

FILED

JUL 12 2024

Real Estate Appraiser Board
State of Oklahoma

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

In the Matter of Aubrey J. Dobbs,

Respondent.

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Complaint #23-021

CONSENT ORDER

COME NOW the Oklahoma Real Estate Appraiser Board (“OREAB”), by and through the Prosecuting Attorney, Stephen McCaleb, and Aubrey J. Dobbs, (“Respondent”), and enter into this Consent Order, pursuant to Oklahoma Statutes Title 59 §858-700, *et seq.*, and Oklahoma Administrative Code 600:10-1-1, *et seq.* All sections of this Order are incorporated together.

AGREED FINDINGS OF FACT

1. On April 1, 2022, the board issued Order #22-06 as to Complaint #20-050; in the Matter of Aubrey J. Dobbs. Under the court’s order, Dobbs completed corrective education courses and upon completion of the corrective education, Dobbs was placed on a six-month period of probation. During probation, Dobbs was required to submit work logs identifying all appraisal assignments completed during the month prior. From each work log, appraisal assignments were randomly selected for review.

2. On June 6, 2023, pursuant to a request from Board staff, Dobbs submitted subject appraisal report and his work file for review. Also on June 6, 2023, the Board’s Examiner submitted his USPAP -compliant investigation report. The Examiner’s report reflects that Dobbs is non-compliant with USPAP’s Record Keeping Rule, Competency Rule, and Scope of Work Rule.

3. Upon information and belief, in May of 2023, Respondent was hired to complete an appraisal (the "Appraisal") for a property located at 1617 SW 129th St, Oklahoma City, OK 73170 (the "Subject"). Respondent completed the Appraisal with an effective date of May 15, 2023, for a purchase transaction. The appraised value was \$265,500. The Appraisal was purportedly performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice.

4. Respondent committed a series of errors as outlined below:

- A. FHA requires a minimum of 2 listings to be analyzed, however, only 1 was provided in the appraisal.
- B. FHA requires photos of smoke detectors; however, no such photos were provided in the appraisal.
- C. FHA requires photos of the attic; however, no attic photos were provided in the appraisal.
- D. The appraisal indicated that the Sales Contract was analyzed, however, there is no Sales Contract found in the appraisal Work File.
- E. Subject amenities such as jetted tub and lawn sprinkler systems not reported or analyzed.
- F. The Cost Approach lacked site improvements cost and site value, not explained in the appraisal.
- G. The Cost Approach reported "The subject's site value was derived from local vacant land sales. The sales were selected from the subject's area or the immediate surrounding area. Similarly sized lots were used that closed within the previous two year." However, no documented support was found in the appraisal or the Work File.
- H. The Appraisal Addendum states that all of the Sales are within 6 months. However, Sale 3 exceeds 6 months.

- I. The Appraisal Addendum states the location adjustments were based on differences between the subdivision and the utilized Sales subdivisions Sales Price per foot. However, the report failed to apply adjustment to Listing 4 which is located in the same subdivision as Sale 2 that was applied a location adjustment, not explained.
- J. The Subject property is a 4-bedroom design, however, the appraisal lacks Sales with 4 bedrooms. MLS Sales with 4 bedrooms were available though not utilized in the appraisal, nor was their elimination from use explained.
- K. Sale 1 has a pond view, which was not disclosed or adjusted in the appraisal.
- L. Sale 1 has a 3-car garage, however, the appraisal reported a 2 car garage.
- M. Sale 3 has two 2 car garages, however, the appraisal reported only one 2 car garage.
- N. Sale 3 has a lawn sprinkler system, which was not reported or adjusted in the appraisal.
- O. Sale 3 has a larger site, which was not analyzed nor adjusted. Alt Sale described below perhaps could have been utilized to better support the need for or lack of need for Site adjustment on Sale 3.
- P. Sale 3 has a circle driveway, which was not reported or analyzed.
- Q. Sale 3, MLS indicates "tons of updates", which was not mentioned or adjusted in the OAR. This Investigator estimates Sale 3 condition to be C2 rather than C3 reported in the appraisal.
- R. There was an MLS alternate Sale at 12708 Meadow Crest (from subject subdivision) with 8,276 sf site area. This Sale should have been used in place of the dated Sale 3 (from subject subdivision), or as an alternate Sale, or at a minimum to extract a site area adjustment for Sale 3, the lack of which was neither adjusted nor adequately explained.

S. Google aerial images for the Subject's Neighborhood Boundaries reveal 2 Family and Multi-Family land use in the area, however, the appraisal reported "0" percent 2 Family and Multi-Family.

AGREED CONCLUSIONS OF LAW

That Respondent has violated 59 O.S. § 858-7239(C)(6) through O.S. §858-726, in that Respondent violated:

1. Record Keeping Rule:

An appraiser must prepare a workfile for each appraisal or appraisal review assignment. A workfile must be in existence prior to the issuance of any report or other communication of assignment results. A written summary of an oral report must be added to the workfile within a reasonable time after the issuance of the oral report. The workfile must include: (1) the name of the client and the identity, by name or type, of any other intended users; (2) true copies of all written reports, documented on any type of media. (A true copy is a replica of the report transmitted to the client. A photocopy or an electronic copy of the entire report transmitted to the client satisfies the requirement of a true copy.); (3) summaries of all oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification; (4) and all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other data, information, and documentation.

2. Competency Rule:

An appraiser must: (1) be competent to perform the assignment; (2) acquire the necessary competency to perform the assignment; or (3) decline or withdraw from the assignment. In all cases, the appraiser must perform competently when completing the assignment.

BEING COMPETENT

An appraiser must determine, prior to agreeing to perform an assignment, that he or she can perform the assignment competently. Competency requires:

1. the ability to properly identify the problem to be addressed;
2. the knowledge and experience to complete the assignment competently; and
3. recognition of, and compliance with, laws and regulations that apply to the appraiser or to the assignment.

3. Scope of Work Rule:

For each appraisal and appraisal review assignment, an appraiser must:

1. identify the problem to be solved;
2. determine and perform the scope of work necessary to develop credible assignment results;
and
3. disclose the scope of work in the report. An appraiser must properly identify the problem to be solved in order to determine the appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results

4. Standards Rule 1:

In developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses necessary to produce a credible appraisal.

5. Standards Rule 1-1:

In developing a real property appraisal, an appraiser must:

- (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

6. Standards Rule 1-2:

In developing a real property appraisal, an appraiser must:

(h) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE.

7. Standards Rule 1-3:

When necessary for credible assignment results in developing a market value opinion, an appraiser must:

(a) identify and analyze the effect on use and value of:

(i) existing land use regulations;

(ii) reasonably probable modifications of such land use regulations;

(iii) economic supply and demand;

(iv) the physical adaptability of the real estate; and

(v) market area trends

(b) develop an opinion of the highest and best use of the real estate.

8. Standards Rule 1-4:

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

(a) When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.

9. Standards Rule 1-6:

In developing a real property appraisal, an appraiser must:

- (a) reconcile the quality and quantity of data available and analyzed within the approaches used;
- and
- (b) reconcile the applicability or suitability of the approaches used to arrive at the value conclusion(s).

10. Standards Rule 2:

In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

11. Standards Rule 2-1:

Each written or oral real property appraisal report must:

- (a) clearly and accurately set forth the appraisal in a manner that will not be misleading;
- (b) contain sufficient information to enable the intended user(s) of the appraisal to understand the report properly; and

12. Standards Rule 2-2:

Each written real property appraisal report must be prepared under one of the following options and prominently state which option is used: Appraisal Report or Restricted Appraisal Report

- (a) The content of an Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum:
 - (viii) summarize the scope of work used to develop the appraisal; (vii) summarize the scope of work used to develop the appraisal;
 - (x) provide sufficient information to indicate that the appraiser complied with the requirements of STANDARD 1 by:

- (1) summarizing the appraisal methods and techniques employed;
- (2) stating the reasons for excluding the sales comparison, cost, or income approach(es) if any have not been developed;
- (3) summarizing the results of analyzing the subject sales, agreements of sale, options, and listings in accordance with Standards Rule 1-5;35

Comment: If such information is unobtainable, a statement on the efforts undertaken by the appraiser to obtain the information is required. If such information is irrelevant, a statement acknowledging the existence of the information and citing its lack of relevance is required.

- (4) stating the value opinion(s) and conclusion(s); and
- (5) summarizing the information analyzed and the reasoning that supports the analyses, opinions, and conclusions, including reconciliation of the data and approaches;

13. That Respondent has violated 59 O.S. § 858-723(C)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

14. That Respondent has violated 59 O.S. § 858-723(C)(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."

15. That Respondents have violated 59 O.S. § 858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

16. That Respondents have violated 59 O.S. § 858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

CONSENT AGREEMENT

The Respondent, by affixing his signatures hereto, acknowledges:

1. The Respondent has been advised to seek the advice of counsel prior to signing this document.
2. That Respondent possess the following rights among others:
 - a) The right to a formal fact finding hearing before a disciplinary panel of the Board;
 - b) The right to a reasonable notice of said hearing;
 - c) The right to be represented by counsel;
 - d) The right to compel the testimony of witnesses;
 - e) The right to cross-examine witnesses against him; and
 - f) The right to obtain judicial review of the final decision of the Board.
3. The Respondent stipulates the facts as set forth above and specifically waives his rights to contest these findings in any subsequent proceedings before the Board and his rights to appeal this matter to the District Court.
4. The Respondent consents to the entry of this Order affecting his professional practice of real estate appraising in the State of Oklahoma.
5. The Respondent agrees and consents that this Consent Order shall not be used by his for purposes of defending any other action initiated by the Board, regardless of the date of the Appraisal.
6. All other original allegations in this matter are dismissed.
7. Respondent acknowledges this will be placed on the Board's agenda for its next monthly meeting, after receipt of the executed Order from Respondent, and notice for the Order's placement on that Agenda is accepted.¹
8. This Consent Order may be executed in one or more counterparts, but all of such counterparts, taken together, shall constitute only one Consent Order. When delivered to the other parties, facsimile and visual digital reproductions of original signatures shall be as effective as if they were the originals.
9. This Consent Order shall be governed by the internal laws of the State of Oklahoma without regard to the conflict of law principles.

¹ Currently, the next Board meeting is scheduled for May 10, 2024, at 9:30 a.m.

10. This Consent Order contains the entire agreement between the parties hereto and all provisions of this Consent Order are contractual and not a mere recital. The Parties acknowledge that no presentation or promise not expressly set forth in this Consent Order has been made by any of the Parties hereto or any of their agents, employees, representatives, or attorneys. No modification of, or amendment to, this Consent Order shall be valid unless it is in writing and signed by the Parties. In the event any portion of this Consent Order shall be declared illegal or unenforceable as a matter of law, the remainder of the Consent Order shall remain in full force and effect.

11. This Consent Order is intended by the Parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understanding, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified, supplemented, or otherwise changed, except by a writing executed by an authorized representative of each of the Parties.

12. The undersigned Respondent agrees that presentation of this Consent Order to the OREAB without the undersigned Respondent being present shall not constitute an improper *ex parte* communication between the OREAB and its counsel.

13. The Parties represent and warrant to one another that each Party has authority to enter into this binding Consent Order. The OREAB represents and warrants that the undersigned have full authority to execute this Consent Order on behalf of the OREAB and bind the OREAB to the terms set forth herein.

14. The Parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. The Parties acknowledge that they understand the provisions of this Consent Order.

CONSENT ORDER TO BE ACCEPTED OR REJECTED BY THE BOARD

The Oklahoma Real Estate Appraiser Board will not submit this Consent Order for the Board's consideration until its agreement and execution by the Respondent. It is hereby agreed between the Parties that this Consent Order shall be presented to the Board, with recommendation for approval of the Board, at the next scheduled meeting of the Board. The Respondent understands that the Board is free to accept or reject this Consent Order and, if rejected by the

Board, it shall be regarded as null and void. Admissions by Respondent in the rejected Consent Order will not be regarded as evidence against his at the subsequent disciplinary hearing. Respondent will be free to defend herself and no inferences will be made from his willingness to have entered into this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in the Consent Order.

ORDER

WHEREFORE, on the basis of the foregoing Agreed Findings of Fact and Agreed Conclusions of Law, it is ordered that:

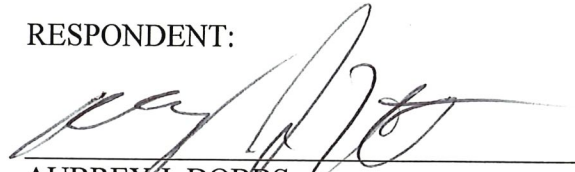
1. Respondent shall take the following corrective education:
 - A) The Appraisal Foundation's: Scope of Work: Appraisals and Inspections – 4 hours;
 - B) The Appraisal Foundation's: Ethics, Competency and Negligence– 4 hours;
 - C) The Appraisal Foundation's: Appraiser Self-Protection: Documentation and Recordkeeping – 4 hours.
2. Respondent agrees he will successfully complete, pass, and provide proof of completion and passing of the tests to the Board's office for the courses completed, within ninety (90) days from the date the Board approves this Consent Order. Failure to complete and pass the courses in a timely matter will result in suspension until the courses are passed and completed and proof of completion and passing of the tests has been provided to the Board's office.
3. Respondent shall be placed on probation for a period of ninety (90) days beginning immediately upon the date he timely completes the courses listed in paragraph 1 of this section. During the period of probation, Respondent shall provide an appraisal log on REA Form 3 to the administrative office of the Board no later than the fifth (5th) day of each month detailing all his appraisal activity during the preceding month. The Board may select and require samples of work product from these appraisal logs be submitted for review.
4. Failure to comply with the preceding paragraphs in a timely manner will result in an instant suspension of Respondent's licenses. For good cause, an extension may be granted by the Board. An application for an Extension of Time should be filed at least five (5) business

days in advance of the Board meeting to be placed on a Board meeting agenda in advance of the deadline to comply with this Consent Order.

DISCLOSURE

Pursuant to the Oklahoma Open records Act, 51 O.S. §24-A.1 through §24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

RESPONDENT:



AUBREY J. DOBBS

4/30/24

DATE

CERTIFICATE OF BOARD'S PROSECUTING ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma Real Estate Appraiser Board, the State of Oklahoma, and the Respondent, with regard to the violations alleged in the formal Complaint.

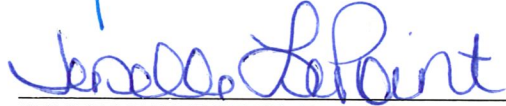


STEPHEN L. MCCALED, OBA NO. 15649
ODOM & SPARKS, PLLC
Suite 140
HiPoint Office Building
2500 McGee Drive
Norman, OK 73072

5-9-24

DATE

IT IS SO ORDERED on this 12th day of July, 2024.



JENELLE LEPOINT, Board Secretary
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD:**



By:



BRYAN NEAL, OBA NO. 6590
Assistant Attorney General
Attorney for the Board
313 NE 21st St
Oklahoma City, OK 73105

CERTIFICATE OF MAILING

I, Kelly Ann Reynolds, hereby certify that on the 12th day of July 2024, a true and correct copy of the above and foregoing Consent Order was placed in the U.S. Mail, with postage pre-paid by Certified Mail to:

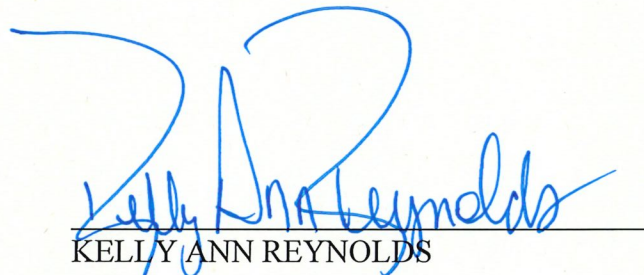
Aubrey J. Dobbs
PO Box 1034
Mustang, OK 73064

9214 8902 0982 7500 0628 08

by First Class Mail to:

Bryan Neal, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
313 NE 21st St
Oklahoma City, OK 73105

Stephen L. McCaleb
ODOM & SPARKS, PLLC
2500 McGee Dr, Ste 140
Norman, OK 73072


KELLY ANN REYNOLDS