



OKLAHOMA REAL ESTATE COMMISSION COMMENT

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June 23, 2008

Oklahoma Real Estate Commission Investigates and Recovers Commissions Earned from Those Who Perform Licensed Real Estate Activities Without a Real Estate Broker License

OKLAHOMA CITY – The Oklahoma Real Estate Commission has had the authority to investigate persons who perform licensed activities without a real estate license since November 1, 2004. Numerous cases have been opened and the Commission has been successful in prosecuting these individuals and recovering the commissions earned by the unlicensed persons and/or entities. The Commission has the authority to impose a fine of \$5,000 or the amount of commission earned, whichever is greater.

Commission Executive Director Anne Woody states “in order to perform real estate licensed activities with the intent of being compensated, that person must possess a real estate broker license. Real estate licensed activities include, but are not limited to:

- Soliciting for purchasers, sellers, or tenants or prospective purchasers, sellers, or tenants of real estate;
- Negotiating or attempting to negotiate a real estate transaction for sale, lease, rent, or exchange;
- Listing real property for sale (residential, commercial, agricultural, farm & ranch, etc.);
- Showing or offering for sale or lease real property;
- Entering into a property management agreement with the owner of real property;
- Renting vacation site property;
- Soliciting listings of places for rent or lease; or
- Advertising or holding oneself out as engaged in such activities.

Only a real estate broker is allowed to enter into a brokerage agreement with a consumer; however, a sales or broker associate who is licensed and sponsored by the broker is authorized to enter into agreements with a consumer, but only in the name of their sponsoring broker. Further, sales associates and broker associates are prohibited from receiv-

ing compensation in connection with the transaction except through their sponsoring broker.

If an owner desires to sell or lease their own real property they are exempt from licensing if their name appears on the deed. Another exemption to licensing is if a person is a salaried employee, as defined by IRS, of the owner (whose name appears on the deed) and in the regular course of their employment the person sells or leases property for the owner.

The Commission has recently been informed licensees from other states are entering Oklahoma with their clients, and showing and negotiating for Oklahoma property without the broker or associate being properly licensed in Oklahoma – an out-of-state licensee must obtain a nonresident Oklahoma license prior to performing licensed activity in the State of Oklahoma, such as showing and negotiating for Oklahoma property.

If a consumer works with a person who is unlicensed and that person performs licensable activities, certain protections afforded consumers under Oklahoma law will not be available.”

The Commission suggests that the consumer check to see if the person they are working with is properly licensed by going to www.orec.ok.gov, and clicking on “Real Estate Licensee Search” in the right margin. Real estate brokers are also encouraged to use the “licensee search” to see if the person they are co-brokering with is properly licensed. If assistance is needed in using this site, please contact the Oklahoma Real Estate Commission at 405-521-3387 or toll free 1-866-521-3389.

Please contact the Commission’s Investigative Division to report persons who are performing licensed real estate activities without a license at www.orec.help@orec.ok.gov, by contacting the Commission at 2401 N.W. 23rd Street, Suite 18, Oklahoma City, Oklahoma 73107 or by calling the Commission.

| | |
|--|--------|
| Chairman’s Corner | Page 2 |
| Disciplinary Actions | Page 2 |
| Governor Signs HB 2564 | Page 3 |
| Rule Amendments Effective July 1, 2008 | Page 3 |

The Oklahoma Real Estate
Commission Comment

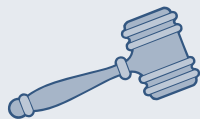
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Address all communications to the
Commission Office

"Use your zip code and ours
when you write to us"



**BY ORDER OF THE
COMMISSION
DISCIPLINARY ACTIONS
AS OF MARCH 2008**

OCTOBER 2007

U-2006-010 – Shalonda Evette Robertson (PSA) – Oklahoma City: The Hearing Examiner reported that the Respondent was found in violation of Title 59 O.S. §858-102(2), 858-301 and 858-401, in that she engaged in licensable real estate activities while unlicensed and received commissions from such activities.

Recommended: That Shalonda Evette Robertson be ordered to pay an administrative fine of Thirteen Thousand Two Hundred Seventy-seven Dollars and one cent (\$13,277.01).

NOVEMBER 2007

C-2006-012 – McGraw Davisson Stewart Incorporated, Joseph R. McGraw, Jr. (BA) – Tulsa, McGraw Davisson Stewart Incorporated (BO), Jay D. Menger (BB) – Jenks, Patricia L. Zahoran (BA) and Michael C. Vance (SA) – Tulsa: The Hearing Examiner reported that Respondent Patricia Zahoran was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-17-4(12),

continued on page 9

**CHAIRMAN'S
CORNER**



Randy Saunier

Change — we see it, hear it and live through it on a daily basis; the weather, politics, and currently, how we spend our leisure time. It's amazing how nothing ever stays the same, from our personal lives to the way we do business, especially in the real estate business.

Recently, I spoke at my local Board of REALTORS® meeting and I mentioned some of the things that have changed during my 25 years in real estate. For starters, could you imagine not having access to a computer, email, or a cell phone? (Do you remember when the old clunky phones were as big as your head?) Do you remember the one page contract, with no disclosures or home inspectors? Back then, your main worry was a \$250.00 appraisal blowing a \$250,000.00 — sale something never did seem right about that, but that's the way it was and we accepted it.

There have been many changes in the real estate business, and I could go on all day writing about them. However, I've realized that the industry is inevitably going to change and one must be willing to adapt or they will certainly be passed by and left behind.

Which brings me to my second point: We must be willing, as real estate professionals, to train and prepare the next generation of licensees, whether through increasing the license requirements, developing a degree program, or establishing a research center for training and resource access. There are many paths we can choose to take, but we must continue to travel down the right one for the sake of the public, our licensees, and our profession.

Thanks to everyone for the many positive comments and letters about my previous Commission Comment article. It's reassuring to know there are many of you who feel the same way, so let's continue to make every effort for increased professionalism in our business.

Sincerely,

Randy Saunier
Chairman

Governor Henry Signs HB 2564 into Law

Effective November 1, 2008

House Bill 2564 will amend the following sections of Title 59 as follows:

Section 858-208. Powers and duties of the Commission:

Adds paragraph 17 that authorizes the Commission to enter into reciprocal agreements with other real estate licensing regulatory jurisdictions with equivalent licensing, education and examination requirements.

Section 858-304. Certified transcript from accredited institution as evidence of successful completion of basic or advanced real estate instruction to meet eligibility for license—Course to be taught in real estate schools:

Indicates that six (6) academic hours of basic real estate instruction is equivalent to 90 clock hours of a Commission approved basic real estate course; and that an additional six (6) academic hours of advanced real estate instruction is equivalent to 90 clock hours of a Commission approved advanced (broker) real estate course.

Section 858-306. Licensing of nonresidents: Requires any person who desires to be licensed in Oklahoma but maintains a place of business outside of Oklahoma to obtain an Oklahoma nonresident license. Such applicant must apply and submit to requirements of the Commission to include successfully completing the state portion of the Oklahoma examination.

Section 858-307.2. Renewal of license – Continuing education requirement: Deleted subparagraph (1) under paragraph A due to being obsolete language.

Section 858-312. Investigations – Cause for suspension or revocation of license: Added a reason for disciplinary action against a licensee under paragraph (15) that states if a licensee pleads guilty or nolo contendere to a crime involving moral turpitude.

RULE AMENDMENTS TO BECOME EFFECTIVE JULY 1, 2008

Following are rules that were adopted by the Commission on March 19, 2008. They were submitted to the Governor and Legislature for consideration and were approved to have an effective date of July 1, 2008.

Underlined language represents new language and words that are hyphenated through represents language that is being deleted. Three asterisks indicates that existing language appears before or after the asterisk however the language was not changed and therefore does not appear in this listing.

Please visit the Commission's website at www.orec.ok.gov and look in the right margin of the page for a revised copy of the Rules on or after July 1, 2008. If you have any questions about the rules, please contact the Commission office.

CHAPTER 1. ADMINISTRATIVE OPERATIONS SUBCHAPTER 1. GENERAL PROVISIONS

605:1-1-4. Operational procedures

* * *

(g) Contract Forms Committee.

(1) The contract forms committee is required to draft and revise ~~residential~~-real estate purchase and/or lease contracts and any related addenda for standardization and use by real estate licensees (Title 59 O.S. 858-208 {14}).

(2) The committee shall consist of eleven (11) members. Three (3) members shall be appointed by the Oklahoma Real Estate Commission; three (3) members shall be appointed by the Oklahoma Bar Association; and five (5) members shall be appointed by the Oklahoma Association of Realtors, Incorporated.

(3) The initial members' terms shall begin upon development of the forms and each member shall serve through the effective date of implementation of form(s) plus one (1) year. Thereafter, the Oklahoma Real Estate Commission shall appoint one (1) member for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years; the Oklahoma Bar Association shall appoint one (1) member for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years and;

the Oklahoma Association of Realtors, Incorporated shall appoint two (2) members for one (1) year, two (2) members for two (2) years, and one (1) member for three (3) years. Thereafter, terms shall be for three (3) years and each member shall serve until their term expires and their successor has been appointed. Any vacancy which may occur in the membership of the committee shall be filled by the appropriate appointing entity.

(4) A member can be removed for just cause by the committee.

(5) Each member of the committee shall be entitled to receive travel expenses essential to the performance of the duties of his appointment, as provided in the State Travel Reimbursement Act.

CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES SUBCHAPTER 3. EDUCATION AND EXAMINATION REQUIREMENTS

605:10-3-2. Application for license

(a) Requirements for completing application.

(1) Any person seeking a real estate license shall make application for such license on a form provided by the Commission. The form shall contain, but not be limited to, the following:

* * *

(K) Submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. A fee amount, not to exceed sixty dollars (\$60.00), shall be sent to the Commission to begin the process of the national criminal history check.

(i) A completed national criminal history record check, completed for the Commission, shall be valid for six (6) months from the date of issuance from the issuing authority.

(ii) In the event an applicant is not physically able to submit to finger printing, other applicant identifiers shall be utilized, i.e., name, birth date and social security number.

(2) An applicant indicating a bankruptcy or judgment, criminal and/or civil charges or convictions on the application, must submit with the application official documents to the Commission which pertain to the disposition of the matter. If official documents are unable to be obtained, a detailed letter explaining the matter(s) must be attached to the application.

(b) **Applicant shall appear for examination.** Each applicant shall appear for an examination as soon as possible subsequent to the filing of an approved application or the signing of a form as required in 605:10-3-3.

(c) **Applicant must be of good moral character.** The application submitted by an individual seeking a license must indicate that the applicant possesses a reputation for honesty, truthfulness, trustworthiness, good moral character, and that he or she bears a good reputation for fair dealing.

(d) **Determining good moral character.** In determining whether or not an applicant meets the definition of good moral character, the Commission will consider, but not be limited to, the following:

(1) Whether the probation period given in a conviction or deferred sentence has been completed and fully satisfied to include fines, court costs, etc.

(2) Whether the restitution ordered by a court in a criminal conviction or civil judgement has been fully satisfied.

(3) Whether a bankruptcy that is real estate related has been discharged.

(4) Whether an applicant has been denied licensure or a license has been suspended or revoked by this or any other state or jurisdiction to practice or conduct any regulated profession, business or vocation because of any conduct or practices which would have warranted a like result under the Oklahoma "Code".

(5) Whether an applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for revocation or suspension under the current Oklahoma "Code" had the applicant been licensed.

(e) Subsequent good conduct. If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it shall appear to the Commission that the interest of the public will not likely be in danger by the granting of such license, the Commission may approve the applicant as relates to good moral character.

SUBCHAPTER 5. INSTRUCTOR AND ENTITY REQUIREMENTS AND STANDARDS

605:10-5-1. Approval of prelicense course offerings

* * *

(f) **Course content examination.** Final approval will be considered after the instructor applicant has successfully completed an applicable Commission administered course content examination with a passing score of 80% or more. An instructor shall be allowed to successfully complete the applicable examination one time without charge; thereafter, the applicable examination fee shall be charged for each examination. If an instructor applicant has successfully taken an applicable examination with a passing score of 80% or more within thirty (30) days of filing an instructor application, such passing score may be utilized to meet the applicable examination requirement in this section. If however, the instructor applicant does not obtain approval within 90 days of filing an instructor application, due to no fault on the part of the Commission, the instructor will be required to take the applicable examination again.

(g) **Instructor renewal requirements.**

(1) In order to maintain approved status, an instructor must comply with the following:

(A) Attend a Commission directed Instructor Renewal Course every twelve (12) months. Instructors approved solely for distance education offerings must complete three (3) hours every twelve (12) months of instructor training as accepted by the Commission and sign a statement that changes to current law and rules have been reviewed and that the instructor has made applicable amendments to the course material.

(B) Furnish evidence that the instructor has taught a Commission approved prelicense course, or any other real estate related course(s) the Commission determines to be equivalent, within a required thirty-six (36) month period.

(2) Any instructor not meeting the requirements of this subsection will be required to re-apply as an original instructor applicant.

* * *

605:10-5-2. Approval of continuing education offerings

* * *

(o) **Guest instructors.** Guest instructors may be utilized for in-class instruction provided an approved instructor is also present during presentations. Total guest instruction and lectures shall not consume more than thirty percent (30%) of the total course time.

SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS

605:10-7-2. License terms and fees; renewals; reinstatements

* * *

(c) **Expiration date.** The actual expiration date of a license shall be midnight of the last day of the month of the designated license term. A person who allows their license to expire shall be considered an applicant and subject to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

* * *

(m) ~~Issuance of license from provisional sales associate to sales associate if licensed prior to August 1, 2001.~~ A provisional sales associate is required to furnish to the Commission evidence of successful completion of the postlicense education requirement as set forth in Section 858-302 of Title 59, of the Oklahoma Statutes. ~~Upon successful completion of the postlicense education requirement, the provisional sales associate must apply by submitting the~~

appropriate document(s) and fee of Twenty-five Dollars (\$25.00) to the Commission for issuance of a renewable sales associate license. The issuance of the license from a provisional sales associate to a sales associate only changes the license type and does not change the expiration date of the license.

(m) Licensed prior to effective date of national criminal history check and license expires however eligible for reinstatement. A licensee who allows their license to expire after January 1, 2008, shall be required to submit to a national criminal history check; however, such individual shall be allowed to proceed with reinstatement of such license pending receipt by the Commission of a completed fingerprint card, application Part A, and fee as stated elsewhere in these rules for the background search. If, the Commission does not receive a completed Part A of the application, completed finger print card and fee within thirty (30) days from the date their license was reinstated, the license will be placed inactive and a hold placed on the license until receipt by the Commission of the aforementioned items. Thereafter, upon receipt by the Commission, the license may be reactivated so long as appropriate reactivation forms and fees, as stated elsewhere in these rules, have been received by the Commission.

(n) Issuance of license from provisional sales associate to sales associate if licensed on and after August 1, 2001. A provisional sales associate is required to furnish to the Commission evidence of successful completion of the Provisional Postlicense Course of Real Estate, Part II of II education requirement as set forth in Section 858-302 of Title 59, of the Oklahoma Statutes. Upon successful completion of the Provisional Postlicense Course of Real Estate, Part II of II education requirement, the provisional sales associate must submit the appropriate document(s) to the Commission prior to the provisional sales associate's license expiration date for issuance of a renewable sales associate license. The Commission shall not issue the provisional sales associate a renewable sales associate license until the end of the provisional sales associate's license term and until the provisional sales associate has successfully completed the Provisional Postlicense Course of Real Estate, Part II of II education requirement and has initiated a renewal for a renewable sales associate license.

(o) Active status requested, however, Commission unable to activate for reasons as stated in statutes elsewhere. In the event a licensee requests an active original license or subsequent license renewal to be issued on active status and for reasons beyond the Commission's control the licensee is unable to obtain an active license at that time, the fees as received by the Commission shall be retained and not refunded. Once the licensee corrects the problem with the appropriate regulatory agency and such agency authorizes the issuance of an active license, the Commission will then, upon receipt of an activation fee and required documentation, initiate the issuance of an active license within the respective license term.

(p) Active sales associate to inactive broker license – no remaining credit to be given. On and after August 1, 2001, in the event an active sales associate within six (6) months of obtaining their original license, reinstatement or license renewal qualifies for an inactive broker license, the Commission shall not refund credit the difference in the license fees.

SUBCHAPTER 17. CAUSES FOR INVESTIGATION; HEARING PROCESS; PROHIBITED ACTS; DISCIPLINE

605:10-17-2. Complaint procedures

(a) Complaint may be filed by public or Commission's own motion. A complaint alleging misconduct on the part of a licensee

or any person unlicensed pursuant to the Code who violates provisions of the Code may be filed by any person in writing on a form for such supplied by the Commission, or may be ordered by the Commission on its own motion. The Commission will accept a complaint alleging misconduct on a form not supplied by the Commission if such form is notarized by a notary public.

(b) Complaint notification; licensee response. When a complaint has been filed against a licensee, the licensee or unlicensed person pursuant to the Code shall be immediately notified and shall be required to file an adequate written response within fifteen (15) days of the notice.

(c) Investigation and/or investigative session. Subsequent to the fifteen (15) day answer period, a field investigation or preliminary investigative session may be conducted to ascertain whether or not charges should be lodged and a formal hearing ordered. Such investigation or investigative session shall be under the supervision of the Secretary-Treasurer of the Commission. He or she may designate an attorney who will act as prosecutor for the Commission to examine the results of the field investigation and/or conduct a preliminary investigative session. The prosecutor so designated may in the name of the Commission subpoena witnesses, take testimony by deposition and compel the production of records and documents bearing upon the complaint.

(d) Findings reported to Commission. At the completion of the investigation or investigative session, a written report accompanied by findings, if any, shall be submitted to the Commission. Following receipt of the report, the Commission shall determine whether or not the apparent evidence warrants lodging formal charges and ordering a formal hearing, and if a formal hearing is ordered all parties shall then be furnished with copies of any written report accompanied by findings, if any.

605:10-17-3. Complaint hearings; notice and procedures

(a) Summary suspension. If the Commission finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action within thirty (30) days. The summary suspension shall remain in effect until further order by the Commission.

(b) Formal hearing ordered; notification. Except as provided in (a) of this section, the Commission may issue a disciplinary order only after a hearing of which licensee or unlicensed person pursuant to the Code affected shall be given at least fifteen (15) days written notice, specifying the offenses of which the licensee or unlicensed person pursuant to the Code is charged. Such notice may be served as provided by law for service of notices, or by mailing a copy by certified mail to the last known address of such licensee. If such the licensee is an associate associated with a broker, the Commission in like manner shall notify the broker with whom associated.

* * *

(m) Violation found. If the Commission shall determine that any licensee or unlicensed person pursuant to the Code is guilty of violation of the "Code," such licensee person may be disciplined in the manner as prescribed in such "Code."

Appendix A. Residential Property Condition Disclosure Statement [REVOKED]

Appendix A. Residential Property Condition Disclosure Statement [NEW] - The changes are highlighted:

APPENDIX A. RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENT

Notice to Seller: Oklahoma Law (the "Residential Property Condition Disclosure Act," Title 60, O.S., Sections 831 et. seq., effective July 1, 1995) requires Sellers of 1 and/or 2 residential dwelling units to complete this form. A Seller must complete, sign and date this disclosure form and deliver it or cause it to be delivered to a Purchaser as soon as practicable, but in any event no later than before an offer is accepted by the Seller. If the Seller becomes aware of a defect after delivery of this statement, but before the Seller accepts an offer to purchase, the Seller must deliver or cause to be delivered an amended disclosure statement disclosing the newly discovered defect to the Purchaser. If the disclosure form or amendment is delivered to a Purchaser after an offer to purchase has been made by the Purchaser, the offer to purchase shall be accepted by the Seller only after a Purchaser has acknowledged receipt of this statement and confirmed the offer to purchase in writing.

Notice to Purchaser: The declarations and information contained in this disclosure statement are not warranties, express or implied of any kind, and are not a substitute for any inspections or warranties the purchaser may wish to obtain. The information contained in this disclosure statement is not intended to be a part of any contract between the Purchaser and Seller. The information and statements contained in this disclosure statement are declarations and representations of the Seller and are not the representations of the real estate licensee.

Instructions to the Seller: (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Complete this form yourself. (4) If some items do not apply to your property, circle N/A (not applicable). If you do not know the facts, circle Unk (unknown). (5) The date of completion by you may not be more than 180 days prior to the date this form is received by a purchaser.

LOCATION OF SUBJECT PROPERTY: _____

SELLER IS ___ IS NOT ___ OCCUPYING THE SUBJECT PROPERTY.

Appliances/Systems/Services: (The items below are in **NORMAL** working order)

| | | Circle below | | | | Circle below | | |
|-------------------|-----|---------------------|----|-----|--------------------------------|---------------------|-----|-----|
| | | Yes | No | Unk | | Yes | No | Unk |
| Sprinkler System | N/A | | | | Humidifier | N/A | | |
| Swimming Pool | N/A | | | | Gas Supply | N/A | | |
| Hot Tub/Spa | N/A | | | | __Public__ Propane | | | |
| Water Heater | N/A | | | | __Butane | | | |
| __Electric__ Gas | | | | | Propane Tank | N/A | Yes | No |
| __Solar | | | | | __Leased__ Owned | | | Unk |
| Water Purifier | N/A | Yes | No | Unk | Ceiling Fans | N/A | Yes | No |
| Water Softener | N/A | Yes | No | Unk | Electric Air Purifier | N/A | Yes | No |
| __Leased__ Owned | | | | | Garage Door Opener/ Control | N/A | Yes | No |
| Sump Pump | N/A | Yes | No | Unk | Intercom | N/A | Yes | No |
| Plumbing | N/A | Yes | No | Unk | Central Vacuum | N/A | Yes | No |
| Whirlpool Tub | N/A | Yes | No | Unk | Security System | N/A | Yes | No |
| Sewer System | N/A | Yes | No | Unk | __Rent__ Own | | | |
| __Public__ Septic | | | | | __Monitored | | | |
| __Lagoon | | | | | Smoke Detectors | N/A | Yes | No |
| Air Conditioning | | | | | Dishwasher | N/A | Yes | No |
| System | N/A | Yes | No | Unk | Electrical Wiring | N/A | Yes | No |
| __Electric__ Gas | | | | | Garbage Disposal | N/A | Yes | No |
| __Heat Pump | | | | | Gas Grill | N/A | Yes | No |
| Window Air | | | | | Vent Hood | N/A | Yes | No |
| Conditioner(s) | N/A | Yes | No | Unk | Microwave Oven | N/A | Yes | No |
| Attic Fan | N/A | Yes | No | Unk | Built-in Oven/Range | N/A | Yes | No |
| Fireplaces | N/A | Yes | No | Unk | Kitchen Stove | N/A | Yes | No |
| Heating System | N/A | Yes | No | Unk | Trash Compactor | N/A | Yes | No |
| __Electric__ Gas | | | | | | | | |
| __Heat Pump | | | | | | | | |

Seller's Initials _____ Seller's Initials _____
(OREC-7/08)

Buyer's Initials _____ Buyer's Initials _____

LOCATION OF SUBJECT PROPERTY _____

| | | | | |
|------------------------------------|-------------------|-----|----|-----|
| Source of Household Water | Other Items _____ | Yes | No | Unk |
| _____Public _____Private _____Well | Other _____ | Yes | No | Unk |
| Yes No Unk | Other _____ | Yes | No | Unk |

IF YOU HAVE ANSWERED NO to any of the above, please explain. Attach additional pages with your signature(s).

Zoning, Flood and Water

Circle below

1. Property is zoned: **(Check one)** _____residential _____commercial historical
 _____agricultural _____industrial _____office
 _____urban conservation _____other _____ unknown

2. What is the flood zone status of the property? _____ **Unk**

| | | | |
|---|-----|----|-----|
| 3. Are you aware of any flood insurance requirements concerning the property? | Yes | No | Unk |
| 4. Do you have flood insurance on the property? | Yes | No | Unk |
| 5. Has the property been damaged or affected by flood, storm run-off, sewer backup, drainage or grading problems? | Yes | No | Unk |
| 6. Are you aware of any surface or ground water drainage systems which assist in draining the property, e.g. french drains? | Yes | No | Unk |
| 7. Has there been any occurrence of water in the heating and air conditioning duct system? | Yes | No | Unk |
| 8. Are you aware of water seepage, leakage or other drainage problems in any of the improvements on the property? | Yes | No | Unk |

Additions/Alterations/Repairs

| | | | |
|--|-----|----|-----|
| 9. Have any additions or alterations been made without required permits? | Yes | No | Unk |
| 10. Are you aware of previous foundation repairs? | Yes | No | Unk |
| 11. Are you aware of any alterations or repairs having been made to correct defects or problems? | Yes | No | Unk |
| 12. Are you aware of any defect or condition affecting the interior or exterior walls, ceilings, slab/foundation, basement/storm cellar, floors, windows, doors, fences or garage? | Yes | No | Unk |
| 13. Has the roof ever been repaired or replaced during your ownership of the property? | Yes | No | Unk |
| 14. Approximate age of roof, if known _____ number of layers, if known _____ | | | Unk |
| 15. Do you know of any current problems with the roof? | Yes | No | Unk |
| 16. Are you aware of treatment for termite or wood-destroying organism infestation? | Yes | No | Unk |
| 17. Do you have a termite bait system installed on the property? | Yes | No | Unk |
| 18. If yes, is it monitored by a licensed exterminating company? (Check one) _____yes _____no Annual cost \$ _____ | | | |
| 19. Are you aware of any damage caused by termites or wood-destroying organisms? | Yes | No | Unk |
| 20. Are you aware of major fire, tornado, or wind damage? | Yes | No | Unk |

Environmental

| | | | |
|---|-----|----|-----|
| 21. Are you aware of the presence of asbestos? | Yes | No | Unk |
| 22. Are you aware of the presence of radon gas? | Yes | No | Unk |
| 23. Have you tested for radon gas? | Yes | No | Unk |
| 24. Are you aware of the presence of lead-based paint? | Yes | No | Unk |
| 25. Have you tested for lead-based paint? | Yes | No | Unk |
| 26. Are you aware of any underground storage tanks on the property? | Yes | No | Unk |
| 27. Are you aware of the presence of a landfill on the property? | Yes | No | Unk |
| 28. Are you aware of existence of hazardous or regulated materials and other conditions having an environmental impact? | Yes | No | Unk |
| 29. Are you aware of existence of prior manufacturing of methamphetamine? | Yes | No | Unk |
| 30. Have you had the property inspected for mold? | Yes | No | Unk |
| 31. Have you had any remedial treatment for mold on the property? | Yes | No | Unk |
| 32. Are you aware of any condition on the property that would impair the health or safety of the occupants? | Yes | No | Unk |

Property Shared in Common, Easements, Homeowner's Association, Legal

| | | | |
|---|-----|----|-----|
| 33. Are you aware of features of the property shared in common with adjoining landowners, such as fences, driveways, and roads whose use or responsibility has an affect on the property? | Yes | No | Unk |
| 34. Other than utility easements serving the property, are you aware of easements or right-of-ways affecting the property? | Yes | No | Unk |

Seller's Initials _____ Seller's Initials _____ Buyer's Initials _____ Buyer's Initials _____

LOCATION OF SUBJECT PROPERTY _____

- | | | | |
|---|-----|----|-----|
| 35. Are you aware of encroachments affecting the property? | Yes | No | Unk |
| 36. Are you aware of a mandatory homeowner's association? | Yes | No | Unk |
| Amount of dues \$ _____ Special Assessment \$ _____ | | | |
| Payable: (Check one) ___ monthly ___ quarterly ___ annually | | | |
| Are there unpaid dues or assessments for the Property? (Check one) ___ yes ___ no | | | |
| If yes, amount \$ _____ Manager's Name: _____ | | | |
| Phone No. _____ | | | |
| 37. Are you aware of any zoning, building code or setback requirement violations? | Yes | No | Unk |
| 38. Are you aware of any notices from any government or government-sponsored agencies or any other entities affecting the property? | Yes | No | Unk |
| 39. Are you aware of any threatened or existing litigation or lawsuit(s), directly or indirectly, affecting the property? | Yes | No | Unk |
| 40. Is the property located in a fire district which requires payment? | Yes | No | Unk |
| Amount of fees \$ _____ To Whom Paid _____ | | | |
| Payable (Check one) ___ monthly ___ quarterly ___ annually | | | |
| 41. Is the property located in a private utility district? | Yes | No | Unk |
| (Check applicable) water___ garbage___ sewer___ other___ | | | |
| If other, explain: _____ | | | |
| Initial membership fee \$ _____ annual membership fee \$ _____ | | | |
| (If more than one (1) utility, attach additional pages.) | | | |

Miscellaneous

- | | | | |
|---|-----|----|-----|
| 42. Are you aware of other defect(s), affecting the property, not disclosed above? | Yes | No | Unk |
| 43. Are you aware of any other fees or dues required on the property that you have not disclosed? | Yes | No | Unk |

If you answered "YES" to any of the items 1- 43 above, list the item number(s) and explain. (If needed, attach additional pages, with your signature(s), date(s) and location of subject property.

On the date this form is signed, the seller states that based on seller's **CURRENT ACTUAL KNOWLEDGE** of the property, the information contained above is true and accurate.

Are there any additional pages attached to this disclosure (circle one): Yes No. If yes, how many? _____

| | | | |
|-----------------------------|---------------|-----------------------------|---------------|
| _____ Seller's Signature | _____ Date | _____ Seller's Signature | _____ Date |
|-----------------------------|---------------|-----------------------------|---------------|

A real estate licensee has no duty to the Seller or the Purchaser to conduct an independent inspection of the property and has no duty to independently verify the accuracy or completeness of any statement made by the seller in this disclosure statement.

The Purchaser understands that the disclosures given by the Seller on this statement is not a warranty of condition. The Purchaser is urged to carefully inspect the property and, if desired, to have the property inspected by a licensed expert. For specific uses, restrictions and flood zone status, contact the local planning, zoning and/or engineering department. The Purchaser acknowledges that the Purchaser has read and received a signed copy of this statement. This completed acknowledgement should accompany an offer to purchase on the property identified. This is to advise that this disclosure statement is not valid after 180 days from the date signed by the Seller.

| | | | |
|--------------------------------|---------------|--------------------------------|---------------|
| _____ Purchaser's Signature | _____ Date | _____ Purchaser's Signature | _____ Date |
|--------------------------------|---------------|--------------------------------|---------------|

The disclosure and disclaimer statement forms and the Oklahoma Residential Property Condition Disclosure Act information pamphlet are made available at the Oklahoma Real Estate Commission (OREC), Shepherd Mall, 2401 NW 23 St, Suite 18, Oklahoma City, Oklahoma 73107-2431, or visit OREC's Web site www.orec.ok.gov.

in that she failed to keep the Complainant fully informed regarding the transaction.

No evidence was received to indicate that Respondent Michael Vance violated any provision of the Oklahoma Real Estate License Code, and the case was closed on September 5, 2007 as to Respondents McGraw Davisson Stewart Incorporated, Joseph McGraw Jr., McGraw Davisson Stewart Incorporated (BO) and Jay Menger.

Recommended: That Patricia L. Zahoran be ordered to pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

C-2006-089 – John Hausam Incorporated, John Louis Hausam (BM), Scott Carter (SA), Dennis Carroll Phillip (SA) and Gail Lynne Phillip (SA) – Tulsa; John Hausam Incorporated (BO), David Glenn Watson (BB), Melody Spring Ryles (SA) and Angela Marie Whitfield (PSA) – Broken Arrow: The Hearing Examiner reported that Respondent Angela Whitfield was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-17-4(b), in that she failed to file a written response to the Complaint; Title 59 O.S. §858-312, Subsections 3 and 9 and Rule 605: 10-17-4(12), in that she failed to exercise reasonable skill and care regarding the Complainant's application for the Seller's Security Program in order to ensure that the Complainant was advised that her property did not qualify for such program, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-11-2(g), in that she failed to notify the Commission of the change in her home address within ten (10) days of such change.

No evidence was received to indicate that Respondents John Hausam Incorporated, John L. Hausam, Scott Carter, Dennis C. Phillip, Gail L. Phillip, John Hausam Incorporated (BO), David G. Watson and Melody S. Ryles violated any provision of the Oklahoma Real Estate License Code, and their case was closed on April 24, 2007.

Recommended: That the Oklahoma Real Estate Provisional Sales Associate License of Angela Marie Whitfield be revoked and that she be ordered to pay an administrative fine of One Thousand Dollars (\$1,000.00).

C-2006-110 – Bob L. Linn and Associates Incorporated, Robert Lee Linn (BM) and Jose Francisco Acosta (SA) – Oklahoma City: The Hearing Examiner reported that Respondent Jose Acosta was found in violation of Title 59 O.S. §858-312, Subsection 6, in that he commingled his own money with the money of others; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that he failed to perform all real estate acts in the name of his broker, and Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2(1), in that he failed to turn over

all monies deposited and payments made to his broker.

The case against Respondents Bob L. Linn and Associates Incorporated and Robert L. Linn was closed on September 5, 2007.

Respondent Acosta appeared before the Commission to present his exception to the findings and Order. Although he admitted to the violations, he stated that he was unaware of the rules and pleaded for leniency in the form of lesser fines.

Recommended: That Jose Francisco Acosta be formally reprimanded and ordered to pay an administrative fine of Six Hundred Dollars (\$600.00) for each violation, for a total of One Thousand Eight Hundred Dollars (\$1,800.00).

C-2007-004 – Bob L. Linn and Associates Incorporated, Robert Lee Linn (BM) and Jose Francisco Acosta (SA) – Oklahoma City: The Hearing Examiner reported that Respondent Jose Francisco Acosta was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-4(c)(1), in that he failed to disclose in writing on the Apartment Lease Agreement entered into with the Complainant on January 6, 2006, that he was a real estate licensee, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that he failed to file a written response to the complaint in this matter.

The case against Respondents Bob L. Linn and Associates Incorporated and Robert L. Linn was closed on September 5, 2007.

Respondent Acosta appeared before the Commission to present his exception to the findings and Order. Although he admitted to the violations, he stated that he was unaware of the rules and pleaded for leniency in the form of lesser fines.

Recommended: That Jose Francisco Acosta be formally reprimanded and that he be required to pay an administrative fine of Five Hundred Dollars (\$500.00) for each violation, for a total of One Thousand Dollars (\$1,000.00).

C-2007-008 – Tommy Ray Chestnutt (BP) and Joan Marie Burns (SA) – Ponca City: The Hearing Examiner reported that Respondent Chestnutt was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that he failed to properly supervise the activities of Joan Marie Burns, and Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-1(d), in that he allowed Joan Marie Burns to maintain an office away from the office maintained and registered in his name.

Respondent Joan Marie Burns was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she operated as Burns Property Management outside the supervision of her broker

and maintained an office at her home address; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14), in that she acted in the capacity of a broker without possessing the license of a broker; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that she operated under the name of Burns Property Management, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), in that she collected security deposits and rents from others and deposited same into accounts not registered or maintained by her managing broker.

Recommended: That Tommy Ray Chestnutt be required to pay administrative fines of Two Hundred Fifty Dollars (\$250.00) per violation for a total of Five Hundred Dollars (\$500.00), and to revoke the real estate license of Joan Marie Burns.

C-2007-031 – Tommy Ray Chestnutt (BP) and Joan Marie Burns (SA) – Ponca City: The Hearing Examiner reported that Respondent Chestnutt was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that he failed to properly supervise the activities of Joan M. Burns, and Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-1(d), in that he allowed Joan M. Burns to maintain an office away from the office maintained and registered in his name.

Respondent Joan Marie Burns was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she operated as Burns Property Management outside the supervision of her broker and maintained an office at her home address; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14), in that she acted in the capacity of a broker without possessing the license of a broker; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that she operated under the name of Burns Property Management, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), in that she collected security deposits and rents from others and deposited them into accounts not registered or maintained by her managing broker.

Both Respondents were found in violation of Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(9), in that they failed to file a written response to the complaint in this matter.

Recommended: That Tommy Ray Chestnutt be required to pay administrative fines of Two Hundred Fifty Dollars (\$250.00) per violation for a total of Seven Hundred Fifty Dollars (\$750.00), and to revoke the real estate license of Joan Marie Burns.

continued on page 10

C-2007-045 – Leadership Real Estate Investments Incorporated, Terry E. Pufahl (BM) and Kelly Colvin Mann (SA) – Oklahoma City: The Hearing Examiner reported that Respondents Leadership Real Estate Investments Incorporated and Terry Pufahl did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission. Kelly Mann was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 15, in that she took prescription drugs from the home of a Seller.

Recommended: That the case against Leadership Real Estate Investments Incorporated and Terry Pufahl be dismissed, and that the sales associate's license of Kelly C. Mann be revoked. It was further recommended that Kelly C. Mann be required to pay an administrative fine of Two Thousand Dollars (\$2,000.00).

C-2007-010 – Eufaula Lake and Land Real Estate LTD Company and Robert Bruce Henry (BM) – Eufaula: The Hearing Examiner reported that the Respondents were found in violation of Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(3), in that they failed to disclose to the Complainant an existing survey which revealed an encroachment by Complainant's shed upon adjacent property.

Recommended: That Eufaula Lake and Land Real Estate LTD Company and Robert Bruce Henry each be ordered to pay an administrative fine of Two Hundred Fifty Dollars, for a total of Five Hundred Dollars (\$500.00).

JANUARY 2008

U-2006-005 – Robert Chaney, HomeNVESTors Incorporated and RTC Construction Incorporated – Madill: The Hearing Examiner reported that Respondents Robert Chaney and HomeNVESTors Incorporated were found in violation of Title 59 O.S. §858-102(2) and (8), Title 59 O.S. §858-301 and Rule 605:10-17-4(12) and (16), in that they conducted advertising and marketing of property, activities which require an Oklahoma real estate license, without an Oklahoma real estate license.

No evidence was received to indicate that Respondents RTC Construction Incorporated violated any provisions of the Oklahoma Real Estate License Code or the Rules of the Commission.

A written exception filed by the Respondents was presented to the Commission.

Recommended: That Robert Chaney and HomeNVESTors Incorporated each be ordered to pay an administrative fine of Two Thousand Five Hundred Dollars (\$2,500.00), for a total of Five Thousand Dollars (\$5,000.00),

and that the case against RTC Construction be closed.

UC-2007-001 – ASAP Management LLC, Alexander and Sons Management Company, Ronnie Marvin Alexander Sr. (BM) – Norman, and Cynthia Diana Lincoln (SA) – Oklahoma City: The Hearing Examiner reported that Respondents Cynthia Lincoln and ASAP Management LLC were found in violation of Title 59 O.S. §858-302, Title 59 O.S. §858-401, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14), in that she advertised and conducted business through an unlicensed entity (ASAP Management LLC) and outside the supervision of her sponsoring broker.

This case was previously closed as to Respondents Alexander and Sons Management Company and Ronnie Marvin Alexander, Senior.

None of the Respondents appeared.

Recommended: That ASAP Management LLC and Cynthia D. Lincoln be ordered to pay an administrative fine of Nine Hundred Forty Dollars and Sixty Cents (\$940.60).

U-2007-007 – ADC Property Management and Construction, Bill Rice and Diane Rice – Bixby: The Hearing Examiner reported that the Respondents were found in violation of Title 59 O.S. §858-101(2), Title 59 O.S. §858-301, Title 59 O.S. §858-401, Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9) and (12), in that they managed rental properties advertised real estate services and operated a unlicensed real estate business with unlicensed personnel.

Recommended: That ADC Property Management and Construction, Bill Rice and Diane Rice be ordered to pay an administrative fine of Eight Thousand Seven Hundred and Fifty-eight Dollars and Ninety-six Cents (\$8,758.96), the total amount of the management fees collected by the Respondents during the time in question.

C-2006-052 – The WORX Company LLC and Johnny Ray Spence (BM) – Edmond: The Hearing Examiner reported that the Respondents were found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that they receipted for earnest money which was not actually paid and provided incorrect information to the Complainant regarding the disposition of said earnest money.

The Respondent did not appear.

Recommended: That WORX Company LLC and Johnny Ray Spence each be ordered to pay an administrative fine of Five Hundred Dollars (\$500.00), for a total of One Thousand Dollars (\$1,000.00).

C-2007-012 – Patrick Ryan McCain (SA) – Madill: The Hearing Examiner reported that the Respondent was found in violation of Title 59 O.S. §858-312, Subsections 1 and 9, in that he failed to disclose on his original application for license submitted to the Oklahoma Real Estate Commission on February 17, 2003 and on his renewal application submitted on January 28, 2004 an Ohio misdemeanor Disorderly Conduct conviction.

Recommended: That Patrick R. McCain be ordered to pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

C-2007-025 – ABW Tulsa Incorporated, Kyra C. "Kacy" Bell (BM) and Debbie Rose Rieck (SA) – Tulsa: The Hearing Examiner reported that Respondent Debbie Rieck was found in violation of Title 59 O.S. §858-312, Subsections 2, 8, 9 and 23 and Rule 605:10-17-5, in that she failed to disclose to the Buyer a known material defect in the property, and Title 59 O.S. §858-312, Subsections 9 and 23 and Title 60 O.S. §833, in that she prepared and submitted to the Buyer a Seller's Disclaimer without indicating thereon knowledge which she had or should have had regarding a material defect in the property being sold.

No evidence was received to indicate that Respondents ABW Tulsa Incorporated and Kyra C. Bell violated any provisions of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommended: That Debbie R. Rieck be ordered to pay an administrative fine of Five Hundred Dollars (\$500.00), with no suspension of her Oklahoma Real Estate Sales Associate license, and that the case against ABW Tulsa Incorporated and Kyra C. Bell be dismissed.

C-2007-038 – David Luna (BP) – Sapulpa: The Hearing Examiner reported that the Respondent was found in violation of Title 59 O.S. §858-356, in that he failed to disclose his broker relationship to the prospective buyer.

Recommended: That David Luna be ordered to pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

FEBRUARY 2008

C-2006-036 – Fite and Reynolds Real Estate Incorporated, John H. Reynolds, Jr. (BM) and Angela D. Jackson (SA) – Muskogee: John H. Reynolds, Jr. was found to be in violation of Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-1(1) and Title 59 O.S. §858-312, Subsections 9 and 23 and Title 60 O.S. Chapter 16A, §833, Subsection C.

Fite and Reynolds Real Estate Incorporated were found in violation of the following Oklahoma License Code: Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6).

Consented: John H. Reynolds, Jr. consented to an assessment of an administrative fine of Five Hundred Dollars (\$500.00) for each violation, for a total of One Thousand Dollars (\$1,000.00). Fite & Reynolds Real Estate Incorporated consented to an assessment of an administrative fine of Five Hundred Dollars (\$500.00), and Angela D. Jackson consented to an administrative fine of One Thousand Five Hundred Dollars (\$1,500.00), a six month suspension of her license, with the imposition of such suspension being suspended, and six (6) hours of continuing education regarding Laws and Rules of Real Estate and Oklahoma Broker Relationship Act.

C-2007-036 – Crosslin Real Estate LLC, Billie Crosslin (BM) and N.J. Evans Jr. (BA) – Tahlequah: Respondents Crosslin Real Estate LLC, Billie Crosslin and N.J. Evans Jr. were found to be in violation of Title 59 O.S. §858-356, in that they failed to disclose their broker relationship to the Seller.

Consented: Crosslin Real Estate LLC, Billie Crosslin and N.J. Evans Jr. each consented to paying an administrative fine of Five Hundred Dollars (\$500.00), for a total of One Thousand Five Hundred Dollars (\$1,500.00).

C-2007-071 – Jimmie Dwayne Basler (BP) – Claremore: Respondent Basler was found to be in violation of Title 59 O.S. §858-312(14) and Rule 605:10-17-4(12), in that he paid an unlicensed person for activities that require an active real estate license.

Consented: Jimmie D. Basler consented to paying an administrative fine of One Thousand Dollars (\$1,000.00) and six (6) months suspension of his broker's license.

C-2007-003 – Sooner Real Estate.com – Edmond, Churchill Brown and Associates Incorporated, Sheila Kessler (BM) – Oklahoma City, Churchill Brown and Associates (BO), Lamont K. Churchill (BB) – Edmond and Richard Thayne Cochrane (SA) – Oklahoma City: Respondents Sooner Real Estate.com and Richard Thayne Cochrane were found in violation of Title 59 O.S. §858-102(2), 858-301, 858-401, 858-312 Subsections 8 and 9 and Rule 605:10-17-4(12) and Rule 605:10-11-1(a), in that they may have engaged in unlicensed activities, operated an unlicensed business and conducted real estate transactions which require an active license.

No evidence was received to indicate that Respondents Churchill Brown and Associates Incorporated, Churchill Brown and Associates Incorporated (BO), Sheila Kessler and Lamont K. Churchill violated any provision of the Oklahoma Real Estate License Code.

Consented: Sooner Real Estate.com and Richard T. Cochrane consented to paying an administrative fine of Five Hundred Dollars (\$500.00), with Respondent Cochrane attend-

ing and completing a three (3) hour continuing education course in Laws and Rules of Real Estate. The case against Churchill Brown and Associates Incorporated, Churchill Brown and Associates Incorporated (BO), Sheila Kessler and Lamont K. Churchill was dismissed.

UC-2007-002 – Henderson Properties – Oklahoma City, Paradigm Realty Incorporated, J.D. Hadley (BM), Teri Kathleen Henderson (SA) and Debra Naifeh (SA) – Edmond: Respondents Henderson Properties and Teri Kathleen Henderson were found in violation of Title 59 O.S. §858-102(2), §858-301, §858-401, §858-312 Subsections 4, 6, 8, 9 and 20; Rule 605:10-9-4(b)(1)(2)(3) and Rule 605:10-11-1(a), in that they may have engaged in unlicensed activities, operated an unlicensed business and conducted real estate transactions which require an active license.

Respondent Debra Naifeh was found in violation of Title 59 O.S. §858-312 Subsections 8 and 9, Rule 605:10-9-1(d) and Rule 605:10-11-1(a), and Respondents Paradigm Realty Incorporated and J.D. Hadley were found in violation of Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(6).

Consented: Henderson Properties, Teri K. Henderson, Debra Naifeh, Paradigm Realty Incorporated and J.D. Haley consented to paying an administrative fine of Two Hundred Fifty Dollars (\$250.00) each, for a total of One Thousand Two Hundred Fifty Dollars (\$1,250.00).

C-2006-107 – Marion Group Real Estate Incorporated and Walter L. Marion (BM) – Lawton: The Hearing Examiner reported that the Respondent Walter L. Marion was found in violation of Title 59 O.S. §858-312, Subsections 3 and 9 and Rule 605:10-17-4(12), in that he disclosed himself as a transaction broker for both the Buyer (complainant) and Seller (his construction company).

Recommended: Walter L. Marion was formally reprimanded and ordered to pay an administrative fine of Four Hundred Dollars (\$400.00), and the case against Marion Group Real Estate was dismissed.

MARCH 2008

UC-2007-005 – Dirkschneider Properties LLC, Hocker and Associates Incorporated, Jerry Hocker (BM) and David Paul Dirkschneider (SA) – Oklahoma City: Respondent Dirkschneider was found to be in violation of Title 59 O.S. §858-312, Subsection 4 and Rule 605:10-17-4(14). Respondent Hocker was found to be in violation of Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(6).

No evidence was received to indicate that Respondents Dirkschneider Properties LLC and Hocker and Associates violated any pro-

vision of the Oklahoma Real Estate License Code.

Consented: David Dirkschneider and Jerry Hocker consented to payment of an administrative fine of Two Hundred Fifty Dollars (\$250.00) each, for a total of Five Hundred Dollars (\$500.00) and a formal reprimand. The case against Dirkschneider Properties LLC and Hocker and Associates Incorporated was dismissed.

C-2006-096 – Property One Real Estate Solutions LLC, Robert Charles Meyer Jr. (BM) and Shannon S. Sandmeyer (SA) – Tulsa: Respondent Shannon Sandmeyer was found to be in violation of Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(16), in that she allowed access to a property without the owner's authorization.

No evidence was received to indicate that Respondents Property One Real Estate Solutions LLC and Robert C. Meyer Jr. violated any provision of the Oklahoma Real Estate License Code.

Consented: Shannon S. Sandmeyer consented to an assessment of an administrative fine of Two Hundred Fifty Dollars (\$250.00), and the case against Respondents Property One Real Estate Solutions LLC and Robert C. Meyer Jr. was closed.

C-2006-040 – W. Bruce Gooding (BP) – Hugo, W. Bruce Gooding (BO), Roy Dean Scott (BB) and Kevin Zane Gann (SA) – Antlers: Respondents W. Bruce Gooding (BP) and W. Bruce Gooding (BO) were found to be in violation of Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(9), in that they failed to produce for inspection to the Commission staff records and documents after two (2) written requests, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that they failed to properly supervise the activities of an associate in that they failed to ensure that Respondent Kevin Z. Gann: 1) reduced all verbal offers to writing, 2) complied with the requirements of the Oklahoma Broker Relationship Act, and 3) provided a cost sheet to the Complainant and Seller.

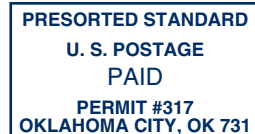
Respondent Roy Dean Scott was found to be in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that he failed to properly supervise the activities of an associate in that he failed to ensure that Respondent Kevin Z. Gann: 1) reduced all verbal offers to writing, 2) complied with the requirements of the Oklahoma Broker Relationship Act, and 3) provided a cost sheet to the Complainant and Seller.

Respondent Kevin Zane Gann was found to be in violation of Title 59 O.S. §858-312,

continued on page 12

OKLAHOMA REAL ESTATE COMMISSION

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DISCIPLINARY ACTION continued from page 11

Subsections 8 and 9 and Rule 605:10-17-4(10), in that he failed to reduce the Complainant's first offer to purchase to writing; Title 59 O.S. §858-353 A(3), in that he failed to provide a cost sheet to the Complainant and the Seller; Title 59 O.S. §858-353 A(1), in that he initially refused to submit a verbal offer from the Complainant, but later chose to submit a verbal offer for Complainant, as well as a verbal offer for another offeror competing against the Complainant; Title 59 O.S. §858-312, Subsection 3, in that he failed to describe and disclose in writing his role to the Party, and Title 59 O.S. §858-356(E), in that he failed to obtain from the Complainant a confirmation of the disclosure and consent.

Consented: W. Bruce Gooding (BP) and W. Bruce Gooding (BO) consented to payment of administrative fine of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Dollars (\$1,000.00); Roy D. Scott consented to payment of an administrative fine of Five Hundred Dollars (\$500.00), and Respondent Kevin Z. Gann consented to payment of administrative fines totaling Three Thousand Dollars (\$3,000.00).

C-2007-034 – Churchill Brown and Associates Incorporated, Sheila Kessler Cortese (BM) – Oklahoma City, Churchill Brown and Associates Incorporated (BO), Lamont K. Churchill (BB) and Jeannie Messina (SA) – Edmond: Respondents Churchill Brown and Associ-

ates Incorporated, Sheila Kessler, Churchill Brown and Associates Incorporated (BO) and Lamont Churchill were found in violation of Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(12), in that they may have failed to properly supervise the activities of Jeannie Messina, and Title 59 O.S. §858-312, Subsections 7, 8 and 9 and Rule 605:10-17-4(12), in that they may have accepted and paid a commission for acts which were performed in violation of the Oklahoma Real Estate Code.

Respondent Jeannie Messina was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she may have attempted to interfere with the contract between Seller and Buyer, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she may have exerted undue influence on the Buyer to withdraw his offer until the Seller agreed to pay a commission to her.

Consented: Jeannie Messina and Lamont Churchill consented to paying an amount totaling Seven Thousand Five Hundred Dollars (\$7,500.00) to the Complainants and to receiving a formal reprimand. The case against Respondents Churchill Brown and Associates Incorporated, Churchill Brown and Associates Incorporated (BO) and Sheila Kessler was dismissed.

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