

**OKLAHOMA REAL ESTATE COMMISSION
REGULAR BUSINESS MEETING**

**DENVER N. DAVISON BUILDING
1915 NORTH STILES AVENUE – SUITE 200
OKLAHOMA CITY, OKLAHOMA 73105-4915**

JULY 11, 2018

AGENDA

1. OPENING OF BUSINESS MEETING

- A. Call to Order at **9:30 a.m.** by Commissioner Rodger Erker
- B. Swearing in Ceremony (Loyalty Oath) for new Commissioners
 - i. Mack Barnes
 - ii. David Chapman
 - iii. Monica Wittrock
- C. Nomination and Election of Chairperson
- D. Nomination and Election of Vice-Chairperson
- E. Approval of Minutes from the **June 13, 2018** Regular Meeting and the **June 27, 2018** Special Meeting
- F. Public Participation (“Open Topic”)
- G. The Commission may vote to approve, disapprove, or take other action on any item listed on this Agenda

2. FORMAL ACTIONS

APPLICANT APPEAL

All **Upheld Denials** of Applicant Appeals for licensure by the Commission are subject to the review and revision of the Oklahoma Attorney General, pursuant to **Executive Order 2015-033**.

No Applicant Appeals for July

HEARING EXAMINER REPORT / AGREED ORDER

When the Commission imposes any form of disciplinary action against a Respondent, the **Final Order** of the Commission is subject to review for approval or disapproval by the Oklahoma Office of the Attorney General, pursuant to **Executive Order 2015-033**.

UC-2016-001: Pointe Property Management (Unlicensed), Mindy Nockels (Unlicensed), and Frank William Mazella, Jr (BM) – Oklahoma City (McCaleb)

On June 13, 2017, the Hearing Examiner found Respondent **Pointe Property Management** in violation of the following:

1. **Title 59 O.S. §858-301** – Engaging in licensable activities and receiving a commission or other valuable consideration prior to obtaining the required real estate license.

Respondent **Frank Mazella Jr** is in violation of the following:

2. **Title 59 O.S. §858-312, Subsection 6 and Rule 605:10-13(a)(1)(C)** – Failing to register the Midfirst Bank Account (5260) with the Commission and failing to style Midfirst Bank Account (8207) as a “trust” or “escrow” account.
3. **Title 59 O.S. §858-312, Subsections 8 and 9, and Rule 605:10-17-4(19)** – Knowingly cooperating with an unlicensed person who performed licensable real estate activities.

Respondent **Mindy Nockels** is in violation of the following:

4. **Title 59 O.S. §858-301** – Engaging in licensable activities and receiving a commission or other valuable consideration prior to obtaining the required real estate license.

The Hearing Examiner presents the following Agreed Order:

Respondent **Pointe Property Management** will pay an administrative fine of Five Hundred Dollars **(\$500.00)**

Respondent **Frank Mazella Jr** will pay an administrative fine of One Thousand Dollars **(\$1,000.00)**

Respondent **Mindy Nockels** will pay an administrative fine of One Thousand Dollars **(\$1,000.00)**

Pursuant to Title 25 O.S. §307(B)(8), an Executive Session is available to discuss the Hearing Examiner's recommendations and appropriate disciplines, if any:

1. Vote to enter into Executive Session
2. Discussion in Executive Session
3. Vote to return to Open Session
4. Commission to vote and/or take appropriate action on the Hearing Examiner's recommendation

CONSENT ORDER

The approval of any form of disciplinary action against a Respondent through a **Final Consent Order** issued by the Oklahoma Real Estate Commission is subject to review and affirmation by the Oklahoma Office of the Attorney General, pursuant to **Executive Order 2015-033**.

C-2017-063: Grant Evan Bisel (PSA) – Oklahoma City (Hammonds)

Violations by Respondent:

- **Title 59 O.S. §858-312, Subsections 8 and 9, and Rule 605:10-17-4(12)** – receipting earnest money that he did not actually receive.

Consent: Respondent assents to the following:

- **Grant Bisel will pay an administrative fine of Seven Hundred Fifty Dollars (\$750.00).**

Pursuant to 25 O.S. §307(B)(8), an Executive Session is available to discuss the terms of the Consent Order and appropriate disciplines, if any:

1. Vote to enter into Executive Session
2. Discussion in Executive Session
3. Vote to return to Open Session
4. Commission to vote/take appropriate action on the proposed Consent Order

C-2017-085: NOK Investments LLC and Loren Keith Coburn (BM) – Oklahoma City (Hammonds)

Violations by Respondents **NOK Investments LLC** and **Loren Coburn**:

1. **Title 59 O.S. §858-355.1(C)** – failure to describe and disclose broker's duties and responsibilities with tenants and property owners under leases and management agreements.
2. **Title 59 O.S. §858-312, Subsection 6 and Rule 605:10-13-1(a)(1)(F)** – failure to maintain accurate accounting records related to the properties managed by them.
3. **Title 59 O.S. §858-312, Subsection 16** – paying business operating expenses with trust monies held for tenants and/or property owners, resulting in a deficiency of approximately \$7,295.00.

Consent: Respondents assent to the following:

1. **NOK Investments LLC and Loren Coburn will pay an administrative fine of Five Hundred Dollars each, for a total of One Thousand Dollars (\$1,000.00).**

2. Loren Coburn will have his Oklahoma real estate broker license revoked and reinstated as a sales associate.

Pursuant to 25 O.S. §307(B)(8), an Executive Session is available to discuss the terms of the Consent Order and appropriate disciplines, if any:

1. Vote to enter into Executive Session
2. Discussion in Executive Session
3. Vote to return to Open Session
4. Commission to vote/take appropriate action on the proposed Consent Order

END OF FORMAL ACTIONS

3. CASE EXAMINER & PRELIMINARY INVESTIGATIVE REPORT

CASE EXAMINER REPORT

C-2017-075: Solid Rock Real Estate LLC, Michael David Urie (BM), and Larry Wayne Barry (SA)

Possible violation by Respondents **Solid Rock Real Estate LLC** and **Michael Urie**:

1. **Title 59 O.S. §858-312, Subsections 8 and 9, and Rule 605:10-17-4(6)** – May have failed to properly supervise the advertising activities of Respondent Larry Barry.

Possible violation by Respondent **Larry Wayne Barry**:

2. **Title 59 O.S. §858-312, Subsection 9, and Rule 605:10-9-4(b)(3)(D)** – May have advertised the “Larry Barry Real Estate” Facebook page without including a broker’s reference.

Recommendation: Set Formal Hearing

INVESTIGATIVE REPORT

C-2018-039: Rina Fay Payne (SA) - Altus (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondent.

Recommendation: Close case with Caution

C-2018-027: Clean as a Whistle Incorporated, Joseph Daniel Levio (BM), and Andrea Jane Robertson (SA) – Edmond (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondents.

Recommendation: Close case

C-2018-019: Danica D’Lane Toole (SA) – Blair (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondent.

Recommendation: Close case with Caution

C-2018-017: Leadership Real Estate Investments Incorporated, Holly Denise Moody (BM), and Michael Edward Carter II (SA) – Oklahoma City (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondents.

Recommendation: Close case with Caution

C-2018-011: Mollina Marie Petschke (SA) – Sapulpa (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondent.

Recommendation: Close case with Caution

C-2017-052: Artesia LLC, Gigi Faulkner (BM), and Barry G. Whittington (BA) – Oklahoma City (Hall)

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the Respondents.

Recommendation: Close case

4. GENERAL BUSINESS

A. **Rules Update**

- i. Consideration and Possible Adoption of **Emergency Rules**
- ii. Review of Proposed **Permanent Rules**

B. **Activities Requiring a License**

C. **Wholesale Legislation**

D. **Investigation Department**

- i. Cases Held in Abeyance

E. **Consideration of items for Discussion at the next Commission Meeting**

5. FINANCIAL AND FISCAL

- A. Monthly Financial report for FY-2018
- B. Authorization of attendance for Commissioners and staff to the 2018 ARELLO® Annual Conference in St. Louis, MO from September 26 – 30, 2018
- C. Authorization of attendance for the Commission’s Investigation staff at the 2018 ARELLO® Investigator Workshop in San Antonio, TX from October 23 – 25, 2018

6. EDUCATION AND LICENSING

- A. Report and Update from the Education and Licensing Department, including licensing numbers
- B. “CE Broker” Software Update

7. INDUSTRY UPDATES

A. Education Advisory Committee

- i. Next committee meeting scheduled for Tuesday, July 17, 2018

B. Buyer Inducements

C. Contract Forms Committee

- i. Next committee meeting scheduled for Friday, July 13, 2018

8. PERSONNEL UPDATES

- Introduction of new Oklahoma Real Estate Commission Employees:
 - i. **Corinne Quist** – Licensing Specialist
 - ii. **Keila Hill** – Education Supervisor

9. NEW BUSINESS

- **Any new business not known about or reasonably foreseen prior to the time of posting of this agenda**

10. UPCOMING MEETING DATE(S) – (SUBJECT TO CHANGE)

- a. [August 8](#)
- b. [September 12](#)

11. ADJOURNMENT

