



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-41A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
400 N.E. 50th St.
Oklahoma City, OK 73105-1816

November 14, 2023

Re: Bryce A. Gaden, Complaint No. 22-012

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Real Estate Appraiser Board intends to take in case 22-012.

The Oklahoma Certified Real Estate Appraisers Act authorizes the Board, upon finding a violation of the Act or Board rules, to suspend an appraiser's certificate, require completion of educational programs and order an appraiser to pay legal fees and costs expended by the Board. *See* 59 O.S.2021, § 858-723(A)(2), (7), (9). The Act requires licensed appraisers to adhere to the Uniform Standards of Professional Appraisal Practice ("USPAP"), which contains professional requirements pertaining to ethics, competency, and scope of work. 59 O.S.2021, § 858-726. The Board may discipline licensees who (1) violate "the standards for the development or communication of real estate appraisals as provided in the . . . Act[.]" (2) fail or refuse to "exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal[.]" (3) are negligent or incompetent "in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal[.]" or (4) violate any provisions of the Act. 59 O.S.2021, § 858-723(C)(6-9).

According to the Board's findings, Respondent performed an appraisal in October 2021 that failed to meet the required USPAP standards, resulting in a misleading, non-credible appraisal report supported by inadequate, incomplete, or no analysis. Finding clear and convincing evidence of violations of the Act, the Board proposes to: (1) suspend Respondent's license for three hundred sixty-five (365) days; (2) require Respondent to complete 75 hours of corrective education courses (not eligible for continuing education credit); and (3) require Respondent to pay legal fees and costs. Failure to comply with these requirements will result in Respondent's appraisal credential being suspended immediately without further Board action. The Board may reasonably believe that the proposed action is necessary to prevent future violations.

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

A blue ink signature of Rob Johnson, written in a cursive style.

ROB JOHNSON
General Counsel