

**MINUTES OF REGULAR MEETING
OKLAHOMA ABSTRACTORS BOARD
September 8, 2011**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Riley at 10:00 a.m. on September 8, 2011, at the Oklahoma Abstractors Board office, 2401 NW 23rd St., Suite 60B, Oklahoma City, OK.
2. The Secretary called roll. Attending were Linda Carpenter, Jerald Stringer, Glenda Mittasch, Monica Wittrock, Gary Baer, Herschel Beard, Mike Harris and David Riley. It was determined that eight members were present at the time of roll call and that a quorum was present. Also attending were John Crittenden, Assistant Attorney General, Mitzi Combs, Inspector, and Glynda Reppond, Executive Director. The Chairman announced that notice of the meeting and posting of the agenda had been done in accordance with the Open Meeting Act.
3. The minutes of the regular meeting of the OAB conducted August 11, 2011, were then distributed. After review, a motion was made by Monica Wittrock and seconded by Linda Carpenter to accept the minutes as presented. Vote: Unanimously approved.
4. **Chairman's Report: David Riley.** Chairman Riley welcomed all guests and thanked everyone for attending. He announced that the regional OLTA meetings were coming up and urged all members to attend.
5. **Executive Director's Report:** Director Reppond thanked Mike Harris for donating the new coffee cups with the OAB logo. She also reported that she was on schedule with filing the yearly reports. She has completed the Disaster Recovery and Business Continuity Plan as well as the Affirmative Action Plan. She also reported that the new chairs are on hold but should be delivered by the next meeting. She also stated that she had purchased a small projector and screen and would be giving a presentation concerning the on-line licensing system at the OLTA regional meetings as well as the inspector taking it with her on inspections to show the individual certificate holders and licensees.
6. **Committee Reports:**
 - a. **Budget and Finance – Jerald Stringer.** Mr. Stringer gave an update on the budget and presented the OSF Form “FY2012 Operating Budget Comparison by Department and Account”, the Six Digit Object Expenditure Report and the OAB P&L Statement for FY2011, which covers each month from the beginning of the fiscal year for comparison purposes. All accounts balance with OAB reported totals. Total expenditures for the month of August were \$26,344.64 and the amount for the year to date is \$44,888.93. A motion was made by Glenda Mittasch and seconded by Herschel Beard to approve the budget report as presented. Vote: Unanimously approved.
 - b. **Rules and Regulations – Herschel Beard.** - Mr. Beard reported that the Rules Committee had a meeting after the Board meeting on July 14th to review the list of prior suggestions and decide which are the most pressing to work on this year. The next meeting will be after the Board meeting today. The committee feels the language on the present inspection reports is fairly broad and needs to be changed. After discussion, a motion was made by Gary Baer and seconded by Glenda Mittasch to use the following language on inspection reports if no critical findings are found, “During the course of inspection, there were no critical findings noted. This report is

intended solely for the information and internal use of the OAB and is not intended to be and should not be circulated, quoted, ~~disclosed~~ or distributed to anyone beyond the OAB or the subject of this inspection.” If critical findings are found, they will be noted. Vote: Unanimously approved.

c. Licensing and Testing – Linda Carpenter. Ms. Carpenter reported that the test held on September 1st at the OAB office in Oklahoma City had eight attendees and all passed. The next test will be held at the OAB office on November 3rd as well as the OLTA basic abstractor school on November 8th. A telephonic meeting of the Licensing and Testing committee will be held on October 20th to discuss incorporating new information into our tests.

d. Inspections – Mitzi Combs. Ms. Combs reported that she completed inspections on Choctaw County Abstract, Choctaw County; Guaranty Abstract Co. of Jefferson Co.; Powers Abstract Company, Inc., Noble County; Stewart Abstract & Title Co. of Carter Co.; Jelsma Abstract Co. d/b/a Logan County Abstract and American Eagle Title Group in Logan County and presented the attached list of completed inspections to the Board for their approval. After discussion, a motion for approval was made by Gary Baer and seconded by Glenda Mittasch. Vote: Unanimously approved.

e. Enforcement Committee – Glenda Mittasch.

Applications for Licenses: Presented to the Board for approval was a list of applicants for abstract licenses which are set out in the attachments hereto. After discussion, a motion was made by Glenda Mittasch and seconded by Jerald Stringer for approval subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Unanimously approved.

Certificates of Authority and Rate Sheets: Presented to the Board for approval was a list companies for renewal of Certificate of Authority which is set out in the attachments hereto. After discussion, a motion was made by Glenda Mittasch and seconded by Linda Carpenter for approval subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Unanimously approved.

Ms. Mittasch then reported that several County Clerks have been contacted by a Texas Company, Texas File, asking for a copy of all images and index data by electronic data, to compile an abstract plant. When one county clerk sent them an affidavit stating that the records would not be used for public sale, they refused to sign it. Most clerks have been directing them to obtain an application for permit to construct an abstract plant from the OAB. A motion was made by Herschel Beard and seconded by Linda Carpenter to table this matter until the next meeting. Vote: Unanimously approved.

Mr. Riley further reported that an agreement had been reached between the OAB and Goetzinger Abstract & Title concerning the use of unlicensed abstractors. He also reported that an agreement had been reached between the OAB and Goetzinger Abstract & Title and a fine of \$2,400.00 should be assessed. A motion was made by Glenda Mittasch and seconded by Linda Carpenter to prepare a consent agreement and assess a \$2400.00 fine to Goetzinger Abstract & Title in this matter. Vote: Unanimously approved.

Mr. Baer made the point that this agreement should not be used as a precedent and each individual case in the future should be decided on its own merits.

7. **Legal Counsel's Report: John Crittenden.**

Arbuckle litigation, Carter County Case No. CV-2010-32. Mr. Crittenden reported that this case has been dismissed by the Plaintiff. He did, however, have a problem with using the word "disclosed" in the inspection reports which was approved in item 6b above. A motion was made by Monica Wittrock and seconded by Gary Baer to remove the word "disclosed" from the paragraph formerly approved in item 6b above for use in inspection reports. Vote: Unanimously approved.

8. **Application for Certificate of Authority by American Eagle Title Group LLC d/b/a Lincoln County Title Company.**

This matter came on to be heard by the Board for receiving its Certificate of Authority. American Eagle Title Group, LLC d/b/a Lincoln County Title Company was represented by Randy Dittman. No one appeared to speak against the Certificate being issued. Director Reppond reported that final inspections had been made and all was in order. Herschel Beard then made the following motion, which was seconded by Glenda Mittasch: I move that the Board now find that applicant American Eagle Title Group, LLC d/b/a Lincoln County Title Company has complied with the requirements for a Certificate of Authority to engage in the business of abstracting in Lincoln County, Oklahoma, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board;
- 2) Paid the applicable fee of \$1,200.00;
- 3) Provided adequate E&O insurance coverage of \$1,000,000.00;
- 4) Provided a County Records Bond of \$25,000.00;
- 5) Provided proof that an adequate abstract plant is available for use; and

that the Board should grant American Eagle Title Group, LLC d/b/a Lincoln County Title Company, a Certificate of Authority to engage in the business of abstracting in Lincoln County, Oklahoma. Vote: Linda Carpenter - Yea, David Riley - Yea, Monica Wittrock - Yea, Glenda Mittasch - Yea, Mike Harris - Yea, Herschel Beard - Yea, Gary Baer - Yea, Jerald Stringer - Yea. Vote: Unanimous approval.

9. **Visitor's Comments:** Donna Schmulbach reminded everyone of the OLTA regional meetings.

10. **Next Meeting:** The next meeting will be held Thursday, October 6th, 2011, at 10:00 a.m. at the OAB office, 2401 NW 23rd St., Suite 60B, Oklahoma City, OK.

11. The meeting was adjourned by Chairman Riley.

Respectfully submitted,

Glynda Reppond
Executive Director