

MINUTES OF SPECIAL MEETING
OKLAHOMA ABSTRACTORS BOARD
August 19, 2008

1. A special meeting of the Oklahoma Abstractors Board (OAB) was called to order at 1:00 p.m. on August 19, 2008, at Shepherd Mall, 2401 NW 23rd Street, Suite 40B (Activities Suite), Oklahoma City, OK 73107.
2. The 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 except Mike Harris, who is ill.
3. The minutes of the special meeting of the OAB conducted July 22, 2008, were then distributed and, after review, a motion was made by Linda Carpenter and seconded by David Riley to accept the minutes as presented. Vote: Unanimously approved.
4. Chairman's Report: Chairman Steve Boone then read an excerpt from the Open Records Act, Title 51, Section 24A.5.3(b) concerning fees to be charged when applicable for copying records requested under that statute. A motion was made by Dennis Hall and seconded by Herschel Beard to adopt the fee schedule that is attached to these minutes with Director Reppond forwarding them to the County Clerk for posting, as well as posting in the OAB office. Vote: Unanimously approved. (A copy of which will be filed these minutes.)

Chairman Boone then read a letter from the Board (a copy of which will be filed these minutes) which will be mailed to the Governor to show the appreciation of the OAB to the Oklahoma State Fire Marshal's office for all their help in the OAB establishing its office.

The Purchasing Policy was then presented to the Board for consideration. After discussion, several modifications were suggested and a motion was made by Herschel Beard and seconded by Monica Wittrock to approve the Purchasing Policy as read into the record after the modifications had been made by David Riley. (A copy of which will be filed these minutes.)
Vote: Unanimously approved.

5. Committee Reports:
Budget and Finance – David Riley. Mr. Riley passed out the Budget and Expenditure Reports (a copy of which will be filed these minutes). Director Reppond was requested to prepare a code legend for the Board to follow during upcoming meetings. A motion was made by Monica Wittrock and seconded by Gary Baer to accept the Expenditure Report as presented. Vote: Unanimous.

Rules and Regulations – Monica Wittrock. Ms. Wittrock handed out copies of the proposed emergency rules still needing to be presented to the Governor for signature. After discussion concerning the kind of notice needed and to whom it should go when applying for a permit to build and the types and amounts of bonds needed, it was decided to table this discussion until the next Special meeting of the OAB. A motion to do so was made by Herschel Beard and seconded by Monica Wittrock. Vote: Unanimously approved.

Licensing and Testing – Linda Carpenter. Ms. Carpenter announced that the next test date would be September 9, 2008, at 10:00 a.m. in the OAB office, Suite 60B, 2401 NW 23rd Street, Oklahoma City, OK 73107. She also notified the Board that OLTA would be holding a one-day abstractor class on November 5, 2008 and then the OAB would hold its next test the following day, November 6, 2008, at 1:00 p.m. in the Activities Suite, 40B, 2401 NW 23rd Street, Oklahoma City, OK. All inquiries concerning the one-day school should be directed to Mary Ann Nelson, OLTA President.

Enforcement Committee – David Riley. Mr. Riley passed out the job description for the new field inspector position and said that he was working on the guidelines for abstract plant inspections. After discussion, it was decided to remove item No. 6 of the job description concerning maintaining information on related or interested professions across the state. With that item removed, a motion was made by Dennis Hall and seconded by Gary Baer to accept the job description as amended. Vote: Unanimously approved.

Employee Search – Gary Baer. Mr. Baer announced that with the job description approved, the Director should now begin the search process.

6. Executive Director's Report: The Executive Director passed out a list of furniture on loan (a copy of which will be filed these minutes) from various companies and asked that the Board approve the list as "donated furniture" as opposed to "loaned furniture". She can then send a letter to the Governor requesting that the State approve the OAB accepting the furniture as a donation. A motion was made by Gary Baer and seconded by David Riley to accept the furniture as a donation. Vote: Unanimously approved.

Director Reppond explained that she was making progress with the website. She also reported that as of August 14th, 23 Certificates of Authority and 148 abstractor licenses had been prepared and sent out.

Rate changes that have been requested are being reviewed by the Director and Chairman who will be approving or disapproving those rate changes as quickly as possible. The Board requested that a copy of all rate changes be forwarded to them by fax or e-mail so they would be aware of how the rates fluctuate across the state.

7. Director Reppond then reported that no other complaints had been filed since the previous report. The status of each complaint remained the same:

OAB-2008-001, pending investigation;
OAB-2008-002, pending investigation and proceedings;
OAB-2008-003, closed;
OAB-2008-004, inactive;
OAB-2008-005, inactive.

8. Executive Director's Administrative Duties: Discussion was held on the administrative matters to be delegated to the Executive Director which had been tabled from the last meeting. A motion was made by David Riley and seconded by Linda Carpenter to delegate the following duties to

the Executive Director: deposits, payables, review of applications for renewals of Applications for Permits to Develop Plant, Transfers of Certificates of Authority and Certificates of Authority, and Abstractors Licenses, review and certify copies of Abstractor Bonds, initiate background checks, prepare meeting minutes and all other necessary actions for Board and committee meetings, prepare and administer tests for licensure, supervise staff, and maintain and supervise all contracts and agreements and any other actions the Board may see fit to delegate to her. Vote: Unanimously approved.

9. Application for License and Certificate Renewals: A list of new applicants for Abstract Licenses and Certificates of Authority was submitted to the Board. A motion was made by Herschel Beard, seconded by Monica Wittrock approving all 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.

10. Inspection Committees:

Jackson County – David Riley. The inspection team has met and completed their investigation process and they are in the process of preparing their report. The matter will be ready to be placed on the September Agenda.

Latimer County – Mike Harris. Mr. Harris was ill and Director Reppond reported that the inspection team has met and they are in the process of compiling their report.

Cherokee County – Application for Permit to Build. The Chairman opened the matter with Applicant’s attorney, Christopher Wright, requesting that the application be issued with a conditional approval upon Mr. Chaffin filing which ever bond the Board requires. He addressed the objections of Protestant Scott Luna, owner of Tahlequah Abstract & Title and Cherokee Capitol Abstract & Title, Inc. and stated that Protestants’ basis was not statutory and the objection “...there is an existing abstract company in Cherokee County, Oklahoma...” was a non-issue.

11. Application for Permit to Develop Plant by Robert Chaffin:

The Board opened discussion on Robert Chaffin’s application for a permit to develop an abstract plant. Tim Green, attorney for Protestants, spoke first. After discussion about various documents being filed and served upon each other, Mr. Green stated that he believes that under the Administrative Procedures Rule, Protestants were entitled to a full hearing on the matter and requested that the Board schedule such a hearing.

The Board then questioned Mr. Chaffin concerning the records of the County and if they were complete, if the employees that was going to build his plant were licensed, and the bonds Mr. Chaffin had filed. Mr. Chaffin has filed a \$15,000.00 cash bond in the form of a CD but it could not be established whether that money was for the County Records Bond or the E&O insurance. A discussion then ensued between the members of the Board about which bonds were needed at the application stage.

The question concerning the employees who would actually build the plant and if they would be licensed was then addressed by Mr. Chaffin. He indicated that he was looking at three different companies, two from out of state and one from Oklahoma City to use in copying the records when he builds his plant.

Due to the unclear position of what bonds are required and the amounts of those bonds at the application stage, and several questions that still needs to be addressed by Mr. Chaffin, a motion was made to table Mr. Chaffin's request for an Application for Permit to Build until the next meeting, September 26, 2008, with the Chairman and Inspection Team meeting and reviewing the problem areas in an attempt to resolve them before the next meeting. Motion was made by Herschel Beard, seconded by David Riley. Vote: 7 yeas, 1 abstention. Motion passed.

12. September meeting – The next Special Meeting will be held at Shepherd Mall on September 26, 2008, at 1:00 p.m. in Suite 40B (Activity Suite).
13. A motion was made by Gary Baer and seconded by Jerald Stringer to adjourn. Vote: Unanimously approved.

Respectfully submitted,

Glynda Reppond
Executive Director