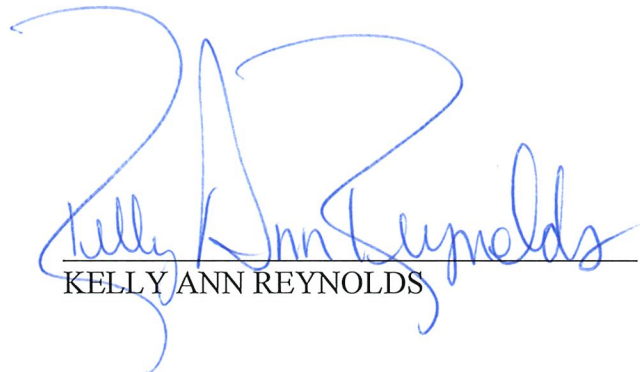
9214 8902 0982 7500 0580 54

by First Class Mail to:

Matthew T. McCormick
12225 S 68th East Ave
Bixby, OK 74008

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
Oklahoma City, OK 73105



KELLY ANN REYNOLDS