

MINUTES OF SPECIAL MEETING
OKLAHOMA ABSTRACTORS BOARD
January 8, 2009

1. A special meeting of the Oklahoma Abstractors Board (OAB) was called to order at 10:00 a.m. on January 8, 2009, at 2401 NW 23rd Street, Suite 40B, Oklahoma City, Oklahoma.
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 Executive Director then called roll and announced that all current members were present with the exception of Jerald Stringer, David Riley and Gary Baer and that a quorum was present. Mr. Baer arrived within thirty minutes and was declared present.
3. The minutes of the special meeting of the OAB conducted December 15, 2008, were then distributed and, after review, a motion was made by Monica Wittrock and seconded by Dennis Hall to accept the minutes as amended. Vote: Unanimously approved.
4. Chairman's Report: No report at this time except to move Item 12, Visitor's Comments, to be heard after Item 8, Inspections.
5. Committee Reports:

Budget and Finance – David Riley. Ms. Reppond gave an update on the budget and presented a P&L statement for the month of December, 2008, as well as one for July 1, 2008 through December 31, 2008. A motion was made by Dennis Hall and seconded by Linda Carpenter to approve the budget report as presented. Vote: Unanimously approved.

She then brought to the Board's attention that attorney Bartmess' contract for \$5,000.00 had been expended and that the Board needed to approve an additional amount. At this point there is an additional \$2,500.00 owed and Monica Wittrock suggested that an additional \$1,000.00 be added for followup work for the rest of the rule making. John Crittenden requested an amended contract be prepared so that he could present it to the Attorney General's office for approval. A motion was made by Linda Carpenter to pay the contracted \$5,000.00 to attorney Bartmess and extend the contract for an additional \$3,500.00. The motion was seconded by Monica Wittrock. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock. Ms. Wittrock passed out copies of the proposed permanent rules. After discussion, Ms. Wittrock made a motion to allow the emergency rules to lapse on July 14, with the permanent rules taking effect July 15, 2009. The motion was seconded by Gary Baer. Vote: Unanimously approved.

Ms. Wittrock then made a motion to renumber the permanent rules as Chapters 2, 11 and 21. Linda Carpenter seconded the motion. Vote: Unanimously approved.

Ms. Wittrock then made a third motion to approve the proposed rules as a draft to submit to the Secretary of State and other appropriate state offices, as corrected during discussion by the Board. The motion was seconded by Gary Baer. Vote: Unanimously approved.

Ms. Wittrock then made a motion to approve the “Notice of Permanent Rulemaking for Chapters 2, 11 and 21” and submit it to the Legislature. The motion was seconded by Dennis Hall. Vote: Unanimously approved.

Ms. Wittrock then made a motion to approve the “Rule Impact Statement for Chapters 2, 11 and 21” and submit it to the Legislature. The motion was seconded by Mike Harris. Vote: Unanimously approved.

Licensing and Testing – Linda Carpenter. Ms. Carpenter announced that the last test date was January 6, 2009, at 1:00 p.m. Eleven tested and eight passed. The next test date is Wednesday, March 4, 2009 in Tulsa area. The time and place will be announced closer to time.

Enforcement Committee – Mike Harris. Mr. Harris stated that Charles Nichols plant was inspected two weeks prior and Mr. Harris’ plant is due to be inspected within next few days. The rest of the inspections for Board members will take place by the end of January.

6. Executive Director’s Report: Director Reppond passed out copies of the dates for the 2009 Board dates and testing dates. She further informed the Board of the reduction of mileage fees paid by the State from 58.5 cents down to 55 cents per mile. Name badges for the Board members to wear at functions was discussed and she will order those in the near future.

She then asked John Crittenden to report on the letter directed to the State Auditor’s office. He is working on it and he will have more to report next month.

The Board then recessed at 11:30 for a break. At 11:45, the Board was called back in session.

7. Application for License and Certificate Renewals: A list of new applicants for Abstract Licenses and Certificates of Authority was submitted to the Board. Discussion ensued concerning rate sheets and wording. After discussion, a motion was made by Gary Baer and seconded by Mike Harris 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.
8. Inspections: Mr. Nichols reported that he was presently in the process of inspecting the Board members’ plants and was fielding many telephone complaints each day, many of which involved closing companies.

12. Visitor Comment Period (moved to this point on agenda at beginning of meeting) – No comments were made.

9. Application for Permit to Develop an Abstract Plant by Luke Pollard, Arbuckle Closing & Escrow Service, LLC, dba Arbuckle Title & Abstract in Carter County, Oklahoma

Mr. Pollard spoke on his own behalf and there was no opposition by any other party. After discussion, the following motion was made by Dennis Hall and seconded by Gary Baer:

I move that the Board now find that Luke Pollard, Arbuckle Closing & Escrow Service, LLC, dba Arbuckle Title & Abstract in Carter County, Oklahoma, applicant for a permit to develop an

abstract plant in Carter County, Oklahoma, has complied with the requirements for a permit to develop an abstract plant, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board, including OAB 5:10-3-3; 10-3-4; 10-3-5; and 10-7-1;
- 2) Paid the applicable fee of \$1,200.00;
- 3) Provided adequate bond for county records in the amount of \$25,000.00; and
- 4) Pursuant to Section 34 of the Oklahoma Abstractors Act, this Board shall issue a permit to develop an abstract plant to any applicant who has complied with the provisions of the Oklahoma Abstractors Act,

and that now the Board grant applicant a permit to develop an abstract plant in Carter County, Oklahoma.

Vote: Linda Carpenter, Yea; Monica Wittrock, Yea; Mike Harris, Yea; J. Herschel Beard, Yea; Gary Baer, Yea; Dennis Hall, Yea. With 6 yeas, the motion carries.

10. Application for Permit to Develop Abstract Plant - Luke Pollard, Arbuckle Closing & Escrow Service, LLC, dba Arbuckle Title & Abstract in Love County, Oklahoma

Mr. Pollard spoke on his own behalf and, although a letter had been received from Attorney Kenneth Delashaw on behalf of Marietta Abstract Company and Love County Abstract Company (a copy of which was distributed to the Board for consideration and review at the time of receipt of said letter), there was no opposition by any other party at the presentation before the Board. After discussion, the following motion was made by Gary Baer and seconded by Dennis Hall:

I move that the Board now find that Luke Pollard, Arbuckle Closing & Escrow Service, LLC, dba Arbuckle Title & Abstract in Love County, Oklahoma, applicant for a permit to develop an abstract plant in Love County, Oklahoma, has complied with the requirements for a permit to develop an abstract plant, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board, including OAB 5:10-3-3; 10-3-4; 10-3-5; and 10-7-1;
- 2) Paid the applicable fee of \$400.00;
- 3) Provided adequate bond for county records in the amount of \$15,000.00; and
- 4) Pursuant to Section 34 of the Oklahoma Abstractors Act, this Board shall issue a permit to develop an abstract plant to any applicant who has complied with the provisions of the Oklahoma Abstractors Act,

and that now the Board grant applicant a permit to develop an abstract plant in Love County, Oklahoma.

Vote: Linda Carpenter, Yea; Monica Wittrock, Abstain; Mike Harris, Yea; J. Herschel Beard, Yea; Gary Baer, Yea; Dennis Hall, Yea. With 5 yeas and 1 abstention, the motion carries.

11. Application for Permit to Develop Abstract Plant – Robert H. Chaffin dba Green Country Abstract and Title Co., LLC. in Cherokee County, Oklahoma

Attorney Clifford Wright spoke on behalf of Mr. Chaffin and attorney Tim Green spoke on behalf of Cherokee Capitol Abstract & Title and Tahlequah Abstract & Title Company. After presentations from both sides and discussion, the following motion was made by Gary Baer and seconded by Dennis Hall:

I move that the Board now find that Robert H. Chaffin dba Green Country Abstract and Title Co., LLC. in Cherokee County, Oklahoma, applicant for a permit to develop an abstract plant in Love County, Oklahoma, has complied with the requirements for a permit to develop an abstract plant, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board, including OAB 5:10-3-3; 10-3-4; 10-3-5; and 10-7-1;
- 2) Paid the applicable fee of \$1,200.00;
- 3) Provided adequate bond for county records in the amount of \$25,000.00; and
- 4) Pursuant to Section 34 of the Oklahoma Abstractors Act, this Board shall issue a permit to develop an abstract plant to any applicant who has complied with the provisions of the Oklahoma Abstractors Act,

and that now the Board grant applicant a permit to develop an abstract plant in Cherokee County, Oklahoma.

Vote: Linda Carpenter, Nay; Monica Wittrock, Abstain; Mike Harris, Abstain; J. Herschel Beard, Nay; Gary Baer, Yea; Dennis Hall, Yea. With 2 yeas, 2 nays and 2 abstentions, the motion fails.

Due to the absence of two members of the Board, it was decided to place this matter back on the agenda of February 12, 2009.

12. February Meeting: Will be held on Thursday, February 12, 2009, at 10:00 a.m. in Shepherd Mall, 2401 NW 23rd Street, Suite 40B (Activities Suite), Oklahoma City, OK.
13. The meeting was adjourned by Chairman Beard.

Respectfully submitted,

Glynda Reppond
Executive Director