



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-730A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
3625 N.W. 56th St., Ste. 100
Oklahoma City, OK 73112

December 1, 2016

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Real Estate Appraiser Board intends to take with respect to licensee 13079CGA. The proposed action is to suspend the certificate of the licensee for failure to pay annual fees due August 31, 2016.

The Oklahoma Certified Real Estate Appraisers Act, 59 O.S.2011 & Supp.2016, §§ 858-700–858-732, authorizes the Oklahoma Real Estate Appraiser Board to issue certificates to individuals who wish to engage in real estate appraisal, *id.* §§ 858-704(A), 858-706(B)(3). Each of these certificates lasts for three years and automatically expires at the end of the term if the certificate holder takes no action to renew the certificate. 59 O.S.2011, § 858-714. However, during the life of the certificate, the holder must pay annual fees. 59 O.S.Supp.2016, § 858-708; OAC 600:10-1-18. The Board allows certificate holders to surrender the certificate prior to its expiration if they no longer wish to pay these annual fees. OAC 600:10-1-12(a).

The proposed action seeks to discipline a certificate holder for failure to pay annual fees without surrendering the certificate. These fees would be paid into the Oklahoma Certified Real Estate Appraisers Revolving Fund to pay for the operating expenses of the Real Estate Appraisers Board. 59 O.S.Supp.2016, § 858-730. Failure to pay such fees could thus undermine the Legislature's policy to fund this agency with user fees rather than with tax revenues.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Appraiser Board has adequate support for the conclusion that this action advances the State of Oklahoma's policy to collect fees from certified real estate appraisers.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA