

MINUTES OF REGULAR MEETING
OKLAHOMA ABSTRACTORS BOARD
April 8, 2010

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Vice-Chairman Carpenter at 10:00 a.m. on April 8, 2010, at the Oklahoma Finance Authority, 5900 N. Classen Court, Oklahoma City, OK.
2. The Secretary called roll. Attending were Mike Harris, Gary Baer, Jerald Stringer, Glenda Mittasch, Linda Carpenter, Monica Wittrock, and David Riley. Dennis Hall was absent with an excused absence. Herschel Beard will be late. It was determined that seven members were present at the time of roll call and that a quorum was present. Also attending were John Crittenden, Assistant Attorney General, Terri Parrish, Inspector, and Glynda Reppond, Executive Director. The Vice-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 March 11, 2010, were then distributed and, after review, a motion was made by Monica Wittrock and seconded by David Riley to accept the minutes as presented. Vote: Unanimously approved.
4. Chairman's Report: Herschel Beard. Moved until Chairman Beard arrived at 10:25. At that time, he reported that he will be speaking at the OLTA convention being held April 16th and 17th.
5. Committee Reports:

Budget and Finance – Jerald Stringer. Mr. Stringer gave an update on the budget and presented the OSF Form “FY2010 Operating Budget Comparison by Department and Account”, the Six Digit Object Expenditure Report and the OAB P&L Statement which covers each month from the beginning of the fiscal year for comparison purposes, for March, 2010. He reported that the budget continues to run on target. Out of the \$316,544 approved budget, actual expenses of \$196,471.00 have been spent so far this year with \$22,857.00 encumbered. The FY2011 budget was moved to the bottom of the agenda in the event that an executive session might be called concerning personnel salaries. A motion was made by Monica Wittrock and seconded by Gary Baer to approve the budget report as presented. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock.

Ms. Wittrock reported that the rules have been submitted to the Governor and Legislature. The Governor has to affirmatively approve them and the Legislature approves by not acting. She also brought old abstracts from Arkansas for the Board to look at as a “show and tell”. Ms. Wittrock also reported hearing from a professor at OU wanting to know if the Board would be interested in having an “extern” for the summer who is a law student. This is an unpaid position and the person can only work for an agency or non-profit. The extern would have to work within certain parameters as to duties, research, data compilation, etc. The decision will be left to John Crittenden and the Executive Director.

She reported that the committee has delayed the effective date for the two new forms, the rate filings forms and the Uniform Abstract Certificate in order for abstractors who may have a

stockpile of unused certificates to be able to use them up. Glenda Mittasch made a motion to approve the rate filing forms and the Uniform Abstract Form with an effective date of September 1, 2010, with the stipulation that anyone could go ahead and use the forms before then if they wished but the forms must be used after that date. The motion was seconded by Gary Baer. Vote: Unanimously approved.

Licensing and Testing – Linda Carpenter. Ms. Carpenter reported on March 10th, the test was given at the OLTA school with 33 taking the test and 32 passing. Director Reppond gave the test to Green Country employees on the 26th, with 8 taking the test and 7 passing. The next test will be held May 6th in Sapulpa at 1:00 p.m. in the second floor ballroom at 317 E. Lee Street and the next test at the agency office will be July 1st.

Enforcement Committee – David Riley

Mr. Riley reported that the rate sheet requests had been reviewed but would be approved later in the meeting under another item.

Mr. Beard joined the meeting at this time, 10:25 a.m.

A motion was made by the Linda Carpenter and seconded by Jerald Stringer to approve the inspection reports with the listed recommendations and requirements presented for American Abstract Co. and Guaranty Abstract Company in McClain County, Caddo County Abstract Co. and Lacey Pioneer Abstract Company in Caddo County, Abstract & Guaranty of Blaine County and Blaine County Abstract Co. in Blaine County, and Soloman Abstract Company in Kingfisher County. Vote: Unanimously approved.

6. Inspections – Terri Parrish. Ms. Parrish reported that in March she inspected Clinton Abstract Co. in Custer County, Cordell Abstract LLC. in Washita County, Kiowa County Abstract Company in Kiowa County, Pioneer Abstract Co. in Seminole County, Seminole County Abstract Co. in Seminole County, and Atlas Abstract Company in Hughes County. April inspections include Dewey County Abstract Company in Dewey County, Fairview Abstract Co. in Major County, Guaranty Abstract Co. in Garfield County, J. C. Humphrey Abstract Co., in Garfield County, and Surety Abstract & Title Co. in Garfield County. Proposed May inspections include Guaranty Abstract & Title Co. in Texas County, Beaver County Abstract Co. in Beaver County, and Beaver Pioneer Abstract & Title in Harper County.
7. Executive Director's Report: Director Reppond reported that the OLTA convention will be held on April 15, 16, and 17th and she and the staff would be attending. She also attended the ARMA records retention seminar. She brought to the attention of the Board that the meeting scheduled for November 11th falls on Veterans Day and suggested they change the meeting to the 4th or the 18th. The Board agreed on the 18th so it will be moved on the calendar.
8. Application for Licenses and Certificate Renewals (including rate changes): Presented to the Board for approval was a list of new applicants for Abstract Licenses, as well as a list of Certificate of Authority renewals which include Ottawa County Abstract & Title Co. in Ottawa County, Guaranty Abstract Co. of McClain in McClain County, Tulsa Abstract & Title Co., LLC in Tulsa County, Pioneer Abstract Company dba Atlas Abstract Co. in Hughes County, Title Abstract Co. in Nowata County, M.G. Cox Abstract Co. in Garvin County, Surety Abstract &

Title Co., Inc., in Garfield County, Sequoyah County Abstract & Title Co. in Sequoyah County, Southwest Abstract & Title Co. in Comanche County, Marietta Abstract Co. in Love County, Seminole County Abstract Co. in Seminole County, Pioneer Abstract Co. in Seminole County, Valley Land Title Company, Inc. in Sequoyah County, Musselman Abstract Co. in Washington County, Southern Abstract Co. in Washington County, Atoka Abstract Co. in Atoka County, Old Republic Title Co. of OK in Canadian County, Goetzinger Abstract & Title Co. in Woodward County, Cheyenne Abstract Co., Inc. in Roger Mills County, Tahlequah Abstract & Title Co. in Cherokee County and Cherokee Capitol Abstract & Title in Cherokee County. A rate change only was for Jackson County Abstract Co. in Jackson County.

After discussion, a motion was made by Glenda Mittasch and seconded by Linda Carpenter approving all listed, subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Unanimously approved.

9. New Business: None.

10. Visitor's Comments: None

11. Old Business:

Legal Counsel's Report – John Crittenden. Mr. Crittenden reported that he had been in contact with counsel for Randy Dittman, American Eagle, and they had sent in a very detailed analysis as to the Federal Courthouse issue with permit holders which he will be studying in depth. He will then be providing an opinion as to that issue to the Board. Ms. Wittrock asked if it would be appropriate to entertain comments from the public and he replied that at some point it would be and then perhaps open it up for general comments. Timing is always an issue but he stated that the next two to four months doesn't really impact that and he then asked Mr. Dittman if that was a fair statement. Mr. Dittman indicated that it was a fair statement. Mr. Crittenden also indicated that if the public wanted to begin sending in comments, they could be filed until the proper time to take them into consideration.

- a. Update and possible action on the complaint filed in the matter of Arbuckle Title & Abstract in Carter and Love Counties, OAB Case No. 2010-1, including special prosecutor's request for documents to the Respondents by Subpoena Duces Tecum dated March 19, 2010 and Respondents' Objection to the Subpoena Duces Tecum. The Enforcement Committee has met concerning this matter and as special prosecutor, Mr. Crittenden agreed that there was cause to file a complaint. He explained in last month's meeting that the committee wanted to see some additional information before the formal complaint was filed and counsel for Mr. Pollard explained that they would need a subpoena to release the information. In order to issue a subpoena, a formal complaint in an individual proceeding must be filed so Mr. Crittenden proceeded to do so. At that time, a subpoena duces tecum was issued that asked that certain documents be made available for the OAB field inspector to review. An objection was received back from Mr. Pollard's counsel. Mr. Crittenden has not yet made a decision on how to handle that matter.
- b. Discussion and possible action on the hiring of a hearing officer in the matter of Arbuckle Title & Abstract in Carter and Love Counties, OAB Case No. 2010-1. Mr.

Crittenden reported that the OAB statute authorizes the Board to hold individual proceedings, which are almost like a small trial setting. The Board has the ability to hear these cases as a Board but the Board also has the option of hiring an individual as a hearings examiner. On behalf of the Board, Mr. Crittenden has explored this option, interviewing an experienced attorney, Mr. Douglas Price, who has served as the hearings officer for other state agencies. After discussion, a motion was made by Gary Baer and seconded by Mike Harris to have the Executive Director negotiate with Mr. Price and enter into a contract with him and appoint him as hearing examiner for this case and then have time to interview other people to have a pool to choose from in the future. Vote: Mike Harris, yea, Gary Baer, yea, Jerald Stringer, yea, Glenda Mittasch, yea, Linda Carpenter, yea, Monica Wittrock, abstain, Herschel Beard, yea, and David Riley, yea. With seven yeas and one abstaining, the motion passes.

- c. Update on complaint filed by Luke Pollard v. OAB, Carter Co. District Court, Case No. CV-2010-32. Pursuant to the recommendation of John Crittenden, a motion was made by Linda Carpenter and seconded by David Riley to move into executive session pursuant to 25 O.S. §307B(4) as well as concerning 5a below, 25 O.S. §307B(1) to discuss salaries. Vote: Unanimously approved. Mr. Crittenden stated that Arbuckle Title & Abstract in Carter and Love Counties, OAB Case No. 2010-1 above would NOT be discussed during this executive session. Upon returning to open session, there may be discussion and possible votes.

5a continued. Budget & Finance - Approval of Budget. There may be an executive session pursuant to 25 O.S. §307B(1) to discuss salaries.

The Board went into Executive Session at 11:30 a.m.

The Board came out of Executive Session at 1:10 p.m.

The Budget for FY2011 will be tabled at this time, the Executive Director will make the changes requested, and the budget will be voted on at the May 13th meeting.

Gary Baer made a motion that no effort be made by any member or staff to have the OAB be incorporated in any non-appropriated agency salary bands. The motion was seconded by Glenda Mittasch. Vote: Unanimously approved.

12. May Meeting: The May meeting will be held Thursday, May 13th, 2010, at 10:00 a.m. at the Oklahoma Finance Authority, 5900 N. Classen Court, Oklahoma City, OK.

13. The meeting was adjourned by Chairman Beard.

Respectfully submitted,

Glynda Reppond
Executive Director