

MINUTES OF SPECIAL MEETING
OKLAHOMA ABSTRACTORS BOARD

November 21, 2008

1. A special meeting of the Oklahoma Abstractors Board (OAB) was called to order at 10:00 a.m. on November 21, 2008, at the Oklahoma Industrial Finance Authority, 5900 N. Classen Court, Oklahoma City, Oklahoma.
2. The Vice Chairman announced that notice of the meeting and posting of the agenda had been done in accordance with the Open Meeting Act. The Secretary then called roll and announced that all current members were present with the exception of Steve Boone, and that a quorum was present.
3. Chairman's Report: In the absence of Steve Boone, Vice Chairman Herschel Beard conducted the meeting. He announced that Chairman Steven Boone had resigned from the Board effective November 14, 2008 (a copy of his resignation letter is filed with these minutes). A motion was made by Monica Wittrock and seconded by Jerald Stringer to send a letter to Mr. Boone thanking him for his help during the past five months and commend him for his service to the Board. Vote: Unanimously approved.

Vice Chairman Beard called for nominations for the position of Chairman. Monica Wittrock nominated Herschel Beard, and was seconded by Dennis Hall.

A motion was made by David Riley and seconded by Jerald Stringer that nominations cease. Vote: Unanimously approved.

The first motion was then called for the election of Herschel Beard to complete the term of Steven Boone as Chairman until July 30, 2009. Vote: Unanimously approved.

Chairman Beard called for nominations, or asked that someone volunteer, for the position of Vice Chair. Gary Baer made a motion to table the election of the Vice Chair until the next meeting so that the members could consider their options. Linda Carpenter then volunteered to take the post. Gary Baer withdrew his motion to table and nominated Linda Carpenter to complete the term of Herschel Beard as Vice Chair until July 30, 2009. The motion was seconded by Monica Wittrock. Vote: Unanimously approved.

4. The minutes of the special meeting of the OAB conducted October 23, 2008, were then distributed and, after review, a motion was made by Linda Carpenter and seconded by Gary Baer to accept the minutes as amended. (see below for amendments) Vote: Unanimously approved.

Strike through and yellow highlights indicate amendments to the minutes made at the Board Meeting before approval. ~~October~~ **November meeting – The next Special Meeting will be held at the Oklahoma Industrial Finance Authority, 5900 N. Classen Court, Oklahoma City, OK, at 1:00 p.m. on ~~October 23,~~ **November 13,** 2008.

No. 5 Continued: Employee Search – Gary Baer. Mr. Baer announced **and stated** that ~~Gary Baer stated~~ ~~that~~ eleven applications for the position of Field Inspector had been received and five of those applicants were interviewed.

5. Committee Reports:

Budget and Finance – David Riley. Mr. Riley gave an update on the budget and on the funds being collected from 2008 fees that were paid to the SA&I at 2007 prices. Out of approximately \$66,000.00 invoiced, over \$55,000.00 has been collected. The collection report this year has been skewed because of what was paid to SA&I during the last quarter of 2007. However, after the first of the year, a better idea of yearly income should be available. Mr. Crittenden reported that he and the Executive Director were working on a letter to the State Auditor's office requesting the funds that were paid to the SA&I for the 2008 fiscal year and a report would be forthcoming. Jerald Stringer made a motion to accept the budget report as presented, and was seconded by Mike Harris. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock. Ms. Wittrock announced the Rules Committee had conducted two meetings during November which included the OLTA Uniformity Committee, and thanked them and Duchess Bartmess for all their help and input. The Rules Committee will begin working through the permanent rules and present them for approval at the January 8, 2009 meeting, with the final adoption of the permanent rules at the March meeting, if all goes according to plan.

She then passed out a handout and asked the members to forward it to all the abstract companies in their district and ask that the results be back to her by December 5th. Mary Ann Nelson volunteered to send it out to Steve Boone's District 4.

Licensing and Testing – Linda Carpenter. Ms. Carpenter announced that at the last test held on November 6, 2008, approximately 28 applicants took the test with 23 passing and five failing. The next test will be January 6, 2009, at 1:00 p.m. in Shepherd Mall, 2401 NW 23rd Street, Suite 60B, Oklahoma City, OK.

Enforcement Committee – David Riley. Mr. Riley reported on the following:

Title Abstract, Nowata – The OAB received a response on two of the complaints out of the three filed and Mr. Riley felt that the responses were lacking in content and it would be one of the first duties of the Field Inspector to follow up on these matters.

Atoka Abstract & Title – Atoka Abstract faxed Mr. Riley a letter stating that they were within five weeks of having their indexing up to date and within a week of their orders being up to date. A subsequent telephone call confirmed they were now up to date in both.

Tahlequah Abstract – DeWeiss – Mr. Riley believes that the basis of this complaint is actually a matter of perspective on what Ms. DeWeiss actually ordered and what was provided. He also believes that what she is actually asking for is part of her fees reimbursed (outside of the fees incurred with the actual abstract) but Mr. Riley is not sure this Board would have any jurisdiction on those items. John Crittenden offered to review the file and visit with Ms. DeWeiss.

Employee Search – Gary Baer. Mr. Baer introduced the new Field Inspector, Charles Nichols who was welcomed by the Board. He will commence work on December 1, 2008.

6. Executive Director's Report: The Executive Director brought back to the Board the Internal Purchasing Policy which had been returned by Keith Gentry, Contracts Administration, Department of Central Services, stating that the standards of the IPP must be at least that which is required by State Statute. A motion was made by Monica Wittrock to accept the revised Internal Purchasing Policy as amended (a copy of which is filed with these Minutes). The motion was seconded by David Riley. Vote: Unanimously approved.

Director Reppond discussed the Checklist for Application for Building an Abstract Plant which had been developed by the State Auditor's Office and the need to revise it. It has been taken off the website and a new checklist will be presented to the Board at the next meeting in December for approval.

Office staff is presently going through each file and pulling information to be able to update the data base. A letter will be prepared to all abstract companies asking for updated contact information as well as information on all abstract licensees, including current e-mail addresses. We will be explaining how to access the website and how the certificate holders will be notified of their upcoming renewals. Due to cost of postage, the office will be trying to do as much as possible through e-mail. Gary Baer suggested, since there are no provisions for sending anything by certified mail in the Emergency Rules, that all certificate holders, by providing their e-mail address, acknowledge that their e-mail address will be their official notice address for all notifications by the Board. Those companies without e-mail addresses will be notified by US Mail.

7. Application for License and Certificate Renewals: A list of new applicants for Abstract Licenses and Certificates of Authority was submitted to the Board.

Attorney John Russell spoke to the Board concerning the renewal of the Application for Permit to Develop Abstract Plant by Pioneer Abstract Company of McAlester, Inc. in Latimer County and requested it not be approved.

A motion was made by Linda Carpenter and seconded by Mike Harris striking the approval of the Renewal of Application of Pioneer Abstract Company of McAlester, Inc. in Latimer County and moving it to the end of the Agenda, and approving all others listed subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. (A copy of which will be filed these minutes.) Vote: Unanimously approved.

8. Inspection Committees:

Pioneer Abstract of McAlester, Inc. in Latimer County – Mike Harris. Ongoing, as discussed earlier. A further inspection will be conducted by Mike Harris and Charles Nichols at an unspecified time.

LeFlore County – Herschel Beard reported that this will be one of Mr. Nichols first inspections after he begins work.

9. Moved to end of Agenda - Great Plains Investments dba Bailey's Abstract & Title, Application for Certificate of Authority

10. Visitor's Comment Period – Comments were made by Mary Ann Nelson who requested to know more about the telephone complaints which were addressed by Mr. Riley earlier in his report. Mr. Charles Nichols requested that his abstract company, Abstract & Guaranty Co. in Chandler, OK, be one of the first to be inspected.
11. December Meeting: Will be held on Monday, December 15, 2008, at 10:00 a.m. in Shepherd Mall, 2401 NW 23rd Street, Suite 40B (Activities Suite), Oklahoma City, OK.

No. 7 continued: Renewal of Application of Pioneer Abstract Company of McAlester, Inc. to Develop an Abstract Plant in Latimer County

Assistant Attorney General, John Crittenden, researched the matter during the break and his opinion was that the only absolute date set by the Legislature was one year, the expiration date of the permit. He believes that the Legislature would not have put two absolute dates and the word... "must be received 30 days before" .. is actually meant to be more of a "should be received 30 days before", so that there will be time to process the permit before the actual expiration date. After discussion, a motion was made by Gary Baer and seconded by Dennis Hall to approve the Renewal of Application for Permit to Develop an Abstract Plant by Pioneer Abstract Company of McAlester, Inc. of Latimer County. Mr. John Russell, attorney for Latimer County Abstract & Title, spoke on their behalf. The motion was then called for vote. Vote: Unanimously approved.

No. 9 continued:

Great Plains Investments dba Bailey's Abstract & Title, Application for Certificate of Authority

Mr. Riley reviewed the inspection reports previously submitted to the Board on July 10, 2008 and November 6, 2008. He indicated, according to the reports, that all was in order and Bailey's Abstract & Title was capable of providing the citizens of Jackson County with a quality work product and found no reason the application should be denied.

Attorney Christopher Wray spoke for applicant, John Bailey, and attorney John Warner spoke on behalf of Jackson County Abstract Co. Each spoke for approximately 30 minutes and then, after listening to all the comments, the following motion was presented to the Board by David Riley and seconded by Dennis Hall:

I move that the Board now find that Great Plains Investments dba Bailey's Abstract & Title, a current permit holder and applicant for a certificate of authority to engage in the business of abstracting in Jackson County, Oklahoma, has complied with the requirements for a certificate of authority, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board, including OAC 5:10-3-3; 10-3-4; 10-3-5; and 10-9-1;
- 2) Paid the applicable fee of \$800.00;
- 3) Provided adequate E&O coverage in the amount of \$1,000,000.00;
- 4) Provided adequate bond for county records in the amount of \$15,000.00;
- 5) As a holder of a permit to develop an abstract plant for Jackson County issued by the State Auditor and Inspector, applicant has developed its plant and is now ready to engage in the business of abstracting;

- 6) Pursuant to Section 30 of the Oklahoma Abstractors Act, this Board shall issue a certificate of authority to any applicant who has complied with the provision of the Oklahoma Abstractors Act;

And that now the Board grant applicant a Certificate of Authority for Jackson County.

Vote: Unanimously approved: Linda Carpenter, Yea; David Riley, Yea; Monica Wittrock, Yea; Mike Harris, Yea; J. Herschel Beard, Yea; Gary Baer, Yea; Dennis Hall, Yea; Jerald Stringer, Yea.

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12. The meeting was adjourned by Chairman Beard.

Respectfully submitted,

Glynda Reppond
Executive Director