



OKLAHOMA
Real Estate Commission

Denver N. Davison Building | 1915 N. Stiles – Suite 200 | Oklahoma City,
Oklahoma 73105-4915

June 14, 2023

AGENDA

OPENING OF BUSINESS MEETING

- I. Call to Order at 9:30 am
- II. Invocation and Pledge of Allegiance
- III. Approval of March 22, 2023, Meeting Minutes
- IV. Public Participation (“Open Topic”)
- V. The Commission may vote to approve, disapprove, or take other action on any item listed on this Agenda

FORMAL ACTIONS

APPLICANT APPEALS

A-2023-05: Stephen Martin (PSA)

The Commission denied Mr. Martin’s application because of information provided to and gathered by the Investigations Department, which revealed criminal activity on background record pursuant to 59 Okla. Stat. § 858-301.1(B).

Pursuant to 25 O.S. § 307(B)(8), an Executive Session is available to discuss appropriate action in response to the findings contained in the application report:

1. *Vote to enter into Executive Session*
2. *Discussion in Executive Session*
3. *Vote to return to Open Session*
4. *Commission to vote/take appropriate action on the denial of the Application for an Oklahoma real estate license*

DISCIPLINARY ACTIONS

CONSENT ORDERS

C- 2022-1: Penny Emery (MB) and Emery Realty, LLC

Violation(s) by Respondent **Penny Emery**:

- a. **Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(12)**, in that, Emery's improper conduct regarding the Valley Ridge Property demonstrates bad faith or incompetency.
- b. **Okla. Admin. Code 605:10-17-4(18)**, in which, Emery's conduct constitutes interference with the Commission's investigation.
- c. **Okla. Admin. Code 605:10-17-2(b)**, in which, Emery failed to file an adequate written response within 15 days of receiving notice of a complaint.

Consent Order:

Respondent **Penny Emery** hereby consents to:

- I. Voluntary surrender of her Broker license with immediate reinstatement eligibility as a Sales Associate;
 - II. In conjunction with Emery's surrender of her Broker license, an eligible and licensed individual must become the Managing Broker for Emery Realty in compliance with the Commission's law and rules;
 - III. Emery will **not** be eligible to re-apply for a broker license until the expiration of twenty-four (24) months from the date this Consent Order is approved;
 - IV. If Emery wishes to re-apply for a broker license after the expiration of twenty-four (24) months from the date this Consent Order is approved, she must complete and pass all required licensing examinations prior to consideration for a broker license;
 - V. **An administrative fine totaling six thousand dollars (\$6,000).**
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C- 2023-153: Royce Ellington (BB), Cindy Quinton (SA), ABWS Tulsa, Inc. (BO)

Violation(s) by Respondent **Royce Ellington**:

a. **Title 59 O.S. § 858-312(8) – (9) and Okla. Admin. Code 605:10-17-4(6) & (20)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by failing to supervise a sales associate who listed a property for sale without disclosing a familial relationship to Seller.

Violation(s) by Respondent **Cindy Quinton**:

a. **Title 59 O.S. § 858-312(8) & (9) and Okla. Admin. Code 605:10-17-4(20)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by failing to disclose in a real estate transaction her familial relationship to Seller.

Consent Order:

- I. Respondent **Royce Ellington (BB)** consents to the payment of an administrative fine in the total sum of **Three Hundred Fifty Dollars (\$350)** for failing to properly supervise a sales associate and permitting a sales associate to list property for sale without disclosing her familial relationship to Seller.
- II. Respondent **Cindy Quinton** consents to the payment of an administrative fine in the total sum of **Seven Hundred Fifty Dollars (\$750)** for failing disclose in a real estate transaction her familial relationship to Seller.

C- 2022-435: Richard Labarthe (MB) and Realty Company of Oklahoma, LLC

Violation(s) by Respondent **Richard Labarthe**:

- a. **Title 59 O.S. § 858-312 (8 & 9), 59 O.S. §§ 858-301 & 401 and Okla. Admin. Code 605:10-17-4(12)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by the Commission by engaging in licensable real estate activities during the period his managing broker license was in a lapsed status.
- b. **Title 59 O.S. §§ 858-312 (7, 8 & 9), 59 O.S. §§ 858-301, and Okla. Admin. Code 605:10-17-4 (12)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by the Commission by earning commission(s) with an expired/lapsed real estate license.

Consent Order:

- I. Respondent **Richard Labarthe** consents to the payment of an administrative fine in the total sum of **One Thousand Dollars (\$1,000)** for engaging in licensable real

estate activities while his managing broker license was in a lapsed status. by the Respondent.

C- 2023-77: EXP Realty, LLC, Kathleen Fowler (MB) and Jason Gilbert (SA)

Violation(s) by Respondent **EXP Realty, LLC and Kathleen:**

a. Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605:10-17-4 (6), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by failing to supervise the activities of an associate.

b. Title 59 O.S. § 858-312 (8), (9), (11) and Okla. Admin. Code 605:10-9-4 (6), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by advertising property for sale without first securing the permission of the owner or the owner's authorized representative.

c. Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605: 10-9-4 (5), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by advertising a property in way which is misleading.

Violation(s) by Respondent **Jason Gilbert:**

a. Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605:10-19-4(b)(1)-(3), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by failing to include the name of the associate's broker or the name under which the broker operates, in such a way as the broker's reference is prominent, conspicuous, and easily identifiable.

b. Title 59 O.S. § 858-312 (8), (9), (11) and Okla. Admin. Code 605: 10-9-4 (6), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by advertising property for sale without first securing the permission of the owner or the owner's authorized representative.

c. Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605:10-9-4 (5), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by advertising a property in way which is misleading.

Consent Order:

- I. Respondent **EXP Realty, LLC** consents to the payment of an administrative fine in the total sum of **Three Hundred Fifty Dollars (\$350)** for failing to supervise the activities of an associate, advertising property for sale without first securing the permission of the owner or the owner's authorized representative and advertising a

property in way which is misleading.

- II. Respondent **Kathleen Fowler** consents to the payment of an administrative fine in the total sum of **Three Hundred Fifty Dollars (\$350)** for failing to supervise the activities of an associate.
 - III. Respondent **Jason Gilbert** consents to the payment of an administrative fine in the total sum of **Seven Hundred Fifty Dollars (\$750)** for failing to include the name of the associate's broker or the name under which the broker operates, in such a way as the broker's reference is prominent, conspicuous, and easily identifiable, advertising property for sale without first securing the permission of the owner or the owner's authorized representative, and advertising a property in way which is misleading.
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C- 2022-228: Shelan Whitehead (MB), Amy Cherry (BA) and Providence Realty, LLC

Violation(s) by Respondent **Amy Cherry**:

- a. **Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(12)**, in that, Respondent engaged in conduct demonstrating bad faith or incompetency.

Violation(s) by Respondent **Shelan Whitehead**:

- a. **Title 59 O.S. § 858-312(8) and Okla. Admin. Code 605:10-17-4(6)**, in that, Respondent failed to properly supervise the activity of her sales associate.

Consent Order:

- I. Respondent **Amy Cherry** hereby consents to an Administrative Fine totaling **Seven Hundred and Fifty Dollars (\$750)**.
 - II. Respondent **Shelan Whitehead** hereby consents to an Administrative Fine totaling **Three Hundred Dollars (\$300)**.
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C- 2023-79: ABW Tulsa, Inc. Gloria Allred Hail (MB), ABW Tulsa, Inc. (BO), Donald Cochran (BB), Charlyn Terry (SA) and Terry Properties

Violation(s) by Respondent **Charlyn Terry**:

- a. **Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605:10-9-4(6)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by advertising on social media and doing business under the name "Terry Properties" a name not registered with the Commission.
- b. **Title 59 O.S. § 858-312 (8) & (9) and Okla. Admin. Code 605:10-9-4(6)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by engaging in licensable real estate activities by advertising and

doing business under a team name not registered with the Commission.

Consent Order:

- I. Respondent **Charlyn Terry** consents to the payment of an administrative fine in the total sum of **Three Hundred and Fifty Dollars (\$350)** for advertising on social media and doing business under the name "Terry Properties" a name not registered with the Commission and engaging in licensable real estate activities by advertising and doing business under a team name not registered with the Commission.
- II. Respondent **Donald Cochran** is dismissed with a **Letter of Caution** regarding supervising the advertising practices of associates.
- III. No administrative fines or penalties are being assessed against Respondents **Gloria Allred-Hail and ABW Tulsa Inc.**, and said Respondents are hereby dismissed from this Complaint.

C- 2023-146: Susan Yoder (MB) and American Pride Realty, LLC

Violation(s) by Respondent **Susan Yoder**:

a. **Title 59 O.S. § 858-312(8) & (9) and Okla. Admin. Code 605:10-9-4(d)**, in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by failing to disclose in writing on all purchase and/ or lease contracts and advertisements pertaining to the transaction that the licensee was acting as an owner, purchaser or direct employee of the owner.

Consent Order:

- I. Respondent **Susan Yoder** consents to the payment of an administrative fine in the total sum of **Seven Hundred Fifty Dollars (\$750)** for failing to disclose in writing on all purchase and/ or lease contracts and advertisements pertaining to the transaction that the licensee was acting as an owner, purchaser, or direct employee of the owner.
- II. No fines or administrative penalties are being assessed against Respondent American Pride, Realty LLC.

Pursuant to 25 O.S. §307(B) (8), an Executive Session is available to discuss the terms of the ConsentOrder and appropriate disciplines, if any:

1. *Vote to enter into Executive Session*
2. *Discussion in Executive Session*
3. *Vote to return to Open Session*
4. *Commission to vote/take appropriate action on the Consent Order*

C- 2023-143: Amanda Pipkins and Homes by Sycamore Dwelling

Violation(s) by Respondent **Amanda Pipkins**:

a. Title 59 O.S. § 858-301, 312(8) & (9) and Okla. Admin. Code 605:10-17-4(12) & (19), in that, Respondent disregarded or violated certain provisions of the Oklahoma Real Estate License Code or rules promulgated by entering into a contract under a brokerage business entity not yet in existence and while her license was still issued to another brokerage leading to cooperation with an unlicensed entity to perform real estate activities.

Consent Order:

- I. Respondent **Amanda Pipkins** consents to the payment of an administrative fine in the total sum of **Seven Hundred Fifty Dollars (\$750)** for entering into a contract under a brokerage entity not yet in existence and while her license was still issued to another brokerage resulting in cooperation with an unlicensed entity to perform real estate activities.

- II. No fines or administrative penalties are being assessed against Respondent Homes by Sycamore Dwelling, as the entity is under the exclusive direction and control of Respondent.

Pursuant to 25 O.S. §307(B) (8), an Executive Session is available to discuss the terms of the ConsentOrder and appropriate disciplines, if any:

1. *Vote to enter into Executive Session*
2. *Discussion in Executive Session*
3. *Vote to return to Open Session*
4. *Commission to vote/take appropriate action on the Consent Order*

~END OF FORMAL ACTIONS~

CASE EXAMINER REPORTS

C-2022-375: Cassie Everett (MB), Jaycee Everett (SA) and Professional Property Services, LLC

Possible violation(s) by Respondents **Cassie Everett** and Respondent **Jaycee Everett**:

- a. Title 59 O.S. § 858-312(8) – (9) and Okla. Admin. Code 605:10-17-4 (20)**, in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper,

fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to disclose a familial relationship to a party in the transaction.

Possible violation(s) by Respondent **Cassie Everett**:

- a. **Title 59 O.S. § 858-312(8) – (9) and Okla. Admin. Code 605:10-17-4(7)**, in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to disclose in writing to any purchaser any interest the licensee has in the property they are selling.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2022-447: Frank Principe (Unlicensed) and Birch Realty Group (Unlicensed)

Possible violation(s) by Respondent **Frank Principe and Birch Realty Group**:

- a. **Title 59 O.S. § 858-301 and 858-401**, in that, Respondent may have engaged in licensable real estate activities without an Oklahoma real estate license.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2022-452: Todd McKinnis (MB), Alysha Hancock (SA) and Westminster Real Estate Group, LLC

Possible violation(s) by Respondent **McKinnis and Westminster Real Estate Group, LLC**:

- a. **Title 59 O.S. § 858-312(8) - (9) and Okla. Admin. Code 605:10-17-4(6)**, in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to supervise the

activities of an associate.

Possible violation(s) by Respondent **Alysha Hancock:**

- a. **Title 59 O.S. § 858-312 (8) – (9) and Okla. Admin. Code 605:10-17-4(12)**, in that, Respondent may have Engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission through conduct demonstrating bad faith or incompetency.
- b. **Title 59 O.S. § 858-312 (8) – (9) and Okla. Admin. Code 605:10-17-4(20)**, in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to disclose a known familial relationship to a party to the transaction.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2023-003: Michelle Coe (MB) and Main Realty, Inc.

Possible violation(s) by Respondents **Michelle Coe and Main Realty, Inc.:**

- a. **Title 59 O.S. § 858-312(6)**, in that, Respondents may have failed within a reasonable time, to account for or to remit any monies, documents, or other property coming into possession of the licensee which belong to others.
- b. **Title 59 O.S. § 858-312(3) and § 858-353(A)(3)**, in that, Respondents may have failed to comply with the broker duty to timely account for all money and property received by the broker.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2023-008: Kenton Baird (MB) and Northwest Real Estate, LLC

Investigations reviewed all documents & materials and found no clear and convincing evidence of violations of the Oklahoma Real Estate Commission Code or Administrative Rules.

Recommendation:

The Case Examiner requests the Commission dismiss this case.

C-2023-052: Benjamin Burnside (MB), Maranda McClain (Unlicensed) and 4 the 7 Properties, LLC

Possible violation(s) by Respondents **Benjamin Burnside** and **4 the 7 Properties, LLC**:

a. **Title 59 O.S. § 858-312 (8) – (9) and Okla. Admin. Code 605:10-17-4(6)**, in that, Respondents may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by disregarding or violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to properly supervise the activities of an associate and permitting a sales associate to operate as a broker.

Possible violation(s) by Respondent **Maranda McClain**:

a. **Title 59 O.S. § 858-301**, in that, Respondent McClain may have performed licensable activities or held herself out as a real estate licensee without an active Oklahoma real estate license.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2023-068: Rosinely Ruiz (SA) and W. Loveless (BP)

Possible violation(s) by Respondent **Ruiz**:

a. **Title 59 O.S. § 858-312 (8) – (9) and Okla. Admin. Code 605:10-17-4(12)**, in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by disregarding or violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by demonstrating bad faith or incompetency.

b. Title 59 O.S. § 858-312 (2), 312(9) and Okla. Admin. Code 605:10-17-5(1), in that, Respondent may have disregarded or violated a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by making a substantial misrepresentation to influence others by using a false instrument for the purpose of inducing a lender or government agency to loan or insure a sum of money.

Possible violation(s) by Respondent **Loveless**:

a. Title 59 O.S. § 858-312(9) and Okla. Admin. Code 605:10-17-4(6), in that, Respondent may have disregarded or violated a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to supervise the activities of an associate.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2023-074: Tarek Wazzan (MB) and Vogodo Auctions, LLC

Possible violation(s) by Respondent **Wazzan**:

a. Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(9), in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to respond to the complaint in writing.

b. Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(19), in that Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by knowingly cooperating with an unlicensed entity to perform licensed real estate activities.

c. Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(20), in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by failing to disclose a familial relationship to a party in the transaction.

Recommendation:

The Case Examiner requests the Commission conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including

suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

C-2023-109: Grant Wortman (MB), Ryan Brady (SA) and Chamberlin Realty, LLC

Possible violation(s) by Respondent **Brady**:

a. Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(12), in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission through conduct demonstrating bad faith or incompetency.

b. Title 59 O.S. § 858-312(8)-(9) and Okla. Admin. Code 605:10-17-4(22), in that, Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by violating a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by performing licensed activities outside of their broker's supervision.

c. Title 59 O.S. § 858-312(5), in that, Respondent may have performed real estate transactions without their broker's knowledge and consent.

Recommendation:

The Case Examiner requests the Commission conduct a hearing and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Respondents' professional license(s).

GENERAL BUSINESS

1. Executive Director's Report
2. Review, Discussion and Possible Action – Broker Eligibility Equivalency (Point Waiver)
3. Welcoming Commissioner Peggy Wright
4. Recognizing Assistant Attorney General Glen Hammonds

FINANCIAL & FISCAL

Monthly Financial Report – Deputy Director, Bailey Crotty

EDUCATION & LICENSING

Report and update from the Education and Licensing Department, including Licensing Numbers

NEW BUSINESS

Any new business not known about or reasonably foreseen prior to the time of posting of this agenda

UPCOMING MEETING DATES (Subject to Change)

September 13, 2023

December 13, 2023

ADJOURNMENT

The Chair will call the meeting adjourned upon conclusion of all Commission business