



OKLAHOMA REAL ESTATE COMMISSION COMMENT

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NO. 2

Status of Contracts – New Forms

As stated by the Chairman in his comments, the Residential Contract and related Addenda have been receiving positive remarks from the industry. Written comments and suggestions have been submitted and the Contract Committee will begin reviewing those beginning in January. Upon completion of the review, any changes to the forms will take place [the same time each year] in July or November, as such date has not been determined. The Commission will try and summarize the changes on the web for ease of transition.

Three new forms have been created by the Committee that are now on the Commission’s website. They are as follows:

1. Condominium or Homeowners’ Association Supplemental Agreement
2. Residential Property Condition Disclosure Exemption Form
3. Licensee’s Disclosure to the Residential Property Condition Disclosure Statement

Real Estate Commission Now Administers An ARELLO Certified Examination

Effective November 1st the Commission began administering ARELLO Certified Examinations. What does this mean? It means that the state examination has been put through a validity process that insures the examination relates specifically to the industry and the examination will be reviewed by the industry [practitioners and educators] on a yearly basis. The process includes:

1. checking each item (question) as to its validity to the industry,
2. validating that each item has one correct answer and three distracters (wrong answers),
3. retaining statistical examination analysis for each item,
4. yearly reviews by industry members,
5. an available appeal process through the qualified vendor, and
6. monitored security and quality control measures.

Another huge benefit to Oklahoma moving toward a nationally recognized and certified examination is the issue of license reciprocity. Oklahoma was one of the few jurisdictions remaining that did not utilize an ARELLO certified examination. Once all jurisdictions utilize this process there should be minimal restrictions left to impede license reciprocity.

Use of the Word “Agent”

Effective November 1, 2006, a real estate broker and the associates of the real estate broker are permitted, under the provisions of Section 858-351 thru 858-363 to use the word “agent” as a general reference for designating themselves as a real estate licensee.

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The Oklahoma Real Estate
Commission Comment

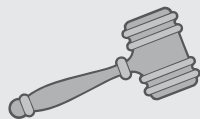
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**BY ORDER OF THE
COMMISSION
DISCIPLINARY ACTIONS
AS OF SEPTEMBER 2006**

C-2005-013 – Monty J. Stricker (B) and Melva McMurray-Reed (SA) – Oklahoma City: Commission found Respondent Monty Stricker 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 Melva McMurray-Reed.

Respondent Melva McMurray-Reed was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-7, in that she conducted real estate transactions which require an active real estate license, at a time when her real estate sales associate license was on inactive status.

The Commission ordered Monty J. Stricker be formally reprimanded and assessed an administrative fine of \$1,000.00; and Melva McMurray-Reed be assessed an administrative fine of \$600.00.

C-2005-054 – Medley, Inc., and Joe Medley (B) – Oklahoma City: Commission found the Respondent Medley,

continued on page 7

**CHAIRMAN'S
CORNER**



Charles Barnes

It has been a great opportunity to be of service to the public and the Oklahoma real estate community. My father, Charles W. Barnes, told me when I started my Real Estate career in 1971, the only certainty in real estate is change. The way we do things today will be different tomorrow and the winds of change have never stopped.

As most of you know, the real estate education requirement for Brokers and Associates increased to 90 hours effective November 1, 2006. During the month of October the entire staff of the Oklahoma Real Estate Commission worked above and beyond the call of duty staying into the late night hours grading and administering test to thousands of testers who were working to beat the law change. Connie Miller, Director of Education and Licensing, and her staff are to be congratulated for a job well done. The Commission administered 7,300 hundred examinations for calendar year 2006 with 3,100 of those arriving the month of October.

During this year, the Commission, with the cooperation of the Oklahoma Association of REALTORS and the Oklahoma Bar Association, introduced the new residential standard contract forms and related addenda that is available on the Commission's website. Based on comments received, the contract and related addenda are a plus to the industry and a great benefit to the public. The Commission solicits your comments and recommendations on these forms; however, such must be in writing.

Anne Woody, Executive Director of the Commission, has assembled a great staff of professionals who help, on a daily basis, to administer the real estate license law fairly and justly. Anne was recently elected as Treasurer of ARELLO (Association of Real Estate License Law Officials). This places Anne in line to be President of this international Association. Congratulations Anne!

In closing, it is a great honor to be of service to the real estate community and the public of which the Real Estate Commission protects. I want to wish each of you a safe and happy holiday season.

Sincerely,

Charles Barnes
Chairman

Commission Elects Officers For FY 2007

At the regularly scheduled Commission meeting on August 9, 2006, the Commissioners voted into office Mr. Charles Barnes, school member of Midwest City, to be Chairman and Mr. Randy Saunier, broker member of McAlester, to be Vice-Chairman. *Congratulations gentlemen.*

Governor Makes Appointments to Real Estate Commission

Governor Brad Henry appointed Mike Cassidy, broker member to the Commission to serve until June 30, 2009. Mr. Cassidy, a lifetime resident of the Oklahoma City metro area, became licensed 33 years ago at the age of 21 and has dedicated his entire career to real estate. For decades, Mr. Cassidy has consistently been one of the very top producing sales associates in the metro area and was listed in the September issue of REALTOR magazine among the top 100 salespeople in the United States.



In 1997, he founded and is co-owner of Coldwell Banker Advantage in Oklahoma City. His company has grown to over 115 sales associates and Mr. Cassidy has developed a keen first hand knowledge of the challenges and responsibilities of Broker ownership.

Mr. Cassidy has always believed in dedicating time and energy to serve his chosen industry and the following is only a partial list of his volunteer work:

- 2006 President—Oklahoma City Metro Association of REALTORS
- 2005/2006 Director—Oklahoma Association of REALTORS
- 2005 Director/President-Elect—Oklahoma Metro Association of REALTORS
- 2006 Member—Legislative, Political and Regulatory Affairs Committee, Oklahoma Association of REALTORS
- 2006 Member—Oklahoma Housing Taskforce, Oklahoma Association of REALTORS
- 2006 Member—Public Awareness Taskforce, Oklahoma Association of REALTORS
- Former Secretary/Treasurer—Oklahoma City Metro Association of REALTORS
- Former Chairman—Finance Committee, Oklahoma Metro Association of REALTORS



Governor Henry reappointed Pete Galbraith, broker member of Sapulpa, to serve a 2nd term until June 30, 2009. Mr. Galbraith was born in Wichita, KS, and relocated to Tulsa in 1970 with his parents. He graduated from Bishop Kelley High School and went on to the University of Oklahoma and holds a degree from Southern Nazarene University. While at OU, he served as captain of

the University of Oklahoma Polo Team and was vice-president of the Sigma Chi Fraternity.

After college, he worked in the wireless telephone business and then in natural gas valve manufacturing for a venture division of ONEOK Inc in Tulsa.

Mr. Galbraith moved to Sapulpa in 1995 and went to work for Terry Gartside, Realtors where he serves as their general manager and oversees the operations of the Sapulpa office and serves as a consultant to Mortgage Closing Services.

In 2000, Mr. Galbraith was the recipient of the Sapulpa Main Street Economic Development award for his work on the Collin's Ballroom and the renovation of the Berryhill building into 32 units of affordable senior housing.

As a real estate broker, he works hard to train all of Terry Gartside Realtors' associates to balance the usefulness of today's technology and the important virtues of serving the client and working towards meeting the needs of the consumer.

Mr. Galbraith is the Sapulpa Chamber of Commerce past president, a Sapulpa Main Street board member, past-president of the Sapulpa Rotary Club, and is a board member and graduate of Leadership Oklahoma class XIII (13). Mr. Galbraith hobbies include: hunting, golf, and holds his private pilot's license.

Mr. Galbraith is married to Anne from Omaha, Nebraska and they have two daughters, Madison Anne and Katherine Grace.

Stephen A. Sherman, attorney at law from Oklahoma City, was reappointed by Governor Henry to serve another three-year term until June 30, 2009. Mr. Sherman is the principal lawyer and founder of Stephen A. Sherman & Associates, established in 1984. He is an active lawyer and lecturer in the Oklahoma City real estate community, serving clientele on a statewide and national basis, in the areas of real property sales transactions, real property leases and related business matters, including contractual and litigation matters. Sherman is also active in various civic organizations having served on the board of various organizations over the years, and presently serves as associate municipal judge of the City of Nichols Hills.



Born and raised in Omaha, Nebraska, Sherman located to Oklahoma City in 1980 after receiving his undergraduate degree from the University of Michigan, and his JD and MBA degrees from the University of Santa Clara.

Congratulations gentlemen.

Oklahoma County Records Available Online at No Charge Dating Back to 1889

The project is in its final stages, and when completed, all Oklahoma County land records from 1889 to present will be available online to the public at no charge. The county so far has electronically scanned and indexed 8,650,000 pages of land records for Oklahoma County. Prior to this time, the oldest record on the Oklahoma County's on-line site was dated 1991. All told, there is now approximately 17 million pages available.

A few years ago the state legislature passed a bill requiring all Oklahoman's to pay a \$5 Records Preservation Fee each time an instrument is filed in a County Clerk's office. Title 28, of the Oklahoma Statutes, Section 32C became effective in July 2001 and states that "for the purpose of preserving, maintaining, and archiving recorded instruments including, but not limited to, records management, records preservation, automation, modernization, and related lawful expenditures, in addition to all other fees required by law, the county clerk shall collect Five Dollars (\$5.00) for each instrument recorded with the Registrar of Deeds."

To date, Oklahoma County is the only county who has digitized records going back to before statehood. It may not only be a first in Oklahoma, but also a first nationwide. The project took three years to complete due to extensive planning and organizing all the records. The entire cost of the project is estimated around \$2.2 million. In order to accomplish this massive undertaking Oklahoma County Clerk Carolynn Caudill saved up the document fees until she had enough money to go out for bid to obtain a qualified vendor.

The real estate industry, in recent years, has indicated an interest in being able to conduct transactions electronically. Now it looks as if that day is here — we always thought the county office would be the holdup. All six Oklahoma County Abstract Companies have agreements with Oklahoma County under the Uniform Electronic Transac-

tion Act to file paper documents electronically. The County Clerk's Office receives and files "paperless" tax liens from the Oklahoma State Tax Commission in a pure electronic form. The Oklahoma County Clerk's Office has been filing pure electronic Uniform Commercial Code documents this way since 2001. However, before other transactions go paperless the issue of electronic signatures is still of concern and the Secretary of State's Office has indicated that rules need to be adopted to move the possibility of electronic signatures forward.

As a point of interest, the old records that have just been put online contain many historic documents that tell the story of Oklahomans who settled here or who had an interest in Oklahoma. Some of the records contain the signatures of famous people who had connections to Oklahoma County. John Wayne is one such celebrity. How did John Wayne have a connection in Oklahoma County? It was through his daughter Mary Antonia (Toni) Morrison LaCava who lived here with her husband Donald LaCava. They purchased a home in the Biltmore Estates subdivision on June 10, 1959. They sold their home on April 29, 1961 and held the mortgage of the new owners. Don LaCava assigned the real estate mortgage to his father-in-law, John Wayne, on July 15, 1963. The mortgage was subsequently paid off and John Wayne signed the release on May 13, 1966. Other celebrities include Gene Autry, Joseph Kennedy and Cecil B. Demille.

Oklahoma County Clerk Carolynn Caudill, and her staff are to be commended for tackling such a monumental task. Having all of these records on line will save Oklahomans time and money. Some say it is like having the County Clerk's office on your desk-top.

You can obtain the Oklahoma County's records online at www.oklahomacounty.org, select "Search land records" in the left margin. Enjoy.

Oklahoma City to Crack Down on Illegally Placed Signs

In response to citizen concerns, the city is cracking down on illegally placed signs by creating a Sign Sweep Task Force. The task force hit Oklahoma City streets November 13-17 to remove and dispose of illegally placed signs located along city right-of-ways, medians and utility poles.

Thirty, two-person crews swept the city in a concentrated weeklong effort to attack the problem. Since sweep week, many city crews working in the field added sign removal to their list of responsibilities. "Citizens are clearly tired of seeing illegally placed signs along Oklahoma City streets and right-of-ways. That's apparent from more than 1000 phone calls placed to the City's Action Center this year complaining about the blight," said City Manager Jim Couch. The location of city right-of-ways vary depending on the width of the street. On most city streets, the right-of-way is 12 feet from the curb. Signs are also illegal when placed in medians, parks, on utility poles, hydrants or street signs.

In almost all cases, temporary signs are illegal, regardless of whether they are placed in the median or not. City Council has been strengthening the Municipal Code on sign violations over the past few months. The Oklahoma Municipal Code Ordinance No. 23143 was amended on October 3 requiring city crews to

throw away signs once they are picked up. In the past, the city hauled the signs to a central location where they were stored. Owners were given an opportunity to buy back their signs for 25 cents per sign. Revenue from the signs rarely, if ever, eclipsed \$100 annually.

The City Code was amended again on August 15, allowing city employees other than Police Officers and Code Enforcement Officers to remove illegally placed signs. More than 300 city employees are now empowered to remove signs in the right-of-ways. On November 7, the City Council considered an ordinance amendment related to fines. This ordinance increased the fine for repeat offenders from \$200 to \$500. For details about the sign ordinance, log on to www.okc.gov.

*Happy are those
whose life is today.*

—Ayi Kwei Armah

Residential Landlord and Tenant Amendments

Effective November 1, 2006

SB 1603 was signed into law during the Second Regular Legislative Session of 2006 and became effective on November 1, 2006. This new law implements procedures and penalties for the disposal of property of a deceased tenant. The law reads as follows:

Title 41, Section 130.1. "New Law"

A. Upon written request of a landlord, the landlord's tenant shall:

1. Provide the landlord with the name, address, and telephone number of a person to contact in the event of the tenant's death; and
2. Sign a statement authorizing the landlord in the event of the tenant's death to:
 - a. grant to the person designated under paragraph 1 of this subsection access to the premises at a reasonable time and in the presence of the landlord or the landlord's agent,
 - b. allow the person designated under paragraph 1 of this subsection to remove any of the tenant's property found at the leased premises, and
 - c. refund the tenant's security deposit, less lawful deductions, to the person designated under paragraph 1 of this subsection.

B. A tenant may, without request from the landlord, provide the landlord with the information specified in subsection A of this section.

C. Except as provided in subsection D of this section, in the event of the death of a tenant who is the sole occupant of a rental dwelling:

1. The landlord may remove and store all property found in the tenant's leased premises;
2. The landlord shall turn over possession of the property to the person who was designated by the tenant under subsection A or B of this section or to any other person lawfully entitled to the property if the request is made prior to

the property being discarded pursuant to paragraph 5 of this subsection;

3. The landlord shall refund the tenant's security deposit, less lawful deductions, including the cost of removing and storing the property, to the person designated under subsection A or B of this section or to any other person lawfully entitled to the refund;
 4. Any person who removes property from the tenant's leased premises shall sign an inventory of the property being removed at the time of removal and submit the signed inventory to the landlord; and
 5. The landlord may discard the property removed by the landlord from the tenant's leased premises if:
 - a. the landlord has mailed a written request by certified mail, return receipt requested, to the person designated under subsection A or B of this section, requesting that the property be removed,
 - b. the person failed to remove the property by the thirtieth day after the postmark date of the notice, and
 - c. the landlord, prior to the date of discarding the property, has not been contacted by anyone claiming the property.
- D. In a written lease or other agreement, a landlord and a tenant may agree to a procedure different from the procedure in this section for removing, storing, or disposing of property in the leased premises of a deceased tenant.
- E. If a tenant, after being furnished with a notice of request, knowingly violates subsection A of this section by failing to provide the required information and statement, the landlord shall have no responsibility after the tenant's death for removal, storage, disappearance, damage, or disposition of property in the tenant's leased premises.
- F. If a landlord, after being furnished with a copy of this section, knowingly violates subsection C of this section, the landlord shall be liable to the estate of the deceased tenant for actual damages.



On the left is Connie Miller, Liaison with the Oklahoma Real Estate Commission and Arlys Spiker, OREEA Secretary. On the right are Food Pantry Members.

The Oklahoma Real Estate Educators' Association (OREEA) recently had their annual Christmas Party at the Stroud Conference Center where they met with the Stroud Food Pantry to donate toys for the underprivileged children of the community. The OREEA organization meets monthly in Stroud.

**The Commission
wishes you a safe and
Happy Holiday!**

EMERGENCY RULES EFFECTIVE NOVEMBER 1, 2006

An emergency rule took effect November 1st due to HB 1510 that passed in 2005 which increased the prelicense education requirements for both provisional sales and broker applicants. The prelicense provisional sales education hours were increased from 45 clock hours to 90 clock hours and the prelicense broker education hours were increased from 75 clock hours to 90 clock hours.

Provisional sales applicants will be required to complete a new Commission approved 90 clock hour course in order to sit for the examination on and after November 1, 2006, whereas broker applicants may provide evidence of an existing Commission approved 75 clock hour course supplemented by a new Commission approved 15 clock hour course on the topic of "Broker in Charge."

Following is a portion of the rule that outlines the new course contents. Underlined language is new language and hyphenated through language is being deleted. The three asterisks indicate that other existing language was not changed. If you have questions, please contact the Commission.

SUBCHAPTER 3. EDUCATION AND EXAMINATION REQUIREMENTS

605:10-3-1. Prelicense education requirements

(a) On and after July 1, 1993, as evidence of an applicant's having satisfactorily completed those education requirements as set forth in Sections 858-302 and 858-303 of the Code, each applicant for licensure shall present with his or her application a certification showing successful completion of the applicable course of study approved by the Commission as follows:

(1) To qualify an applicant for examination and licensure as a provisional sales associate, the course shall consist of at least ~~forty-five (45)~~ ninety (90) clock hours of instruction or its equivalent as determined by the Commission. In order for a provisional sales associate to obtain a sales associate license, the provisional sales associate must, following issuance of a provisional license, complete additional education as required in Section 858-302 of the Code. The prelicense course of study shall be referred to as the Basic Course of Real Estate, Part I of II and shall encompass the following areas of study:

- ~~(A) Nature of Real Estate~~
- ~~(B) Rights and Interests in Real Estate~~
- ~~(C) Agency Concepts Between Broker and Affiliated Associates~~
- ~~(D) Listing Contracts and Pricing~~
- ~~(E) Valuation and Appraisal~~
- ~~(F) Marketing and Selling~~
- ~~(G) Contract Law~~
- ~~(H) Legal Descriptions~~
- ~~(I) Offer and Purchase Contracts~~
- ~~(J) Title Search, Encumbrances, and Land Use Control~~
- ~~(K) Financing Real Estate~~
- ~~(L) Transfer of Interest in Real Estate~~
- ~~(M) Duty to Account~~
- ~~(N) Regulations Affecting Real Estate Transactions~~
- ~~(O) Brokerage Relationships With Parties to a Transaction~~

- (A) Real Estate Economics and Marketing
- (B) Nature of Real Estate
- (C) Rights and Interest in Real Estate
- (D) Legal Descriptions
- (E) Title Search, Encumbrances, and Land Use Control
- (F) Transfer of Rights
- (G) Service Contracts
- (H) Estimating Transaction Expenses
- (I) Value and Appraisal
- (J) Marketing Activities
- (K) Fair Housing
- (L) Contract Law Overview
- (M) Contract Law and Performance
- (N) Offers and Purchase Contracts
- (O) Financing Real Estate
- (P) Closing a Transaction
- (Q) Regulations Affecting Real Estate
- (R) Disclosures and Environmental Issues
- (S) Property Management and Leasing
- (T) Risk Management
- (U) Professional Standards of Conduct

(2) To qualify an applicant for examination and licensure as a broker, the course shall consist of at least ~~seventy-five (75)~~ ninety (90) clock hours of instruction or its equivalent as determined by the Commission. Such course of study shall be referred to as the Advanced Course in Real Estate and shall encompass the following areas of study:

- ~~(A) Laws and Rules Affecting Real Estate Practice~~
- ~~(B) Establishing a Real Estate Office~~
- ~~(C) Office Management~~
- ~~(D) Anti-Trust and Deceptive Trade~~
- ~~(E) Oklahoma Broker Relationships Act~~
- ~~(F) Risk Management and Insurance~~
- ~~(G) Disclosures, Hazards and Zoning~~
- ~~(H) Financial Management~~
- ~~(I) Real Estate Financing~~
- ~~(J) Specialized Operations~~
- ~~(K) Transaction File Maintenance~~
- ~~(L) Trust Accounts and Trust Funds~~
- ~~(M) Closing a Real Estate Transaction~~
- ~~(N) Closing Statements~~
- (A) Laws and Rules Affecting Real Estate Practice
- (B) Broker Supervision
- (C) Establishing a Real Estate Office
- (D) Professional Development
- (E) Business Office Management
- (F) Office Financial Management
- (G) Anti-Trust and Deceptive Trade
- (H) Risk Management and Insurance
- (I) Disclosures, Hazards, and Zoning
- (J) Real Estate Financing
- (K) Specialized Property Operations
- (L) Transaction Management
- (M) Closing a Real Estate Transaction
- (N) Professional Standards of Conduct

DISCIPLINARY ACTIONS *continued from page 2*

Incorporated and Joe Medley in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-5(1), for failure to file a change of business address with the Commission office within ten (10) days of such change; Title 59 O.S. §858-312, Subsections 9 and 23, for furnishing a Residential Property Condition Disclosure Statement that was more than two (2) years old, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-1(e), for failure to notify the Commission in writing of the closing of the property management account and depositing Complainant's earnest money check into a trust account not registered with the Commission office.

The Commission ordered Medley, Incorporated and Joe Medley be assessed administrative fines totaling \$1,100.00.

C-2006-003 – Post Enterprises, LLC and Harrell D. Post (B) - Miami: Commission found the Respondents Post Enterprises, LLC and Harrell D. Post violated Title 59 O.S. §858-312, Subsections 6 and 8 and Rules 605:10-13-1(a)(1)(A) and 605:10-17-4(12), in that the Respondents failed to deposit and hold the earnest money as indicated by the terms of the Contract; and that the Respondents violated Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-1(a)(1)(D), in that the Respondents failed to timely deposit the earnest money check.

The Commission ordered Post Enterprises, LLC and Harrell D. Post be assessed administrative fines totaling \$600.00.

AUGUST 2006

C-2005-28 – Crossroads Realty of Lawton, Inc., John Kinder (B), and J. Jay Kinder (SA) – Lawton: Commission found the Respondents Crossroads Realty of Lawton and John Kinder in violation of 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.

Commission found J. Jay Kinder in violation of Title 59 O.S. §858-312, Subsections 2, 8 and 9; and Rule 605:10-9-4(5), in that he advertised himself as possessing a Broker's license while holding a sales associate license.

John Kinder consented to an administrative fine of \$300 and three (3) hours of additional continuing education on Licensing Laws and Regulations. J. Jay Kinder consented to an administrative fine of \$500 and three (3) hours of additional continuing education on Licensing Laws and Regulations.

C-2005-97 – Jennifer Lee Bighorse (SA) – Tulsa: Commission found Bighorse in violation of Title 59 O.S. §858-312, Subsections 2 and 9 for her failure to disclose to the buyer certain defects in the property of which she was aware or should have been aware of.

The Commission ordered Jennifer Bighorse be assessed an administrative fine of \$500 and formal reprimand.

C-2005-80 – Realtex, Inc., David Neal Wallace (B), and Richard Lee Olney (SA) – Oklahoma City: Commission found Respondents Realtex, Inc. and David Wallace in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2(b), in that they failed to file an adequate written response within fifteen days of notice that a complaint had been filed.

Respondent Richard Olney was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 23; and Rule 605:10-15-1(a, 2), in that he failed to furnish a disclosure statement to the buyer/complainant as soon as practicable; and he failed to disclose in writing to the buyer/complainant his interest in RLV Refurnishing, Inc.

The Commission ordered Realtex, Inc. and David Wallace be assessed an administrative fine of \$500; and Richard Olney be assessed an administrative fine of \$500 for Count-1 and a \$500 for Count-2 (\$1,000 total).

C-2005-89 – McGraw Davisson Stewart, Inc., Joseph R. McGraw (B), McGraw Davisson Stewart, Inc. (BO), Thomas Forbes (B) – Tulsa: Commission found the Respondents McGraw Davisson Stewart, Inc. and Joseph R. McGraw in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), for failure to properly supervise the activities of an associate, as they failed to insure that Thomas Forbes and McGraw Davisson Stewart, Inc., (Branch Office) officed out of the location registered with the Commission.

Commission found the Respondents McGraw Davisson Stewart, Inc. (Branch Office) and Thomas Forbes in violation of Title 59 O.S. §858-312, Subsections 8 and 9; and Rules 605:10-17-4(6) and 605:10-9-1(a), for failing to office out of the location registered with the Commission and for failure to insure that the office registered as the Branch Office was available to the public during reasonable business hours.

The Commission ordered McGraw Davisson Stewart, Inc., and Joseph R. McGraw be formally reprimanded and assessed an administrative fine of \$500 each; and McGraw Davisson Stewart, Inc. (BO) and Thomas L. Forbes be formally reprimanded and assessed administrative fines of \$500 on Count-1, and \$500 on Count-2 (total of \$1,000 each).

JUNE 2006

C-2005-45 – Mildred D. Kirby (B), from Mineral Wells, Texas: Commission found Ms. Kirby in violation of Title 59 O.S. §858-312, Subsections 2 and 9 and Rule 605:10-17-4(12). Ms. Kirby was licensed as a broker until April 30, 2003, when her license lapsed, and her license was not reinstated until April 21, 2005. She engaged in licensable activities while unlicensed entering the state of Oklahoma to obtain a listing agreement on property with the expectation of receiving a fee/commission. Ms. Kirby made substantial misrepresentations that led to the Complainant to believe that she was a licensed broker in Oklahoma.

The Commission ordered that Mildred D. Kirby be formally reprimanded and assessed administrative fines of \$2,000 (\$1,500 for engaging in licensable activity while unlicensed; and \$500 for making substantial misrepresentations to Complainant). Due to the failure of fines being paid within the stated time period, the license of Mildred Kirby was revoked.

C-2005-76 – Ashley Renee Potter (SA - Inactive), from Enid: Commission found Ms. Potter in violation of Title 59 O.S. §858-312, Subsections 8 and 9. Potter submitted false and inaccurate information to the Commission in an attempt to mislead the investigation, advising the investigators that another individual, unbeknownst to her, had placed stolen items in her diaper bag which led to her Larceny arrest and conviction; however, records of the District Court Clerk of Garfield County indicated that she acted alone in the commission of the crime.

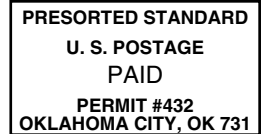
The Commission ordered the license of Ashley Potter suspended for a period of twenty-four (24) months.

C-2005-49- Beverly L. (Wright) White (B), from Luther: Commission found Ms. White in violation of Title 59 O.S. §858-312, Subsections 2, 6, 8 and 9; and Rules 605:10-17-4(6); 605:10-13-1(a)(1)(E),

continued on page 8

OKLAHOMA REAL ESTATE COMMISSION

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Special Notice: The Commission will no longer provide continuing education hour information on the mailing label. A project is currently being developed to allow all licensees access (through the Commission's website) to their continuing education hours. We anticipate this project being completed by the end of the year. We appreciate your patience.

DISCIPLINARY ACTIONS *continued from page 7*

and 605:10-13-1(e). Respondent failed to supervise the activities of an associate; failed to insure the integrity of the trust account; and failed to notify the Commission, in writing, that the trust account had been closed.

The Commission ordered that Beverly White be formally reprimanded and assessed a fine of \$750 (\$250 on each count).

C-2005-37 – Jerry D. Evans (B) and Mina Lynn Patton (SA), from Edmond: Commission found Respondent Evans in violation of Title 59 O.S. §858-312, Subsections 8 and 9; and Rule 605:10-17-4(9), when he failed to file a written response to the complaint and failed to appear at the formal hearing.

Respondent Patton was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9; and Rules 605:10-17-4(12) and 605:10-17-4(9), when she altered the content of the Sellers' counteroffer prior to submitting it to the Buyers. She also advertised and conducted business under an unregistered trade name.

The Commission ordered that Jerry Evans be assessed an administrative fine of \$500, and that Mina Lynn Patton be assessed administrative fines of \$700 (\$500 Count-1 and \$200 Count-2).

C-2005-78 – William Henry Kelley (B) and Glen Ray Jones (SA), from McAlester: Commission found Respondents in violation of Title 59 O.S. §858-312, Subsections 6, 8 and 9; and Rules 605:10-13-1(a, 1,D), 605:10-7-4(12) and 605:10-17-4(8), when they failed to collect \$500 earnest money from Buyer, and failed to prepare a written agreement between Buyer and Seller that said funds would not be deposited; failed to prepare a written extension of the contract after the contract had expired when they knew that Buyer and Seller intended to honor the contract; and failed to provide good faith estimates to Buyer and Seller.

The Commission ordered that William Kelley and Glen Jones each be formally reprimanded.

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E-2005-01 – Gerald Wayne Weatherford (B), from Idabel: Commission found Respondent in violation of Title 59 O.S. §858-312, Subsections 8 and 9, and Rules 605:10-17-4(6), which constitutes improper conduct as defined in Rule 605: 10-5-1.1(I).

The Commission ordered that Gerald Weatherford's Real Estate Instructor Approval status be revoked without prejudice to reapplication.

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