

# OKLAHOMA REAL ESTATE COMMISSION

## REGULAR BUSINESS MEETING

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

**DECEMBER 8, 2021**

### AGENDA

#### OPENING OF BUSINESS MEETING

1. Call to Order at 9:30 am
2. Invocation and Pledge of Allegiance
3. Approval of September 14, 2021 Meeting Minutes
4. Public Participation (“Open Topic”)
5. The Commission may vote to approve, disapprove, or take other action on any item listed on this Agenda

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#### FORMAL ACTIONS

### APPLICANT APPEAL

#### **A-2021-04: Donna Ruiz (PSA)**

The Commission denied Ms. Ruiz’s application on November 3, 2021, because of information provided and gathered by the Investigations Department, which revealed she had been convicted of a felony offense of obtaining money under false pretense and larceny of a check on January 29, 2003 in Fairfax, Virginia. The disposition was incarceration five (5) years for each count, suspended sentence of five (5) years and ordered to pay restitution of \$11,196.80.

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

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

## DISCIPLINARY ACTIONS

### CONSENT ORDERS

#### **C-2021-246: EXP, Realty, LLC, Kathleen Fowler (MB) and Alysia Cook (SA)**

Possible violation(s) by **Respondents EXP Realty, LLC, and Kathleen Fowler:**

- a. **Title 59, O.S. §§ 858-312(8)-(9) and Okla. Admin. Code § 605:10-17-4(6)**, in that **Respondents EXP Realty, LLC and Kathleen Fowler** failed to properly supervise the activities of Respondent Cook as she advertised using an unregistered team name.

**Alysia Cook** is possibly in violation of the following:

- a. **Title 59, O.S. §§ 858-312(9) and Okla. Admin. Code § 605:10-9-3.2(d)**, as Respondent Cook advertised using an unregistered team name “Alysia Cook Real Estate Team”.

**Consent: Respondent EXP, Realty, LLC** hereby consents to an administrative fine of **Five Hundred Dollars (\$500)**. **Respondent Kathleen Fowler** is **dismissed** from this complaint. **Respondent Alysia Cook** hereby consents to an administrative fine of **Five Hundred Dollars (\$500)**.

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

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

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#### **C-2021-210: Abercrombie Properties, LLC, Hugh Abercrombie (MB), and Angela Abercrombie (Unlicensed)**

Possible violation(s) by **Respondents Abercrombie Properties, LLC, and Hugh Abercrombie:**

- a. **Title 59, O.S. §§ 858-301, 858-312(7), (8), and (9), 858-301 and Okla. Admin. Code § 605:10-17-4(21)**, as Respondents failed to properly supervise the activities of an unlicensed assistant and allowed the unlicensed assistant to perform real estate activities requiring a license.

Possible violation(s) by **Respondent Angela Abercrombie:**

- a. **Title 59, O.S. §§ 858-301,858-312(8)-(9), and 858-401**, as Respondent engaged in licensable real estate activities without a valid Oklahoma real estate license and may have received a commission or other valuable consideration from such activities.

**Consent:** Respondent Abercrombie Properties, LLC and Hugh Abercrombie hereby consent to an administrative fine of **Five Hundred Dollars (\$500)**. Respondent Angela Abercrombie hereby consents to an administrative fine of **Five Hundred Dollars (\$500) and agrees to refrain from further unlicensed activity without first obtaining a valid Oklahoma real estate license.**

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

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

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**C-2021-202: Eagle Realty – The Morley Group, LLC and Greg Morley (MB)**

Possible violation(s) by **Respondents Eagle Realty - The Morley Group, LLC, and Greg Morley:**

- a. **Title 59, O.S. §§ 858-301, 858-312(8)-(9), 858-401**, as Respondents failed to renew a business entity license and allowed agents and the business entity to engage in licensable real estate activities without a valid business license while earning commissions or valuable consideration while the business entity license of the brokerage lapsed.

**Consent:** Respondent Eagle Realty - The Morley Group, LLC hereby consents to an administrative fine of **Five Thousand Dollars (\$5,000)**. Respondent Greg Morley must submit written policy and procedure changes to the Commission demonstrating steps the brokerage will take to avoid license renewal compliance issues moving forward. Respondent Greg Morley (MB) must attend a Commission sponsored webinar on utilizing the public registry and business license portal.

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

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

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**C-2021-182: Divine Realty, LLC, Tracy Leak (MB) and John Leak (SA)**

Possible violation(s) by **Respondents Divine Realty, LLC, and Tracy Leak:**

- a. **Title 59, O.S. §§ 858-312(8)-(9) and Okla. Admin. Code § 605:10-17-4(6) and Okla. Admin. Code § 605:10-17-4(21)**, as Respondents Divine Realty, LLC and Tracy Leak (MB) failed to properly supervise the activities of Respondent John Leak by allowing him to continue practicing licensable real estate activities with a lapsed real estate license.

Possible violation(s) by **Respondent John Leak:**

- a. **Title 59, O.S. §§ 858-301, 858-312 (8)-(9) and 858-401**, as Respondent John Leak engaged in licensable real estate activities and earned commissions or valuable consideration without an active Oklahoma real estate license.

**Consent: Respondent Divine Realty, LLC hereby consents to an administrative fine of One Thousand Dollars (\$1,000). Respondent Tracy Leak (MB) hereby consents** to submission of written policy and procedure changes to demonstrate steps the brokerage will implement to avoid license renewal and supervision issues moving forward. **Respondent John Leak (SA) hereby consents to an administrative fine of Two Thousand Dollars (\$2,000) and** must attend a Commission sponsored webinar on utilizing the public registry portal for maintaining and reviewing an individual real estate license.

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

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

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**C-2021-186: Jackson & Associates Realty, LLC and James Jackson (MB)**

Possible violation(s) by **Respondents Jackson & Associates, Realty, LLC, and James Jackson:**

- a. **Title 59, O.S. §§ 858-301, 858-312(8)-(9), 858-401 and Okla. Admin. Code § 605:10-17-4(21)**, as Respondents engaged in licensable real estate activities and earned commissions or valuable consideration while the business entity license of the brokerage was expired/lapsed.

**Consent: Respondent Jackson & Associates Realty, LLC** hereby consents to an administrative fine of **Two Thousand Five Hundred Dollars (\$2,500)**. **Respondent James Jackson (MB)** must submit written policy and procedure changes to the Commission demonstrating steps the brokerage will take to avoid license renewal compliance issues moving forward. Respondent Jackson must also attend a Commission sponsored webinar on utilizing the public registry and business license portal.

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

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

**C-2021-179: Exp Realty, LLC, Kathleen Fowler (MB) and Lauren Penrod (SA)**

Possible violation(s) by Respondents **EXP Realty, LLC, and Kathleen Fowler:**

- a. **Title 59, O.S. §§ 858-312(8)-(9), and Okla. Admin. Code § 605:10-17-4(6) and Okla. Admin. Code § 605:10-17-4(21)**, as Respondents failed to properly supervise the activities of Respondent Penrod by allowing her to continue practicing licensable real estate activities with a lapsed real estate license.

Possible violation(s) by **Respondent Lauren Penrod:**

- a. **Title 59, O.S. §§ 858-301 and 858-401**, as Respondent Penrod (SA) engaged in licensable real estate activities and earned commissions or valuable consideration without an active Oklahoma real estate license.

**Consent: Respondent EXP Realty, LLC** hereby consents to an administrative fine of **One Thousand Dollars (\$1,000)**. **Respondent Kathleen Fowler** hereby consents to submission of written policy and procedure changes to the Commission demonstrating steps the brokerage will take to avoid license renewal compliance issues moving forward. Respondent Lauren Penrod consents to an administrative fine **Two Thousand Dollars (\$2,000) and** must attend a Commission sponsored webinar on utilizing the public registry and license portal for maintaining and renewing her individual real estate license.

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

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

**C-2021-119: LBWS Owasso, Inc., Julie Smith-Pittman (MB) and Amber Post (SA)**

Possible violation(s) by **Respondents LBWS Owasso, Inc. and Julie Smith-Pittman:**

- a. **Title 59, O.S. §§ 858-312(8)-(9) and Okla. Admin. Code § 605:10-17-4(6) and Okla. Admin. Code § 605:10-17-4(21)**, as Respondents failed to properly supervise the activities of Respondent Post by allowing her to continue practicing licensable real estate activities with a lapsed provisional sales associate license.

Possible violation(s) by **Respondent Amber Post:**

- a. **Title 59, O.S. §§ 858-301 and 858-401**, as Respondent Post engaged in licensable real estate activities and earned commissions or valuable consideration without and active Oklahoma real estate license.

**Consent: Respondent LBWS Owasso Inc. hereby consents to an administrative fine of Five Thousand Dollars (\$5,000). Respondent Smith-Pittman hereby consents to: (1) an administrative fine of Five Hundred Dollars (\$500), (2) submission of policy and procedure changes to the Commission demonstrating steps the brokerage will take to avoid license renewal compliance issues moving forward, and (3) attendance of a Commission sponsored webinar in utilizing the public registry, and managing broker license portal. Respondent Post hereby consents to an administrative fine of Eight Thousand Dollars (\$8,000) and must attend a Commission sponsored webinar on utilizing the public registry and license portal for maintaining and renewing her individual real estate license.**

**~END OF FORMAL ACTIONS~**

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**CASE EXAMINER REPORTS**

**C-2021-90: Gottlich, LLC, Brian Rowland (MB) and Erica Mataya (SA)**

Possible violation(s) by **Respondent Erica Mataya:**

- a. **Title 59, O.S. §§ 858-312 (8)**, as Respondent may have conducted herself in a manner which may have been improper, fraudulent, or dishonest by unilaterally modifying a document without the knowledge and written approval of all parties to the transaction.
- b. **Title 59, O.S. §§ 858-312 (2)**, in which, Respondent may have made a substantial misrepresentation in the conduct of business which was intended to persuade the title company to pay funds to her client by unilaterally modifying a document without the knowledge and written approval of all parties to a transaction.
- c. **Title 59, O.S. §§ 858-312 (9)**, in which, Respondent may have disregarded or violated a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by obtaining funds for her client by unilaterally modifying a document without the knowledge and written approval of all parties to the transaction.

**Recommendation:** Respondents Gottlich, LLC and Brian Rowland should be dismissed from the complaint. Respondent Erica Mataya should be scheduled for a formal hearing.

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**C-2021-33: Clear Choice Realty & Auction, LP, Alice Fuller (MB) and Tami Utsler (SA)**

Possible violation(s) by **Respondents Clear Choice Realty & Auction, LP and Alice Fuller:**

- a. **Title 59, O.S. §§ 858-212 (8)-(9)**, in which, Respondents may have been guilty of conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by disregarding or violating OREC Code or Rules.
- b. **Title 59, O.S. §§ 858-312 (8)-(9) and Okla. Admin. Code § 605:10-13-1(a)(1)**, in which, Respondents may have failed to ensure that earnest money funds were maintained in an escrow or brokerage account until the transaction was terminated or proper accounting made.
- c. **Title 59, O.S. §§ 858-312 (8)-(9) and Okla. Admin. Code § 605:10-17-4(6)**, in which, Respondents may have failed to properly supervise the activities of an associate by ensuring the earnest money funds were timely collected and deposited as required by the contract.

Possible violation(s) by **Respondent Tami Utsler:**

- a. **Title 59, O.S. §§ 858-353(B)(2)**, in that, **Respondent Tami Utsler** may have failed to keep parties informed regarding the transaction.
- b. **Title 59, O.S. §§ 858-212(8)-(9)**, in which, **Respondent Tami Utsler** may have been guilty of conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings by disregarding or violating the OREC Code or Rules.

- c. **Title 59, O.S. §§ 858-212(8)-(9) and Okla. Admin. Code § 605:10-13-1(a)(1)**, in which, Respondent Tami Utsler may have failed to ensure that earnest money funds were maintained in an escrow or brokerage account until the transaction was terminated or proper accounting made.

**Recommendation:** Respondents Clear Choice Realty & Auction, PL, Alice Fuller and Tami Utsler should be scheduled for a formal hearing.

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**C-2021-123: McGraw Davisson Stewart, LLC, Patrick Countryman (BB) and Adam Coleman (SA)**

Possible violation(s) by **Respondents McGraw Davisson Stewart, LLC, and Patrick Countryman:**

- a. **Title 59, O.S. §§ 858-212(8)-(9)**, in which, Respondents may have been guilty of conduct which constitutes untrustworthy or improper dealings by disregarding or violating the OREC Code or Rules.
- b. **Title 59, O.S. §§ 858-312(8)-(9) and Okla. Admin. Code § 605:10-17-4(6)**, in which, Respondents may have failed to properly supervise the activities of an associate by ensuring the earnest monies were timely collected and deposited as required by the contract.

Possible violation(s) by **Respondent Adam Coleman:**

- a. **Title 59, O.S. §§ 858-312(8)-(9), in which, Respondent Adam Coleman** may have been guilty of conduct which constitutes untrustworthy or improper dealings by disregarding or violating the OREC Code or Rules.
- b. **Title 59, O.S. §§ 858-212(8)-(9) and Okla. Admin. Code § 605:10-13-1(a)(1)**, in which, Respondent may have failed to collect and deposit earnest money funds.

**Recommendation:** Respondents McGraw Davisson Stewart, LLC, Patrick Countryman and Adam Coleman should be scheduled for a formal hearing.

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**C-2021-091: Margaret Barton & Assoc., Real Estate, Inc., Salome Cruz Vargas and Margaret Barton**

Possible violation(s) by **Respondents Margaret Barton & Assoc. Real Estate and Salome Cruz Vargas:**



- a. **Title 59, O.S. §§ 858-212(8)-(9) and Okla. Admin. Code § 605:10-17-4(6)**, in that, Respondents Margaret Barton & Assoc. Real Estate, Inc. Estate Inc and Salome Cruz Vargas may have engaged in conduct which disregarded or violated a provision of the Oklahoma Real Estate License Code or Rules.

Possible violation(s) by **Respondent Margaret Barton:**

- a. **Title 59, O.S. Section 858-312(8,9) and Okla. Admin. Code § 605:10-17-4(12)**, in that Respondent Margaret Barton may have disregarded or violated a provision of the Oklahoma Real Estate License Code or rules, when she drafted a purchase contract following a verbal agreement that included terms that were not previously agreed upon in such verbal agreement.

**Recommendation:** The Case Examiner recommends that the complaint against Respondents Margaret Barton & Assoc., Real Estate, Inc., Salome Cruz Vargas, and Margaret Barton be dismissed and that the Commission abstain from any involvement in potential civil dispute between Complainant and Respondent Barton.

## GENERAL BUSINESS

1. Executive Director's Report:
  - a. OREC Operations Update
  - b. Legislative Working Group Update
  - c. Wholesale Legislation & Rules Update
  - d. ARELLO Update
  - e. 2022 Administrative Rules
  - f. 2022 Proposed Commission Calendar
2. Review, Discussion and Possible Vote to Adopt 2021-2022 Contract Forms Committee Proposed Contract Updates

## FINANCIAL & FISCAL

Monthly Financial Report – Deputy Director, Bailey Crotty

## EDUCATION & LICENSING

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

## **NEW BUSINESS**

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

## **UPCOMING MEETING DATES** (Subject to Change)

March 9<sup>th</sup>, 2022

## **ADJOURNMENT**

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