

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

In the matter of DANIEL SIMON,)
)
Respondent.) Complaint #23-011

CONSENT ORDER

COMES NOW the Oklahoma Real Estate Appraiser Board (Board), by and through the Prosecuting Attorney, Rex Duncan, and DANIEL SIMON, (Respondent), represented by Robert Getchell, and enter this Consent Order, pursuant to Oklahoma Statutes, Title 59, Sections 858-700, *et seq.*, and Oklahoma Administrative Code 600:10-1-1, *et seq.* All sections of this Order are incorporated together.

FINDINGS OF FACT

- 1. On or about November 15, 2022, Respondent completed an appraisal of a residence at 1201 South Walnut Avenue, in Broken Arrow, Oklahoma, 74012. The appraisal was purportedly performed in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice.
- 2. Respondent's communication of the appraisal was found to be lacking. Respondent disputes that he violated 59 O.S. Section 858-723 (C)(6), but consents that the Board can accept this Consent Order notwithstanding this dispute.

CONCLUSIONS OF LAW

- 1. That Respondent has been accused of violating 59 O.S. Section 858-723(C)(6), specifically, regarding the communication of a real estate appraisal.
- 2. Respondent disputes that he violated 59 O.S. Section 858-723 (C)(6), but consents that the Board can accept this Consent Order notwithstanding this dispute.

CONSENT AGREEMENT

The Respondent, by affixing his signature hereto, acknowledges:

- 1. The Respondent has been advised to seek the advice of counsel prior to signing this document.
- 2. That Respondent possesses 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 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;
- 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 District Court.

4. The Respondent acknowledges that the entry of this Order could affect his professional practice of real estate appraising in Oklahoma.

5. The Respondent agrees and consents that this Consent Order shall not be used by him for purposes of defending any other action initiated by the Board, regardless of the date of the Appraisal. The Board agrees that this Consent Order shall not be used by it as admissions by Respondent or to support any claims for appraisals done by Respondent prior to the date of execution of this Agreement.

6. All other allegations, if any, in this matter are dismissed.

7. Respondent acknowledges that this Agreement 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.

8. This Consent Order may be executed in one or more counterparts, but all such counterparts, taken together, shall constitute only one Consent Order. When delivered 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.

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 hereto. In the event any portion of this Consent Order shall be declared invalid 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 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 Board without the undersigned Respondent being present shall not constitute an improper *ex parte* communication between the Board and its attorney.

13. The parties represent and warrant to one another that each party has authority to enter into this binding Consent Order. The Board represents and warrants the undersigned have full authority to execute this Consent Order on behalf of the Board and bind the Board 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 fax signatures shall have the same force and effect as the originals.

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

16. Respondent neither admits nor denies the allegations of the Board, the findings of fact and conclusions of law set forth herein and acknowledges that a hearing before the Board could result in disciplinary action and as such, agrees to this Consent Order as a settlement and compromise of the claims herein.

CONSENT ORDER TO BE ACCEPTED OR REJECTED BY THE BOARD

The Board will not submit this Consent Order for consideration until its agreement and execution by Respondent. It is hereby agreed between the parties this Consent Order shall be presented to the Board, with recommendation for approval by the Board, at the next scheduled meeting of the Board. The Respondent understands 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 him at the subsequent disciplinary hearing. Respondent will be free to defend himself and no inferences will be made from his willingness to enter into this Consent Order. 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, if therefore, will not be grounds for precluding the Board or any individual 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 submit to the Board an Administrative fine of \$500.00 within thirty (30) days of the Consent Order being accepted by the Board. For good cause shown, an extension may be granted by the Board. An application for an extension to pay the administrative fine should be filed at least five (5) business days prior to the Board meeting to be placed on a Board Agenda in advance of the of the deadline to comply with this Consent Order.
2. Respondent shall take the following corrective educational course which cannot satisfy his ongoing educational requirements. Eleven (11) hours of education, which shall include the subjects of manufactured homes, and evaluating commercial properties. Respondent will complete the courses within ninety (90) days of the Board's acceptance of this Consent Order. Failure to comply with the preceding paragraph in a timely manner will result in an instant suspension of Respondent's licenses.

DISCLOSURE

Pursuant to the Oklahoma Opens Records Act, Title 51 Oklahoma Statutes, Sections 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain the custody of the Board as a public record and shall be made available for public inspection and copying upon request.

Daniel E. Simon

DANIEL SIMON
RESPONDENT

1-16-25

DATE

Robert Getchell

ROBERT GETCHELL, OBA #11317
ATTORNEY FOR RESPONDENT

January 16, 2025

DATE

CERTIFICATE OF BOARD'S PROSECUTING ATTORNEY

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

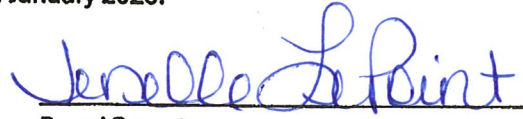
Rex Duncan

REX DUNCAN, OBA #12655
Attorney at Law
P.O. Box 486
Sand Springs, OK 74063

16 JAN 25

DATE


IT IS SO ORDERED on this 17th day of January 2025.



Board Secretary
Oklahoma Real Estate Appraiser Board

**OKLAHOMA REAL ESTATE
APPRAISER BOARD**



By: 
BRYAN NEAL, OBA #6590
Assistant Attorney General
Attorney for the Board
313 N.E. 21st Street
Oklahoma City, OK 73105

CERTIFICATE OF MAILING

This is to certify that on the 17th day of January 2025, a true and correct copy of the foregoing document was mailed by Certified Mail, Return Receipt Requested to:

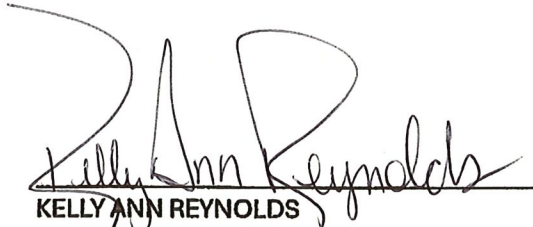
Mr. Robert Getchell
Attorney at Law
Gable Gotwals
110 N. Elgin Ave, Ste 200
Tulsa, OK 74120

9214 8902 0982 7500 0684 28

By First Class Mail to:

Mr. Bryan Neal, AAG
Office of the Oklahoma Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105

Mr. Rex Duncan
Attorney at Law
P.O. Box 486
Sand Springs, OK 74063


KELLY ANN REYNOLDS