

**BEFORE THE OKLAHOMA REAL ESTATE APPRAISER BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF FRANCES HARPER,)
And EDDIE R. PETERS,)
Respondents,)
Disciplinary Hearing) Complaint No. 04-021

CONSENT ORDER

This Order is an agreement between **FRANCES HARPER**, Respondent, and the Oklahoma Real Estate Appraiser Board. Respondent is represented by the law firm of K. Ellis Ritchie and the Board is represented by Sue Wycoff, in her capacity as Prosecutor for the Board.

The Respondent and the Board hereby agree to the following Findings of Fact, Conclusions of Law and Agreed Settlement. The Respondent has been advised of her rights to contest the allegations against her, to cross-examine witnesses, and to present witnesses and evidence in her defense. The Respondent hereby knowingly and voluntarily waives these rights.

AGREED FINDINGS OF FACT

The Board and the Respondent agree to the following Agreed Findings of Fact in settlement of this matter:

1. That on or about December 2, 2003, Frances Harper conducted an appraisal of the property located at 11978 S. 45th St. E in Muskogee, Oklahoma, prepared a report of that appraisal, and submitted that report to Great Plains Mortgage Company, 4815 S. Harvard, Suite 625, Tulsa, OK 74135.
2. That in the above-referenced appraisal report, Frances Harper stated that the appraisal was a Limited Appraisal, i.e. one “performed under and resulting from invoking the Departure Rule”, yet she did not “clearly identify and explain the departure[s]” as required by the Departure Rule. In addition, Respondent Harper stated that the report was a restricted report, but did not state in the report to the mortgage company client what the intended use of the report was.
3. That in her appraisal report, Frances Harper listed as her first comparable sale a property at 2750 S. York in rural Muskogee. She reported the sales price of the property as \$85,000.00.

4. That courthouse records show that the property Ms. Harper described as 2750 S. York was, in fact, 2740 S. York, and that the most recent transaction for the property was the retirement of a mortgage of \$65,000.00, not a sale.
5. That a copy of a page from the Muskogee County Records in Ms. Harper's work file clearly shows this and just as clearly shows that the \$65,000.00 has been altered to appear as \$85,000.00.
6. That the copy of the courthouse page also shows that the per square foot price of the house at the last transaction was \$58.88. In her appraisal report, Ms. Harper reported it as \$76.99 per square foot.
7. That Muskogee County Courthouse records show that the property Ms. Harper listed as her second comparable sale consisted of a 10 acre plot and improvements. In her appraisal report Ms. Harper described it as a five acre plot.
8. That the property Ms. Harper selected for her third comparable sale was also a ten acre plot with improvements. On her appraisal report, Ms. Harper described it as a three acre property.
9. That Ms. Harper failed to correctly identify herself as a trainee appraiser on the appraisal report.
10. That these errors and others resulted in Ms. Harper giving the subject property an incorrect value.

AGREED CONCLUSIONS OF LAW

Based on the foregoing, the Board and Respondent consent to the issuance of the following Order in settlement of this matter:

That Respondents' conduct as described above violates the following provisions of law:

1. 59 O.S. § 858-723(A)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal"

59 O.S. § 858-723(A)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal"

59 O.S. § 858-723(A)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act"

2. 59 O.S. §858-723(A)(6): “Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act”, by violation of:

- a. Conduct Section, Ethics Rule,
- b. Standard 1 and Standards Rules 1-1(a), 1-1(c), 1-4(a).
- c. Standard 2 and Standards Rules 2-1(a), and 2- 2(c)(ii)(v)(xi).
- d. Departure Rule, all as in USPAP 2003 Edition.

3. 59 O.S. § 858-723 A.13: “Violating any of the provisions of the code of ethics set forth in this Act”, by violation of 59 O.S. § 858-732 A.1: “An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests”.

AGREED SETTLEMENT

Based on the foregoing, the Board and Respondent consent to the issuance of the following Order in settlement of this matter:

1, That Respondent waives any appeals of this Order, which shall constitute a final decision effective upon filing with the Board;

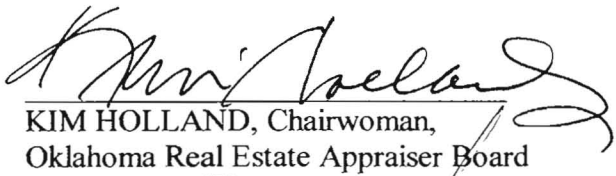
2 That Respondent herewith surrenders her trainee appraiser certificate number 90298TRA. This surrender is made freely and voluntarily, and Respondent is aware of the consequences of the surrender.

3. Nothing in this Consent Order shall operate to prohibit Respondent from reapplying for trainee status in the event she repeats and completes, after the date of this Consent Order, all the educational requirements to be certified as a trainee real estate appraiser.

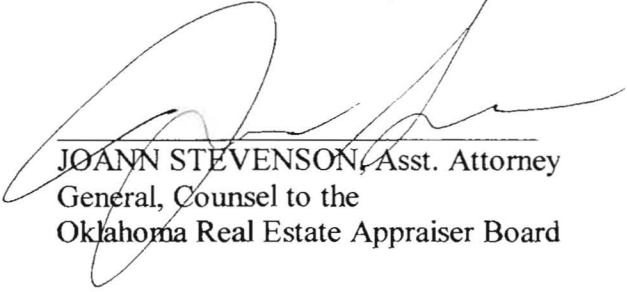
IT IS SO ORDERED on this 5th day of April, 2006.

APPROVED BY:

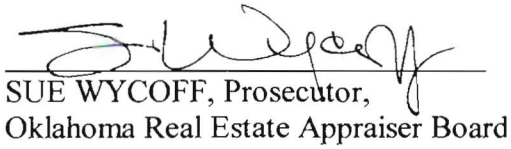
Frances E. Harper
FRANCES E. HARPER, Respondent


KIM HOLLAND, Chairwoman,
Oklahoma Real Estate Appraiser Board

7.11.06


JOANN STEVENSON, Asst. Attorney
General, Counsel to the
Oklahoma Real Estate Appraiser Board

4/11/06


SUE WYCOFF, Prosecutor,
Oklahoma Real Estate Appraiser Board

4/11/06

CERTIFICATE OF MAILING

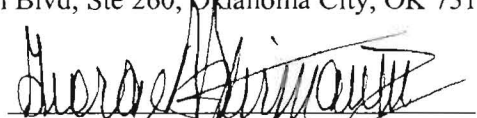
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed by certified mail, return receipt requested, on the 12th day of April, 2006 to:

Francis E. Harper
c/o The Ritchie Law Firm
PO Box 246
Pryor, OK 74362

CERTIFIED NUMBER
7001 0320 0004 0219 7956

and that copies were mailed by first class mail to:

Moore and Vernier, Attn: Sue Wycoff, 301 NW 63rd, Ste 550, Oklahoma City, OK 73116
Mark A. Franklin, Hearing Panel Member, 4334 NW Expressway, Ste 209, Oklahoma City, OK 73116;
Patrick O. Glenn, Hearing Panel Member, 2723 NW 50th, Oklahoma City, OK 73112;
Richard E. Grace, Hearing Panel Member, PO Box 3579, Shawnee, OK 74802;
John R. Gurley, Alternate Panel Member, 101 S. D, Blackwell, OK 74631; and
Joann Stevenson, Asst Atty General, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.


GEORGE R. STIRMAN III, Director
Real Estate Appraiser Board