

OKLAHOMA REAL ESTATE COMMISSION

REGULAR BUSINESS MEETING

Oklahoma Department of
Libraires
200 NE 18th Street
Oklahoma City, Oklahoma 73105-4915

March 9, 2022

AGENDA

OPENING OF BUSINESS MEETING

1. Call to Order at 9:30 am
2. Invocation and Pledge of Allegiance
3. Approval of December 8, 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

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 July 9, 2004, 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. Ms. Ruiz completed all probation terms and received restoration of the right to vote, hold public office, serve on a jury and to be a notary on September 28, 2017.

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*

A-2022-01 Blake Ferguson (PSA)

The Commission denied Mr. Ferguson's application on January 13, 2022, because of information provided and gathered by the Investigations Department, which revealed Mr. Ferguson had been convicted of a federal felony offense of bank fraud on November 6, 2017. The disposition was 31 months for counts 1-4, and five (5) years supervised release. Mr. Ferguson received a termination of supervised release on November 7, 2021.

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-2021-289: Tucasa Realty, LLC, Tomas Barrientos (MB), Karah Brown (SA) and F&G Holdings, LLC (Unlicensed)

Violation(s) by Respondents **Tucasa Realty, LLC**, and **Tomas Barrientos (MB)**:

- a. **Title 59, O.S. §§ 858-312 (8)-(9); Okla. Admin. Code § 605:10-17-4(12) and Okla. Admin. Code § 605:10-17-4(17)**, as Respondents disregarded or violated provisions of the Oklahoma Real Estate License Code or Administrative Rules promulgated by the Commission by failing to properly supervise the property management activities of an associate, as they allowed their sales associate to conduct property management business for others, including the managing broker, through an unlicensed and unregistered business entity.

Possible violation(s) by Respondent **Karah Brown (SA)**:

- a. **Title 59, O.S. §§ 858-312 (8)-(9) and Okla. Admin. Code § 605:10-17-4(12)**, as Respondent may have disregarded or violated provisions of the Oklahoma Real Estate License Code or Administrative Rules promulgated by the Commission by operating a property management business outside of the brokerage in which she is licensed. Respondent Brown (SA) also may have accepted commissions or other valuable consideration as a real estate associate outside of her supervising broker with whom she is associated, in violation of 59 Okla. Stat. § 858-312(4).

Consent: Respondent Tucasa Realty, LLC is dismissed from this complaint. Respondent Tomas Barrientos (MB) hereby consents to the payment of a Four Thousand Dollar (\$4,000) Administrative Fine and agrees to appear before the Commission to provide testimony, if necessary, in the formal hearing with Respondent Karah Brown (SA). Respondent Karah Brown (SA) shall be sent to a formal hearing. Respondent F&G Holdings, LLC (Unlicensed) shall be sent to a formal hearing.

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-2021-297: Sunbelt Group, Inc., Stan Miller (BB) and Sarah Jones (SA)

Possible violation(s) by Respondents **Sunbelt Group, Inc., and Stan Miller:**

- a. **Title 59, O.S. §§ 858-312 (8)-(9) and Okla. Admin. Code § 605:10-17-4 (6) and Okla. Admin. Code § 605:10-14-4(21)**, as Respondents failed to properly supervise the activities of Respondent Jones (SA) by allowing her to continue practicing licensable real estate activities without an active real estate license on 6 transactions.

Possible violation(s) by Respondent **Sarah Jones:**

- a. **Title 59, O.S. §§ 858-301 and 858-401, Okla. Admin. Code § 605:10-17-4(12)**, as Respondent Jones engaged in licensable real estate activities and earned commissions or valuable consideration without an active Oklahoma real estate license.

Consent: Respondent Sunbelt Group Inc. hereby consents to an Administrative Fine of One Thousand Dollars (\$1,000). Respondent Stan Miller (BB) hereby consents to: (1) an Administrative Fine of Two Thousand Dollars (\$2,000), and (2) attendance at a Commission sponsored webinar on utilizing the public registry and broker license portal. Respondent Sarah Jones (SA) hereby consents to an administrative fine of Three Thousand Dollars (\$3,000) and must attend a Commission sponsored webinar on utilizing the public registry and license portal for maintaining and renewing her individual real estate license.

C-2021-274: O’Neal Real Estate, LLC, Laura O’Neal (MB and Mark McGuire (SA)

Possible violation(s) by Respondents **O’Neal Real Estate** and **Laura O’Neal**:

- a. **Title 59, O.S. §§ 858-312 (8)-(9) and Okla. Admin. Code § 605:10-17-4 (19) and Okla. Admin. Code 605:10-17-4 (21)**, as Respondents failed to properly supervise the activities of Respondent Mark McGuire (SA) by allowing him to continue practicing licensable real estate activities without an active real estate license.

Possible violation(s) by Respondent **Mark McGuire**:

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

Consent: Respondent O’Neal Real Estate, LLC hereby consents to an Administrative Fine of One Thousand Dollars (\$1,000). Respondent Laura O’Neal hereby consents to attend a Commission webinar on how to use the public registry and License Portal to supervise license renewals and expirations within her brokerage. Respondent Mark McGuire hereby consents to an Administrative Fine of Two Thousand Five Hundred Dollars (\$2,500).

C-2021-296: ABW Edmond, Inc., Susan Miller (MB) and Kingsley Tazinya (SA)

Possible violation(s) by Respondent **Kingsley Tazinya**:

- a. **Title 59, O.S. §§ 858-312 (20) and Okla. Admin. Code § 605:10-17-4(22)**, as Respondent Tazinya performed licensable real estate activities outside of his broker’s supervision and may have advertised to buy, sell, rent, or exchange real estate without disclosing that he was the licensee/owner.

Consent: Respondent ABW Edmond, Inc. is hereby dismissed from this complaint. Respondent Susan Miller is hereby dismissed from this complaint. Respondent Kingsley Tazinya hereby consents to an administrative fine of Three Hundred and Fifty Dollars (\$350).

C-2021-272: Jonathan Krebs (BP) and Guillermo Gameros (Unlicensed)

Possible violation(s) by Respondent **Jonathan Krebs**:

- a. **Title 59, O.S. §§ 858-301, 858-312(8)-(9) and Okla. Admin. Code § 605:10-17- 4 (21), 605:10-7-8.3 (a)**, as Respondent Krebs violated or disregarded provisions of the Oklahoma Real Estate License Code and Administrative Rules promulgated by the Commission by: (1) advertising and conducting business in the name of a limited liability company while licensed as a sole proprietor, (2) advertising and conducting business using an unregistered trade name or unlicensed business entity name, and (3) failure to properly supervise the activities of an unlicensed assistant and allowing such unlicensed assistant to perform real estate activities requiring a license.

Possible violation(s) by Respondent **Guillermo Gameros (unlicensed)**:

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

Consent: Respondent Jonathan Krebs (BP) hereby consents to a **Nine Thousand Dollar (\$9,000)** Administrative Fine. **Respondent Guillermo Gameros** hereby consents to a **Five Hundred Dollar (\$500)** Administrative Fine **and** agrees to refrain from further unlicensed activity without first obtaining a valid Oklahoma real estate license.

C-2021-301: Mulinix, Inc., Peggy Wright (MB), Grady Carter (SA) and HomeBoy Real Estate (Unlicensed)

Possible violation(s) by Respondents **Mulinix, Inc. and Peggy Wright**:

- a. **Title 59 O.S. §§ 858-312(8)-(9) and Okla. Admin. Code § 605:10-17-4(6)**, as Respondents failed to properly supervise the activities of Respondent Carter as he advertised using an unregistered team / trade name.

Possible violation(s) by Respondent **Grady Carter**:

- a. **Title 59 O.S. § 858-312(9), and Okla. Admin. Code § 605:10-9-4(b)(3)**, as Respondent Carter advertised using an unregistered team name / trade name "Homeboy Real Estate".

Consent: Respondent Mulinix, Inc. hereby consents to an administrative fine of Four Hundred Dollars (\$400). **Respondent Peggy Wright (MB)** is dismissed from this complaint. **Respondent Grady Carter (SA)** hereby consents to an administrative fine of **Four Hundred Dollars (\$400)**.

**C-2022-08: H&W Realty, Inc., Gordon Watson (MB), Christie Green (SA),
Miranda Curl (Unlicensed) and Sandee Johnson (Unlicensed)**

Possible violation(s) by Respondents **H & W Realty, Inc., and Gordon Watson (MB)**:

- a. **Title 59 O.S. § 858-312(8)(9) and Okla. Admin. Code § 605: 10-17-4(6); Okla. Admin. Code § 605:10-9-3.2(d); Okla. Admin. Code § 605:10- 9-1(g)**, as Respondents **H &W Realty, Inc. and Watson** failed to properly supervise the advertising activities of Respondent **Green** as she advertised using an unregistered team name and allowed publications to go out referring to unlicensed assistants as co-listing agent(s).

Possible violation(s) by Respondent **Christie Green**:

- a. **Title 59 O.S. §§ 858-312(9) and Okla. Admin. Code § 605:10-9-3.2(d)**, as Respondent **Green** advertised using an unregistered team name "Homes by Breann".

Consent: Respondent H & W Realty, Inc. is dismissed from this complaint. **Respondent Gordon Watson (MB)** hereby consents to an Administrative Fine of **Four Thousand Dollars (\$4,000)**. **Respondent Christie Green (SA)** hereby consents to an Administrative Fine of **One Thousand Five Hundred Dollars (\$1,500)**. **Respondent Miranda Curl** is dismissed from this complaint. **Respondent Sandee Johnson** is dismissed from this complaint.

~END OF FORMAL ACTIONS~

CASE EXAMINER REPORTS

C-2021-88: The Property Center, LLC, Thomas Torossian (BM), Tucker McIntire, Ayden Capitol, LLC, and Alex Montee (BM)

Possible violation(s) by Respondent **Tucker McIntire**:

- a. **Title 59, O.S. §§ 858-312(8) and Okla. Admin. Code § 605:10-9-4(22)**, as Respondent may have conducted himself in a manner which constitutes untrustworthy, improper, fraudulent or dishonest, in that he may have been performing licensable activities outside his broker's supervision.
- b. **Title 59, O.S. §§ 858-353 (B)**, as Respondent may have failed to keep the party informed regarding the transaction.

Possible violation(s) by Respondents **Ayden Capitol** and **Alex Montee**:

- a. **Title 59, O.S. §§ 858-312 (8) Okla. Admin. Code § 605:10-17-4(23)**, as Respondents may have failed to maintain documents relating to a trust account or real estate transaction for the time period as required by *Okla. Admin. Code* 605:10-13-1(a)(1)(D) in that earnest monies were not deposited within the time period in either transaction.
- b. **Title 59, O.S. §§ 858-353(1)**, as Respondents may have failed to treat all parties with honesty and exercise reasonable skill and care in that Respondent McIntire assigned a purchase contract which was unassignable per paragraph one (1) of the contract.
- c. **Title 59, O.S. §§ 858-353(b)(2)**, as Respondents may have failed to keep the party informed regarding the transaction.
- d. **Okla. Admin. Code § 605: 10-17-4(9)**, as Respondents may have failed to file a written response to a complaint.

Recommendation: The Case Examiner is of the opinion that the Complaint against Respondents, The Property Center, LLC, and Thomas Torossian should be dismissed; and, that the Complaint against Respondents Tucker McIntire, Ayden Capitol, LLC, and Alex Montee should be scheduled for a formal hearing.

C-2021-158: Demetrice Clayton (SA), Steven B Homes, Inc., Brett Creager (MB, Salt Real Estate, Inc., Jason Soper (MB) and Salt Real Estate Partners, Inc.

Possible violation(s) by Respondent **Demetrice Clayton**:

- a. **Title 59, O.S. §§ 858-312(2)**, as Respondent may have made substantial misrepresentations or false promises in the conduct of business, or through real estate licensees, or advertising, which were intended to influence, persuade, or induce others.
- b. **Title 59, O.S. §§ 858-312(8)**, as Respondent may have engaged in behavior that constitutes untrustworthy, improper, fraudulent, or dishonest dealings.
- c. **Title 59, O.S. §§ 858-312(6)**, as Respondent may have failed within reasonable time, to account for or to remit any monies, documents, or other property coming into possession of the licensee which belong to others.
- d. **Title 59, O.S. §§ 858-312 and Okla. Admin. Code § 605:10-17-4 (12)**, as Respondent may have conducted a real estate transaction which demonstrates bad faith or incompetency.
- e. **Title 59, O.S. §§ 858-312 and Okla. Admin. Code § 605:10-17-4(17)**, as Respondent may have knowingly provided false or misleading information to the Commission during the course of an investigation.
- f. **Okla. Admin. Code § 605:10-17-4(22)**, as Respondent may have performed licensed real estate activities outside of her broker's supervision.

Recommendation: The Case Examiner is of the opinion that the Complaint against Respondents Steven B. Homes, Inc., Brett Creager, Salt Real Estate, Inc., Salt Real Estate Partners, Inc., and Jason Soper should be dismissed and that the Complaint against Respondent Demetrice Clayton should be scheduled for a formal hearing.

C-2021-289: Karah Brown (SA-Inactive) and F & G Holdings, LLC (Unlicensed)

Possible violation(s) by Respondent **Karah Brown (SA)**:

- a. **Title 59, O.S. §§ 858-312(8) and Okla. Admin. Code § 605:10-17-4(12)**, as Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent or dishonest dealings and disregarded or violated a provision of the Oklahoma Real Estate License Code or Rules promulgated by the Commission by demonstrating incompetency, as she knowingly operated a property management business outside of the agency in which she was licensed.
- b. **Title 59, O.S. §§ 858-312(8) and Okla. Admin. Code § 605: 10-17-4(22)**, as Respondent may have engaged in conduct which constitutes untrustworthy, improper, fraudulent or dishonest dealings and disregarded or violated a provision of the Oklahoma Real Estate

License Code or Rules promulgated by the Commission by performing licensed activities outside her broker's supervision, as she knowingly operated a property management business outside of the agency in which she was licensed.

Possible violation(s) by Respondent **F & G Holdings, LLC (unlicensed)**:

- a. **Title 59, O.S. §§ 858-201, 858-301 and 858-401**, as Respondent may have engaged in licensable real estate activities prior to obtaining the required real estate license by soliciting owners of properties for rent or lease and soliciting for prospective tenants within the State of Oklahoma and may have received a commission or other valuable consideration from those transactions.

Recommendation: The Case Examiner is of the opinion that the Complaint against Respondents, Karah Brown and F&G Holdings, LLC should be scheduled for a formal hearing.

GENERAL BUSINESS

1. Contract Forms Committee Nominations & Appointments
 - a. Commissioner Nominations and Possible Vote on Oklahoma Real Estate Commission Appointments to the Contract Forms Committee as required by *Okla. Admin. Code* 605:1-1-4(f).
2. Executive Director's Report
 - a. OREC Operations Update
 - b. Association of Real Estate License Law Officials (ARELLO) Update
 - c. Wholesaling Update
 - d. Legislative Update and Discussion

FINANCIAL & FISCAL

Monthly Financial Report – Deputy Director, Bailey Crotty

EDUCATION & LICENSING

Report and update on Education and Licensing, 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)

May 18th, 2022 (Venue Host: Oklahoma City Metro Association of Realtors)

July 13th, 2022 (Venue Host: Oklahoma Real Estate Commission)

ADJOURNMENT

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