



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-239A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
3625 N.W. 56th St., Ste. 100
Oklahoma City, OK 73112

June 27, 2018

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Real Estate Appraiser Board intends to take pursuant to an agreed consent order with licensee 12396SLA with respect to Board complaints 17-027, 17-038 and 17-041. The licensee is currently on Board-ordered probation, the terms of which require the licensee to submit work logs on a monthly basis reflecting all appraisal assignments. From those work logs, appraisal reports were randomly selected by the Board for review and grading. Three reports received a failing grade. The Board proposes to (i) require the licensee to complete and pass a test in four corrective education courses and pay a \$1,000 administrative fine and \$2,500 in costs, and (ii) place the licensee on probation for a period of six months, during which time the licensee must provide appraisal logs to the Board each month for review.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Board to require a licensee to complete educational programs, to pay administrative fines, to pay prosecutorial costs and place a licensee on probation if he/she violates any provision of the Act or Board Rules. *See* 59 O.S. § 858-723(A)(3), (7)-(9). The Board may discipline licensees who “violat[e]...any of the standards for the development or communication of real estate appraisals as provided in the [Act],” “[f]ail[]...to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal,” act “negligent[ly] or incompetent[ly] in developing an appraisal, in preparing an appraisal report or in communicating an appraisal,” “[w]illfully disregard[] or violat[e] any provision of the [Act]” and/or “[v]iolat[e] any of the provisions in the code of ethics set forth in th[e] [A]ct.” *Id.* § 858-723(C)(6)-(9), (13); *see also id.* § 858-732(A)(1). The Act also requires licensees to adhere to the Uniform Standards of Professional Appraisal Practice, which contain professional requirements pertaining to ethics, competency, and scope of work. 59 O.S.2011, § 858-726. The Board may reasonably believe that the proposed action is necessary to prevent future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Appraiser Board has adequate support for the conclusion that this action advance the State's policy to uphold standards of competency and professionalism among real estate appraisers.



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