



# Oklahoma Real Estate **Commission Comment**

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## **Fraud Alert**

The U.S. Department of the Treasury, Office of the Inspector General, recently issued a “Fraud Alert” to the National Association of REALTORS regarding the use of fraudulent promissory notes and bonds to attempt to purchase both real and personal property. The text of the alert is as follows:

“The Department of Treasury, Office of Inspector General (OIG) is investigating incidences whereby individuals are using fraudulent promissory notes and bonds to attempt to purchase vehicles and real estate. The OIG has been notified of numerous occurrences throughout the United States where fraudulent documents were used to attempt to purchase vehicles. Treasury/OIG has also been made aware of incidents in Arizona and Colorado where similar fraudulent documents were used to attempt to purchase homes and an office building.

The fraudulent documents are not referenced as “U.S. Treasury” bonds or promissory notes. They are referenced as “personal promissory note” and “private offset bond”; however, they have the name of Henry Paulson, Secretary, U.S. Treasury on the face of the documents.

Treasury OIG has learned that the only type of hardcopy bond issued by the U.S. Treasury that a citizen can purchase today is a savings bond. All other bonds are electronic and the buyer would not receive a hardcopy document. Finally, Paulson’s name should not appear on any document listed as a private bond or promissory note since these items are not backed or guaranteed by the U.S. Treasury.

If you have any information regarding this type of fraudulent activity, we request that you contact the Department of Treasury, Office of Inspector General (OIG), Office of Investigations Hotline at 1-800-359-3898 or email Hotline@oig.treas.gov. Realtors approached by a person giving these or similar circumstances should consider the potential for fraud. Should you suspect fraudulent activity, it is recommended that you immediately contact the OIG Hotline and your local law enforcement agency. Additional information regarding this and other similar fraud schemes can be found at the following Department of Treasury website:  
<http://www.treasurydirect.gov/instit/statreg/fraud/fraud.htm>.”

Examples of the specific notes and bonds referred to in the Fraud Alert may be located at:  
<http://www.treas.gov/inspector-general/fraud-alerts>.

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## **Special Alert**

### **Lake Properties are being managed by Persons Who Are Not Licensed or Who Do Not Possess the Proper Real Estate License**

It has come to the attention of the Real Estate Commission that numerous individuals are managing lake-side properties without possessing a proper real estate license. The management of lake properties for an owner requires a real estate broker license so that both the owner and tenant may benefit from the protections offered through the Oklahoma Real Estate License Code and Rules and other federal and state laws.

Licensed activities include, but not limited to, the solicitation for prospective tenants to lease or rent real estate owned by another person when such is done with the intent or expectation of receiving a fee, commission or valuable consideration. Further, licensed activities include the solicitation of owners for places to rent or lease if such is done with the intent or expectation of receiving consideration. In addition, if monies are collected that belong to the owner such must be deposited in a trust account registered in the name of such licensed broker.

If anyone has information regarding these types of activities being performed by:

- 1) an individual who is not licensed,
- 2) a licensee whose license is inactive; or
- 3) an associate who is performing these activities outside their managing broker,

please notify the Oklahoma Real Estate Commission at [www.orec.help@orec.ok.gov](mailto:www.orec.help@orec.ok.gov) or call toll free 1-866-521-3389.

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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 2009**

**NOVEMBER 2008**

**C-2007-091 – TAMMY R. HEIMS (SA)**  
– **CANADIAN:** Violations by Respon-  
dent: Title 59 O.S. §858-312, Subsections  
8, 9 and 19, in that she may have entered  
a plea of Nolo Contendere in the District  
Court of Pittsburg County, State of Okla-  
homa for the crime of embezzlement.

Tammy R. Heims consented to assess-  
ment of an administrative fine of Five  
Hundred Dollars (\$500.00) and a formal  
reprimand.

**C-2007-112 – ARLENE K. MARSH**  
**(SA) – MOORE:** Violations by Respon-  
dent: Title 59 O.S. §858-312, Subsection  
8 and Rule 605:10-17-4(12), in that she  
may have signed documents for a party  
in a transaction without first establishing  
a single-party relationship wherein she  
could perform activities for the benefit  
of the party, and Title 59 O.S. §858-351,  
Subsection 5, in that she may have oper-  
ated outside the scope of her relationship  
as a Transaction Broker by advocating for  
the benefit of the buyer.

Arlene K. Marsh consented to assess-  
ment of an administrative fine of One  
Thousand Dollars (\$1,000.00), a formal  
reprimand, and completion of three (3)

*continued on page 10*

**Chairman's Corner**

Summer is here and the weather and the real estate market in our state are heating up. We hear from all parts of the state that nearly every market is seeing the positive effects of the First Time Homebuyer Tax Credit.

This is good news; however, licensees (many for the first time) are dealing with short sales and foreclosures. The reality is that there are going to be a lot of them, they will be around for some time, and every licensee must make the special effort to educate themselves on the processes involved.

The potential short sale is a situation in which the seller owes more money on the loan than the sale of the property will likely produce on the market, and the seller is unable or unwilling to bring money to closing. These transactions require a great deal of patience and special expertise from licensees.

The benefits to a consumer of selling a house in a short sale situation vs. going through a foreclosure are numerous. The educated licensee's ability to assist a consumer with a potential short sale through the process and to a successful closing provides a great service to the consumer, our industry, and to the economy in our state. In most cases, short sales result in properties that are in better condition and selling for higher prices versus a foreclosure that has been sitting vacant for an extended period of time. This helps to keep our real estate values up in our state and protects our neighborhoods. Although it is complex, in most situations, the seller is in a better future financial and credit position in a short sale versus having a foreclosure on their record.

Another important factor to consider in a short sale vs. foreclosure property, relates to the disclosure of information in regard to the status of the property. On the one hand, an owner who has received notice that the house is in foreclosure proceedings must answer question numbers 38 and 39 on the Residential Property Condition Disclosure Form that relate to notices from any governmental/government sponsored entity or any other entity affecting the property and/or any threatened or existing litigation or lawsuits affecting the property, thus making the information public.

On the other hand, as long as a property owner has not received notice that the house is in foreclosure proceedings, the information pertaining to the status of the property falls within the definition of confidential information, as set forth in the Oklahoma Broker Relationship Act. The confidential information section references specific information that cannot be disclosed by the broker: (a) that a party is willing to pay more or accept less than what is being offered; (b) that a party is willing to financing terms that are different from those offered; and (c) the motivating factors of a party purchasing, selling, optioning or exchanging the property. However, confidential information may be disclosed if consent is granted by the party disclosing the information; the disclosure is required by law; or the information is made public or become public as the result of actions from a source other than the Broker.

It is strongly recommended that a broker obtain from the seller permission to disclose the short sale situation to a potential purchaser at the time of showing. Because a short sale will require the approval of the lender, this condition should be noted in the real estate purchase contract or an addendum to the contract. The Real Estate Commission is currently working on developing short sale addenda to help modify the Residential Sales Contract for the special conditions that a potential short sale creates.

It has been a pleasure and a privilege to serve as Chairman of the Oklahoma Real Estate Commission for the past year.



Mike Cassidy

## New Continuing Education Requirement for Managing Brokers, Branch Brokers and Proprietor Brokers

A managing broker, branch broker or proprietor broker whose original license or license renewal is issued on and after July 1, 2009 shall be required to successfully complete a Broker in Charge course consisting of fifteen (15) clock hours, or its equivalent, as approved by the Commission, each license term beginning with those licenses that expire on June 30, 2012. In addition, to complete the continuing education requirement of twenty-one (21) clock hours the broker must complete at least two (2) of the four (4) required core subject matter courses, equal to at least six (6) clock hours. The core subject matter courses are Fair Housing, Broker Relationships,

Professional Standards of Conduct (Ethics) and a Hot Topic (current laws and rules or current topic affecting the real estate industry).

The Commission will afford credit of attendance to all other licensees, with the exception of a provisional sales associate, to attend the 15 clock hour Broker in Charge course in lieu of them taking the required core subject matter courses – they must however, complete the remaining elective requirement to fulfill their 21 clock hour requirement. Questions can be directed by calling the Commission toll free at 1-866-521-3389 or by emailing [orec.help@orec.ok.gov](mailto:orec.help@orec.ok.gov).

## Commission to Implement an Online Program for Schools to Notify the Commission of a Licensee's Successful Completion of a Continuing Education Course

The Commission is almost ready to implement, in test mode, the online registration program that real estate schools will utilize to register a licensee's successful completion of a continuing education class, whether those occur in class or by way of distance education. We are following the lead of other jurisdictions who have implemented this process in an effort to streamline the notification process to the Real Estate Commission by school entities.

Currently, real estate schools are required to notify the Commission of a licensee's successful completion of a continuing education course within five (5) days. It is imperative that the

school notify the Commission as soon as possible due to such attendance affecting the licensee's license renewal and/or license activation request.

Ultimately, if a licensee needs the credit to be recorded prior to the five (5) day requirement, the licensee is responsible for providing the Commission evidence of their school completion certificate.

Please ensure that you receive an attendance certificate each time you successfully complete a continuing education course and maintain such for your records.

### Real Estate Commission Statistics for FY 2009

Online License Renewals- 15% each month

Number of Licensees - June 2008 23,198  
- June 2009 22,112

Current Lapsed Rate each month – 30%

New Licensees each month – 12%

Pending Education & Recovery Claims - 11

Licenses Revoked - 8

Unlicensed Activity Cases Opened - 15

Applicant Investigations - 57

Of the 22,112 licensees: 15,286 are active – 6,826 are inactive

Effective Date November 1, 2009

## Governor Henry Signs SB 602

The new law speaks to license applicants who have been convicted of a felony or have pled guilty or nolo contendere to a felony. The law sets out three different time periods that relate to felonies, and the severity thereof, and restricts the entry of such applicant into the real estate profession until such time period has been satisfied. Therefore, effective November 1, 2009, license applicants will be subject to this standard.

Further, effective November 1, 2009, *every licensed person shall notify the Commission in writing* of any felony conviction or plea of guilty or nolo contendere to any felony offense within thirty (30) days after the plea is taken and also within thirty (30) days of the entering of an order of judgment and sentencing. The law reads as follows:

**NEW LAW** A new section of law to be codified in the Oklahoma Statutes as Section 858-301.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any applicant convicted of any crimes defined in Section 13.1 of Title 21 of the Oklahoma Statutes shall not be eligible to obtain a real estate license within twenty (20) years of the completion of any criminal sentence, including parole and probation.

B. Any applicant convicted of a felony involving forgery, embezzlement, obtaining money under false pretense, extortion, conspiracy to defraud, fraud, or any other similar offense or offenses shall not be eligible to obtain a real estate license within ten (10)

years of the completion of any criminal sentence, including parole and probation.

C. Any applicant convicted of any other felony shall not be allowed to obtain a real estate license within five (5) years of the completion of any criminal sentence, including parole and probation.

D. For the purposes of this section, the term “applicant” shall mean any person making an application for original licensure as a provisional sales associate, sales associate, broker associate, or broker, and shall not apply to any licensee seeking renewal of a current license.

E. Any applicant with a felony conviction shall not automatically receive a license after the timelines set forth in this section, but may be licensed in accordance with the licensing provisions set forth in the Oklahoma Real Estate License Code and Rules.

**NEW LAW** A new section of law to be codified in the Oklahoma Statutes as Section 858-301.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

Every licensed person pursuant to the provisions of the Oklahoma Real Estate License Code shall notify the Commission in writing of the conviction or plea of guilty or nolo contendere to any felony offense within thirty (30) days after the plea is taken and also within thirty (30) days of the entering of an order of judgment and sentencing.

## Court Decisions Having an Effect on the Real Estate Industry



### Fair housing complaint costs firm \$120,000

(Elmhurst, Illinois) – An agent who invited his white buyer client to be a bigot has been told to pay part of a \$120,000 settlement to resolve a Fair Housing complaint.

RE/MAX East-West and former agent John DeJohn have agreed to pay the money to settle Justice Department allegations that they illegally steered prospective homebuyers to neighborhoods based on racial composition.

The original complaint was filed by the National Fair Housing Alliance (NFHA), which will receive the \$120,000.

The complaint said Hispanic testers found that DeJohn showed them only properties in Hispanic and African-American neighborhoods.

When working with a white tester, DeJohn reportedly said, “I don’t care if you are a bigot. If we go to an area and you don’t like it, just let me know. I can’t be a bigot but you can be one.” Volume 20, No. 03 – February 2009

### Despite history as rental, city says basement apartment is illegal

(Salt Lake City) – The Utah Court of Appeals has ruled that just because a home’s basement had been illegally rented out for decades, even with the general awareness of the city, it did not make it a legal living space.

In *Alicia Vial vs. the Provo City Board of Adjustment* (Case No. 20070663-CA, Utah Apls., May 2009), the city told Vial – who had just become the latest in a long line of owners – that she could not rent her basement.

Vial, a college student, had purchased the home and planned to live upstairs while renting out the basement apartment. She testified, and neighbors verified, that the basement had been rented out periodically since the home was built in the 1950s.

She also produced an inspection record from the early 1980s that showed the city was aware of the apartment but did nothing to stop the non-conforming use.

Nevertheless, both the trial court and appeals court ruled that despite the history, the neighborhood was not zoned for apartments and therefore she could not rent the space.

Volume 20, No. 06 – May, 2009

(Reprinted with permission from the *Agency Law Quarterly, Real Estate Intelligence Report*)

## Permanent Rules to be Effective July 11, 2009

Effective July 11, 2009, the following permanent rules will go in effect. Underlined language is new language and hyphenated through language is being deleted. The asterisks indicate that existing language exists; however, such was not amended. The License Code and Rules booklet has been updated on the website. If you have questions regarding these rules, please contact the Commission.

### Title 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

#### 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 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) 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
- (V) Law of Agency

(2) To qualify an applicant for examination and licensure as a broker, the course shall consist of at least 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) Broker Supervision
- (C) Establishing a Real Estate Office
- (D) Professional Development
- (E) Business, Financial, and Brokerage Office Management

- (F) ~~Office Financial Management~~ Oklahoma Broker Relationships
- (G) Anti-Trust and Deceptive Trade
- (H) Risk Management and Insurance
- (I) Mandated Disclosures, Hazards, and Zoning
- (J) Real Estate Financing
- (K) Specialized Property Operations and Specialty Areas
- (L) ~~Transaction Management~~ Trust Accounts and Trust Funds
- (M) Closing a Real Estate Transaction
- (N) Closing Statements
- (O) Professional Standards of Conduct
- (P) Property Ownership
- (Q) Land Use Controls and Regulations
- (R) Valuation and Market Analysis
- (S) Law of Agency
- (T) Contracts
- (U) Transfer of Property
- (V) Practice of Real Estate
- (W) Real Estate Calculations

(b) As evidence of an applicant's having successfully completed those education requirements as set forth in Section 858-304 of the Code, each applicant shall present a certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state jurisdiction.

\* \* \*

##### 605:10-3-5. Examinations

(a) **Applicant must appear in person.** When an application for examination has been submitted to the Commission, the applicant shall be required to appear in person, at a time and place to be designated by the Commission, and answer questions based on the required subject matter as prescribed elsewhere in the rules of this Chapter. ~~Unless otherwise directed by the Commission, all examinations will be conducted in Oklahoma City.~~ On and after August 1, 2001, each broker examination fee shall be Seventy-five Dollars (\$75.00) and each provisional sales associate/sales associate examination fee shall be Sixty Dollars (\$60.00).

(b) ~~Computer and written examinations~~ **Special Accommodations.** In the event a computer is available and in working order, the Commission shall administer the examination by computer. If an applicant requests to take the examination in a written form and a computer is available, a charge of Twenty Dollars (\$20.00) in addition to the regular examination fee will be assessed the applicant. In the event a written request is made by a handicapped individual, the Commission may waive the fee. In cases where special accommodations are necessary under the requirements of the Americans with Disabilities Act, applicants must notify the examination supplier in advance by submitting a written request, on a form prescribed by the Commission, describing the disability and necessary accommodations.

(c) **Failure to pass examination.** If an applicant fails to pass the examination prescribed by the Commission, the Commission may permit subsequent examinations upon receipt of a new examination fee for each examination to be attempted.

(d) **Applicant request to view failed examination.** An applicant who fails the examination may, ~~within thirty (30) days of the date of the examination, personally visit the Commission office and view his or her~~ has the option of reviewing their missed questions at the end of their examination. If, as a result of such viewing, the applicant is of the opinion incorrect grading was the cause for his or her receiving a failing grade, he or she may within ten (10) days request a review by the Commission of his or her examination. The purpose of such a review by the Commission shall be to determine whether or not such examination was correctly graded. An applicant may challenge the validity of any question(s) they identify as incorrectly graded. A challenge to a question that pertains to the Oklahoma law portion of the examination will be sent to the Commission by the examination supplier. A challenge to a question that pertains to the national portion will fall under the review policy of the examination supplier. In either case, both the examination supplier and/or the Commission shall have five (5) business days in which to review and issue a response to the applicant. Applicants will be allowed up to one (1) hour to review their exam and the applicant will not be allowed to test on the same day they review a failed examination. No notes, pencils, or electronic devices will be allowed during review nor will they be allowed to leave the examination area with the examination questions.

(e) **Application valid for one year.** The original examination application shall be valid for one (1) year from date of filing. ~~A request to write an examination submitted more than one (1) year from the most recent original application filing must be accompanied by a new original application form.~~ After such date, an applicant must complete a new original application form.

(f) **Passing percentile of examination.** A score of seventy-five percent (75%) or more shall be considered a passing grade on the broker or provisional sales associate/sales associate examination.

(g) **Validity period of examination results.**

(1) **Approved or incomplete application.** The results of an examination wherein an applicant scored a passing grade shall be valid for ~~ninety (90) days~~ one (1) year from the date of such examination.

(2) **Unapproved application.** The results of an examination wherein an applicant scored a passing grade shall be valid for ~~ninety (90) days~~ from the date the application has received final approval but shall not be valid for more than one year from the date of examination.

(h) **Extension of examination grade validity period.** An applicant may request in writing for an extension of the validity period, showing cause why such period should be extended. At the discretion of the Commission, such validity period may be extended.

(i) **(h) Disciplinary examination fee.** A fee shall be charged for an examination which is directed by Order of the Commission as disciplinary action.

(j) **Broker applicants.** A broker applicant who completes an entire broker examination and who is unsuccessful, may, if he or she retakes the examination within thirty (30) days, elect not to complete the written closing statement portion again, but be given his or her first written closing statement and re-enter his or her multiple choice closing statement answers.

#### 605:10-3-6. Continuing education requirements

\* \* \*

(e) **Entities allowed to seek approval.** The Commission may approve and/or accept any offering provided by an entity which meets the purposes, goals, and objectives of the continuing educa-

tion requirement. The Commission may accept the following offerings as proof of meeting the continuing education requirement:

(1) Any offering which is approved and presented by those entities enumerated in paragraph B, of 858-307.2 of the "Code".

(2) Any offering in real estate, or directly related area, approved and/or accepted by the real estate regulatory agency in another state; provided such offering is not excluded elsewhere in this Chapter.

(3) Any offering in real estate, or directly related area, not accepted in paragraphs (1) or (2) of this subsection, which can be determined by the Commission to be in compliance with the intent of the rules of this Chapter.

(4) Completion of an approved ~~seventy-five (75) ninety (90)~~ hour prelicense broker course or an approved ~~forty-five (45)~~ hour provisional sales associate postlicense course, or its respective equivalent as determined by the Commission shall suffice for 21-hours of continuing education credit for a licensee. An individual segment of an approved prelicense broker course or an approved provisional sales associate postlicense course shall suffice for continuing education credit provided such individual segment has also been separately approved for continuing education credit.

\* \* \*

(1) **Required number of continuing education hours.** The required number of continuing education hours for a licensee shall be as follows:

(1) ~~Beginning July 1, 1996, the number of continuing education hours needed by a licensee for license renewal, reinstatement or activation, with the exception of those exempt as set out in Title 59, O.S. Section 858-307.2, shall be twenty-one (21) clock hours of Commission approved subject matter, or its equivalent, as determined by the Commission. Each licensee shall be required to complete and include as part of said twenty-one (21) clock hours of continuing education nine (9) clock hours of courses conducted on required subjects as approved by the Commission.~~

(2) ~~As a condition of an active license renewal, each license with an expiration date of June 30, 2005 and thereafter, with the exception of those exempt as set out in Title 59, 858-307.2, shall provide evidence of completion of twenty-one (21) clock hours of Commission approved subject matter, or its equivalent, as determined by the Commission. Such hours shall have been taken during the license term preceding the license term for which the license is to be renewed, and wherein such hours have not been used for license activation or active reinstatement.~~

(3) ~~(1)~~ As a condition of a license activation or active reinstatement, each license with an expiration date of June 30, 2005 and thereafter, with the exception of those exempt as set out in Title 59, 858-307.2, shall provide evidence of completion of twenty-one (21) clock hours of Commission approved subject matter, or its equivalent, as determined by the Commission. Such hours shall have been taken in the same license term for which the license is to be issued, with the exception of a licensee whose hours were not used in the preceding license term. In that case, the hours taken in the preceding license term shall count towards an applicable license activation or active reinstatement.

(4) ~~(2)~~ Each licensee shall have completed of said twenty-one (21) clock hours of continuing education twelve (12)

clock hours of required subject matter as directed by the Commission.

(5) (3) The required subject matter, or its equivalent, as determined by the Commission, shall consist of all following subjects each license term: Professional Conduct, Broker Relationships Act, Fair Housing, and Current Issues including Code and Rule Updates. The remaining nine (9) clock hours may consist of elective subject matter as approved by the Commission.

(4) Any licensee may complete the Broker in Charge course as approved by the Commission consisting of fifteen (15) clock hours in lieu of the required subject matter.

(5) A licensee who maintains the license type of Broker Manager (BM), Proprietor Broker (BP), or Branch Broker (BB) during any portion of a license term shall be required to successfully complete the Broker in Charge course as approved by the Commission consisting of fifteen (15) clock hours, or its equivalent, as approved by the Commission, each license term beginning with those licenses that expire on June 30, 2012. In addition, to complete the continuing education requirement of twenty-one (21) clock hours such broker shall complete at least two (2) of the four (4) required subject matter, equal to at least six (6) clock hours, as referenced in paragraph (3) of this subsection.

#### SUBCHAPTER 5. INSTRUCTOR AND ENTITY REQUIREMENTS AND STANDARDS

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

\* \* \*

(e) **Instructor application and approval requirements.** An individual determined by the Commission to possess one or more of the following qualifications may, upon receipt of an application and evidence of education and/or experience, be considered for approval as an approved instructor. Each application for approval must be accompanied by a Twenty-Five Dollar (\$25.00) One Hundred Dollar (\$100.00) application fee, and documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In order to qualify, an individual must possess proof of one of the following:

(1) A bachelor's degree with a major in real estate from an accredited college or university.

(2) A bachelor's degree from an accredited college or university, and at least two (2) years active experience within the previous ten (10) years as a real estate broker.

(3) A real estate broker licensed in Oklahoma with a minimum of five (5) years active experience within the previous ten (10) years as a real estate broker and proof of high school education or its GED equivalent.

(4) An individual determined by the Commission to possess a combination of education and/or active broker experience in real estate or real estate related fields which constitutes an equivalent to ~~of~~ one or more of the qualifications in paragraphs (1), (2), or (3) of this subsection.

(f) **Course content examination.** Final approval will be considered after the instructor applicant has paid the appropriate examination fee and 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 fails to pass the examination prescribed by the Commission, the Commission may permit subsequent examinations upon receipt of the applicable examination fee for each examination to be taken. If an instructor applicant has successfully taken an applicable license 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.~~

\* \* \*

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

\* \* \*

(k) **Disciplinary action.** The Commission may withdraw or discipline as outlined in Title 59, O.S., Section 858-208, paragraph 6 the approval of a coordinator/director, instructor, offering or entity either on a complaint filed by an interested person or on the Commission's own motion, for any of the following reasons, but only after a hearing before the Commission and/or a Hearing Examiner appointed by the Commission:

(1) In the event the real estate license of an instructor and /or coordinator/director is revoked or suspended.

(2) Failure to submit all documents, statements and forms as may be reasonably required by the Commission.

(3) Falsification of records and/or applications filed with the Commission.

(4) False and/or misleading advertising.

(5) Failure to revise an offering so as to reflect and present current real estate practices, knowledge, and laws.

(6) Failure to maintain proper classroom order and decorum.

(7) Any conduct which gives the coordinator/director, instructor or entity presenting the offering an unfair advantage over other brokers and/or real estate companies.

(8) Failure to comply with any portion of the Code or rules of this Chapter.

(9) Any other improper conduct or activity of the director, instructor, or entity the Commission determines to be unacceptable.

\* \* \*

##### 605:10-5-3. Standards for Commission approved real estate courses

\* \* \*

(e) **Course examinations.** Every approved prelicense and postlicense course offering shall conclude with an end-of-course examination consisting of no less than one hundred and thirty (130) questions administered by the approved entity. Every approved distance continuing education course offering shall conclude with an end-of-course examination consisting of no less than ~~ten (10)~~ seven (7) questions for each clock hour. End-of-course examination questions may not be the same as any previously used questions covering the respective course content.

\* \* \*

(i) **Each entity must post notice.** Each entity must post or provide a notice that is easily observed by any person desiring to enroll in a prelicense course. The notice must at least include the following language: "If you have been convicted of any crime,

or if charges are pending, or if you have delinquent unpaid child support or ~~unpaid~~ student loans, please check with the Real Estate Commission before enrolling in this class. The Commission will allow you to seek preapproval prior to enrolling in a prelicense course.”

\* \* \*

## SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS

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

\* \* \*

#### (m) Licensed prior to effective date of national criminal history check and license expires however eligible for reinstatement.

(1) A Any 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. Therefore, upon receipt by the Commission, the license may be reactivated so long as appropriate reactivation forms and fees, as stated elsewhere in the rules, have been received by the Commission.

(2) A Provisional Sales Associate who fails to renew and/or complete the post licensing education requirement shall be eligible to apply under the requirement under paragraph (m) (1) of this section. However, after a period of five (5) years from the date of the license expiration such applicant shall no longer be eligible to apply under this section.

\* \* \*

### 605:10-7-9. Nonresident licensing

(a) **Nonresident licensed in another state jurisdiction.** A nonresident applicant may apply to the Commission for a license to operate as a nonresident by submitting all appropriate documents as required by the Commission and furnish evidence that the applicant possesses a current active license in their resident state jurisdiction or another state jurisdiction in which the applicant has qualified for a license. All nonresidents shall be required to complete the appropriate examination as required by the Commission. If, in the opinion of the Commission, there is question as to the competence of the nonresident applicant, such individual may shall be required to successfully complete additional educational courses and/or the Oklahoma examination. No inactive license experience may be credited to qualify under this Section. The Commission, at its discretion, may issue a nonresident license if, in the opinion of the Commission, such nonresident has qualified and maintains a license in another state jurisdiction and meets the following qualifications:

(1) A nonresident applicant who has been actively licensed as a sales associate or broker respectively for a minimum of two (2) years out of the previous five (5) years.

(A) A nonresident applicant that applies under this paragraph must complete and submit the following:

- (i) Appropriate application application(s) along with application fee.
- (ii) Certificate certification of licensure from the state(s) jurisdiction in which the applicant has held and/or currently holds a license.

(iii) Examination fee and successfully complete the state portion of the examination.

(iv) Consent for service of jurisdiction form.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state jurisdiction, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(2) A nonresident applicant who has been actively licensed less than two (2) years as a sales associate or broker respectively out of the previous five (5) years must successfully complete the appropriate examination.

(A) A nonresident applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application application(s) along with examination fee.

(ii) Certificate certification of licensure from the state(s) jurisdiction in which the applicant has held and/or currently holds a license.

(iii) Successfully Examination fee and successfully complete the entire appropriate examination.

(iv) Consent for service of jurisdiction form.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state jurisdiction, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(b) **Nonresident agreement.** The Commission may enter into a nonresident agreement with another state jurisdiction and thereby qualify actively licensed nonresident applicants for licensing in this state jurisdiction provided the Commission determines that the educational and experience requirements of the other state jurisdiction are equivalent or equal to this state jurisdiction.

(c) **Nonresident applicant that is inactive or unlicensed in another state jurisdiction.** A nonresident applicant that holds an inactive license in another state jurisdiction and is unable to meet the requirement under paragraph (a) of this section or an applicant who is unlicensed in another state jurisdiction may apply to the Commission for a license to operate as a nonresident provisional sales associate or broker by submitting all appropriate documents and successfully completing all requirements as required by the Commission.

(1) The nonresident applicant must complete and submit the following:

(A) Appropriate application application(s) along with examination fee.

(B) Qualify as an original applicant by submitting proof of appropriate required education.

(C) Successfully Examination fee and successfully complete the entire appropriate examination.

(D) If applicable, certificate certification of licensure from the state(s) jurisdiction in which the applicant has held a license.

(E) Consent for service of jurisdiction form.

(2) Upon the Commission granting approval to the nonresident applicant for licensure in this state jurisdiction, the applicant must complete and submit the following:

(A) Appropriate license application form(s) along with license and education and recovery fund fees.

(B) Consent for service of jurisdiction form.



\* \* \*

(e) **License history and application requirements.** Prior to the approval of the application, the nonresident must file with the Commission a ~~certificate~~ certification of licensure from the real estate licensing jurisdiction of the licensee's resident state jurisdiction and/or other state(s) jurisdictions in which the applicant has held or currently holds a license. The applicant shall ~~and~~ pay the Commission the same examination fee and license fee as provided in the "Code" "Rules" for the obtaining of a resident sales associate or broker license in this state jurisdiction. The ~~certificate~~ certification of licensure shall be valid for sixty (60) days from date of issuance.

(f) **Approved application valid for ninety (90) days.** An approved application shall be valid for ninety (90) days.

(g) **Stipulations.** Nonresident licenses granted under the provisions of this Section shall remain in force, ~~unless suspended or revoked by the Commission for just cause, or for failure to pay the renewal fee,~~ only as long as such nonresident remains licensed in good standing in this state jurisdiction, in his or her resident state jurisdiction and/or any other state jurisdiction in which the nonresident is or has been licensed.

(h) **Co-brokerage arrangements.** A broker of this state jurisdiction may participate in a cooperative brokerage arrangement with a broker of another state jurisdiction provided that each broker conducts real estate activities only in the state jurisdiction in which they are licensed.

(i) **Request for license transfer.** In the event a nonresident Oklahoma licensee desires to transfer the license and obtain a resident Oklahoma license or desires to transfer the license to another ~~state or~~ jurisdiction, the nonresident licensee shall be required to meet all applicable requirements and pay the appropriate change of address fee and submit all appropriate documents as required by the Commission. In the event a resident Oklahoma licensee desires to transfer the license and obtain a nonresident Oklahoma license, the licensee shall be required to pay the appropriate change of address fee and complete and submit all appropriate documents as required by the Commission.

(j) **Continuing education.** If a nonresident licensee satisfies a continuing education requirement in another state jurisdiction for license renewal, the Commission will exempt the nonresident licensee from the continuing education requirement in this state jurisdiction. In order to qualify for the exemption, the nonresident licensee must file with the license renewal of this state jurisdiction a certificate certification from the state jurisdiction in which the continuing education was satisfied stating that the nonresident licensee has completed the continuing education requirement for license renewal in that state jurisdiction. The certificate certification from the state jurisdiction verifying the nonresident's compliance with continuing education in the other state jurisdiction must be received by the Commission within sixty (60) days of issuance by the other state jurisdiction and must be received in conjunction with license renewal.

#### **605:10-7-10. Resident applicants currently or previously licensed in other states jurisdictions**

(a) **Requirements.** In order to qualify under previously licensed procedures, an applicant must complete and submit all appropriate documents as required by the Commission and furnish evidence that the applicant possesses or has possessed a license in good standing in another state(s) jurisdiction. ~~No inactive license experience may be credited to qualify under this Section.~~ The Commission, at its discretion, may issue the applicant a license if such previously licensed applicant meets all of the requirements of either paragraphs (1), (2), (3) or (4) of this subsection:

(1) If a nonresident agreement exists between Oklahoma and the jurisdiction in which the applicant qualified for a license, the Commission shall qualify the licensed applicant through the nonresident agreement. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state jurisdiction has not been inactive more than six (6) months prior to application to this state jurisdiction.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) ~~Appropriate application applications(s) along with application fee.~~

(ii) License certification from the state(s) jurisdiction in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state jurisdiction, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(2) If a nonresident agreement does not exist, the applicant shall be required to furnish evidence of two (2) years of active experience respectively as a sales associate or broker out of the previous five (5) years. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state jurisdiction has not been inactive more than six (6) months prior to application to this state jurisdiction.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) ~~Appropriate application application(s) along with application fee.~~

(ii) License certification from the state(s) jurisdiction in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state jurisdiction, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(3) An applicant who does not possess the required two (2) years active experience out of the previous five (5) years respectively as a sales associate or broker, or an applicant who does not meet all of the requirements of either paragraphs (1) or (2) of this subsection, but obtained the appropriate license in the other state jurisdiction within the past five (5) years, shall be required to take and successfully complete the entire appropriate examination.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) ~~Appropriate application application(s) along with examination fee.~~

(ii) License certification from the state(s) jurisdiction in which the applicant has held or currently holds a license.

(iii) Successfully Examination fee and successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state jurisdiction, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(4) An applicant who has not been actively licensed during any portion of the previous five (5) years in the other state jurisdiction shall be regarded as an original applicant; however, if an applicant successfully completed the appropriate real estate course approved in another state for real estate licensure and such course's duration is equivalent to Oklahoma's hourly course requirements, the applicant may be granted to sit for the appropriate examination and shall be regarded as an original applicant.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application application(s) along with examination fee.

(ii) License certification from the state(s) jurisdiction in which the applicant has held or currently holds a license.

(iii) Qualify as an original applicant by submitting appropriate required education.

(iv) Successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state jurisdiction, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a provisional sales associate, broker associate or broker license.

(b) May be required to submit to additional requirements. If, in the opinion of the Commission, there is question as to the competence of the previously licensed applicant, such individual may be required to submit to additional educational courses and/or the Oklahoma examination.

(c) ~~Application requirements.~~ Any applicant seeking to transfer his or her license to Oklahoma from another state must pay the required examination and regular license fee, whether or not the examination from the other state is accepted for substitution. Prior to the issuance of any license, the applicant must file with the Commission a certificate of licensure from the state(s) in which the applicant has held or currently holds a license. The certificate of licensure shall be valid for sixty (60) days from date of issuance. No inactive license experience may be credited to qualify under this Section. Such approved application shall be valid for ninety (90) days.

SUBCHAPTER 13. TRUST ACCOUNT PROCEDURES

605:10-13-1. Duty to account; broker

\* \* \*

(1) **Record retention.** A broker shall maintain all records and files for a minimum of five (5) years after consummation or termination of a transaction. In the case of trust account records the five years shall commence with the date of disbursal of funds. Records as referenced in this paragraph shall be destroyed in a secure manner.

\* \* \*

SUBCHAPTER 15. DISCLOSURES

605:10-15-4. Residential Property Condition Disclosure Act forms

(a) **Development and amendment of forms.** In accordance with Oklahoma Statutes, Title 60, Section 833 the Commission shall develop and amend by rule the forms for the Residential Property Condition Disclosure Statement and Residential Property Condition Disclaimer Statement. Effective November 1, 2003 July 11, 2008 the disclosure statement is amended and all disclosure forms executed prior to November 1, 2003 July 11, 2008 will remain in force and valid until expiration of the 180 days from the date noted thereon.

\* \* \*

**DISCIPLINARY ACTION** *continued from page 2*

hours of continuing education in the subject of Broker Relationships Act.

**C-2008-049 – LINSEY ELIZABETH YATES (SA) – FORT SMITH, ARKANSAS:** Violation by Respondent: Title 59 O.S. §858-312, Subsection 1, in that she made a materially false or fraudulent statement in an application for a license, as she failed to disclose her Driving While Intoxicated (DWI) conviction.

Linsey E. Yates consented to assessment of an administrative fine of Two Hundred Dollars (\$200.00) and a formal reprimand.

**C-2006-056 – RILEY AND ASSOCIATES LLC, DONALD W. RILEY (BP) – CHICKASHA, AND DAVID H. BRASSFIELD (SA) – POCASSET:** On August 5, 2008, the Hearing Examiner reported that no evidence

was presented to indicate that Respondents Riley and Associates LLC and Donald W. Riley violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Respondent David H. Brassfield was found in violation of Title 59 O.S. §858-312, Subsections 3 and Rule 605:10-15-2(a)(1), in that he failed to provide complainant with a broker relationship agreement and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-1(a)(1)(A), in that he failed to deposit the \$2,500.00 earnest money received in the transaction into a trust account.

It was ordered that the case against Respondents Riley and Associates LLC and Donald Riley be dismissed, and that the Oklahoma Real Estate Sales Associate License of Respondent David Brassfield be revoked.

**C-2008-012 – DONALD DEAN BELCHER (SA) – EDMOND:** On September 16, 2008 the Hearing Examiner reported that Respondent Belcher was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that he forged the signatures of his clients to Full Cancellations of Listing Forms in February of 2008.

It was ordered that Respondent Donald D. Belcher pay an administrative fine of One Thousand Dollars (\$1,000.00) and complete an additional six (6) hours of Continuing Education.

**C-2007-060 – LANE HARBISON DAVIS (SA) – OKLAHOMA CITY:** On March 4, 2008, the Hearing Examiner reported that Respondent Davis was found in violation of Title 59 O.S. §858-312, Subsection 15, in that he was convicted in the State of Texas of

the felony offense of “Improper Relationship between Educator and Student”.

It was ordered that the Oklahoma Real Estate Sales Associate license of Respondent Lane H. Davis be revoked.

#### JANUARY 2009

**C-2007-106 – BRENDA SUE PRENTICE (SA) – EUFAULA:** Violations by Respondent: Title 59 O.S. §858-312, Subsections 1, 8, 9 and 19, in that on January 16, 2007, she submitted an application for a real estate provisional sales associate or sales associate license and failed to disclose that on February 23, 2005, she entered a guilty plea and was convicted of the crime of embezzlement in the State of California.

Respondent Prentice consented to a formal reprimand, administration of fines totaling One Thousand Five Hundred Dollars (\$1,500.00) and three (3) hours of continuing education in the subject of Professional Standards.

**C-2007-107 – THOMAS MARTIN CODDING (SA) – DEL CITY:** Violations by Respondent:

Title 59 O.S. §858-312, Subsections 8, 9 and 15, in that on January 23, 2008 he plead guilty in the District Court of Oklahoma County, State of Oklahoma, to three (3) counts of willfully and knowingly operating a motor vehicle while under the influence of alcohol and to the charge of willfully and knowingly operating a motor vehicle after his driver’s license had been revoked.

Respondent Coddling consented to assessment of probation equal to the terms of his criminal proceeding, and submission of annual reports of the results from his random testing for drugs and/or alcohol until the end of his probation period (January 2014). Further, he consented to mandatory self-reporting of any probation violation and/or new arrest(s) or charges within ten (10) days of their occurrence.

**C-2008-014 – SANDRA LYNN SULLIVAN (SA) – CHOUTEAU:** Violations by Respondent: Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that she pled nolo contendere (“no contest”) to Embezzlement by Employee on January 23, 2008 in Mayes County, Oklahoma.

Respondent Sullivan consented to probation equal to the terms of her criminal proceeding, and will attend and complete three (3) hours of Continuing Education in the subject of Professional Standards and three (3) hours of Continuing Education in the subject of Laws and Rules. Further, she has consented to mandatory self-reporting of any probation violation and/or new arrest(s) or charges within ten (10) days of their occurrence.

**C-2008-035 – FRANKLIN DEWAYNE WORKMAN (BM) – ELGIN:** Violation by Respondent: Title 59 O.S. §858-312, Subsection 15, in that he pled “no contest” to Domestic Assault and Battery and received a one (1) year suspended sentence.

Respondent Workman consented to a formal reprimand and assessment of an administrative fine of Three Hundred Dollars (\$300.00).

**C-2005-070 – LARRY L. SELLS (BA) – OKLAHOMA CITY:** On May 30, 2008, the Hearing Examiner reported that Respondent Larry L. Sells was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 15, in that he was convicted of crimes of moral turpitude, they being Possession of Obscene Material Involving the Participation of a Minor Child Under the Age of Eighteen, and Distribution of Obscene Materials.

Respondent Sells was ordered to be placed on probation to run concurrent with the terms of his criminal probation and require him to self-report any arrest, charge or violation of his probation to the Commission within ten (10) days of occurrence.

#### FEBRUARY 2009

**C-2006-061 – SBC INDEPENDENT REAL ESTATE GROUP LLC, RED OAK REAL ESTATE LLC, AND CHARLOTTE A. BRACKETT (BM) – EDMOND:** Violations by Respondent Charlotte A. Brackett:

1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1 (J), in that Charlotte A. Brackett, on two (2) separate occasions, transferred escrow funds from one trust account to another trust account;

2) Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-1 (D), in that Charlotte A. Brackett failed to timely deposit escrow funds into a trust account; and

3) Title 59 O.S. §858-312, Subsections 8, 9 and 22, in that Charlotte A. Brackett paid or appeared to have paid an earnest money deposit on behalf of sellers in connection with a real estate transaction.

No evidence was received to indicate that Respondents SBC Independent Real Estate Group LLC and Red Oak Real Estate LLC violated any provision of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission.

Respondent Brackett consented to assessment of administrative fines totaling Two Thousand Five Hundred Dollars (\$2,500.00), and attendance and completion of three (3) hours of Continuing Education in the subject of Laws and Regulations.

The case against Respondents SBC Independent Real Estate Group LLC and Red Oak Real Estate LLC was closed.

**C-2007-116 – LONGHORN REAL ESTATE LLC AND KAREN JEAN PRITCHARD (BM) – MARLOW:** On September 16, 2008, the Hearing Examiner reported that Respondents Longhorn Real Estate LLC and Karen Jean Pritchard were found in violation of Title 59 O.S. §858-312, Subsections 9 and 23, in that they furnished to the Buyers a Seller’s Disclaimer Statement which was more than 180 days old.

Respondents Longhorn Real Estate LLC and Karen Jean Pritchard were formally reprimanded and ordered to pay an administrative fine of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Dollars (\$1,000.00).

**C-2007-126 – CYNTHIA MICHELLE WILLIAMS-DAVIS (SA) – OKLAHOMA CITY:** On December 15, 2008, the Hearing Examiner reported that Respondent Williams-Davis was found in violation of Title 59 O.S. §858-312, Subsections 2, 6, 8 and 9, in that she forged the signature of Susie Thompson to checks and converted the money to her own use.

It was ordered that the Oklahoma real estate provisional sales associate license of Respondent Cynthia Michelle Williams-Davis be revoked.

**C-2008-002 – VICTORIA LYNN PATRICK (BM) – ARDMORE:** On December 16, 2008, the Hearing Examiner reported that Respondent Patrick was found in violation of:

1) Title 59 O.S. §85-312, Subsections 8, 9 and 15, in that she entered a plea of Guilty to the charge of Contributing to the Delinquency of a Minor in the District Court of Tucumcari, New Mexico; Rule 605:17-4(9), in that she was found Guilty of the crime of Public Intoxication in Jefferson County, Oklahoma; and

2) Title 59 O.S. §85-312, Subsection 9 and Rule 605:10-17-4(9), in that she failed to submit a written response to the complaint in this matter.

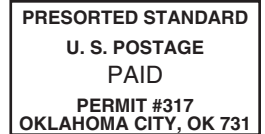
It was ordered that the Oklahoma real estate broker’s license of Respondent Victoria Lynn Patrick be revoked.

**C-2008-009 – NOEL J. MISKOVSKY (BM) – YUKON:** On December 16, 2008, the Hearing Examiner reported that Respondent Miskovsky was found in violation of:

1) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-15-1, in that she failed to furnish written disclosure regarding her beneficial interest as the loan originator to all parties to the transaction;

2) Title 59 O.S. §858-312, Subsections 9 and 22, in that she provided false information

*continued on page 12*



**Go online at <http://www.orec.ok.gov/renewal> to view the status of your continuing education.**

**DISCIPLINARY ACTION** *continued from page 11*

in order to make it appear that the buyer had paid \$13,000.00 at closing, when in fact the buyer had not done so, and

3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that the actions of Respondent Miskovsky in using employment information she knew to be no longer accurate in order to obtain a loan approval, knowing that the purchaser would not have a job upon moving to Oklahoma.

It was ordered that the Oklahoma real estate broker's license of Noel J. Miskovsky be revoked.

**MARCH 2009**

**E-2007-001 – TIMOTHY J. GRIFFIN (BP) – TULSA:**

Violations by Respondent:

1) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-5-1.1(j,6), in that he may have improperly subjected women to offensive physical contact and made verbal offensive and explicit references to the female anatomy in a demeaning manner within a classroom setting;

2) Title 59 O.S. §858-312, Subsection 9 and Rules 605:10-5-1(k,7) and 605:10-5-1(i,3), in that he may have provided completion certificates to a student prior to the student's completion of the course, and

3) Rule 605:10-5-1(k,6) and 605:10-5-1(k,7), in that he may have, in 2008, taught and/or purported to teach the Basic 90 Clock Hour Course in real estate, for which he had not been approved by the Commission.

Respondent Griffin consented to the surrender of his teaching credentials.

**UC-2007-006 – LUCAS W. MCGUIRE (SA), THE ALLIANCE REAL ESTATE GROUP INCORPORATED, REGINA M. YAGER (BM), JUDITH DAVIS (BA), THE ALLIANCE REAL ESTATE GROUP INCORPORATED (BO), AND CAROL STEPHENS (BB) – EDMOND:** Violations by Respondents The Alliance Real Estate Group Incorporated, Regina M. Yager, The Alliance Real Estate Group Incorporated (BO), and Carol Stephens:

1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that they may have failed to properly supervise the activities of Respondent Lucas W. McGuire

in that he conducted real estate transactions under the name of The Alliance Real Estate Group Incorporated during the time his real estate license was inactive, and

2) Title 59 O.S. §858-312, Subsections 7, 8, 9, 14 and 21 and Rules 605:10-17-4(6) and (12), in that they may have permitted Respondent Lucas W. McGuire to engage in licensable activities at a time when his license was inactive and accepted commissions from an unlicensed associate.

No clear and convincing evidence was presented to indicate that Respondent Judith Davis violated any provision of the Oklahoma Real Estate License Code or rules.

Respondents The Alliance Real Estate Group Incorporated, Regina Yager, The Alliance Real Estate Group Incorporated (BO) and Carol Stephens consented to a formal reprimand and payment of an administrative fine totaling Five Thousand Dollars (\$5,000.00). The case against Respondent Davis was dismissed, and Respondent McGuire was not a party to this Consent Order.

