

MINUTES OF SPECIAL MEETING
OKLAHOMA ABSTRACTORS BOARD
July 09, 2009

1. A special meeting of the Oklahoma Abstractors Board (OAB) was called to order at 10:00 a.m. on July 09, 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 Secretary then called roll and announced that all current members were in attendance and that a quorum was present.
3. The minutes of the special meeting of the OAB conducted June 11, 2009, were then distributed and, after review, a motion was made by Monica Wittrock and seconded by Gary Baer to accept the minutes as presented. Vote: Unanimously approved.
4. Chairman's Report: No report.
5. Committee Reports:

Budget and Finance – David Riley. Mr. Riley gave an update on the budget and presented a P&L statement and Transaction List for the month of June, 2009. A motion was made by Glenda Mittasch and seconded by Mike Harris to approve the budget report as presented. Vote: Unanimously approved.

Director Reppond then presented the proposed revised budget for FY2010 for review and explained the requested revisions which are: D&O insurance, raised from \$500.00 to \$1,170.56; Attorney Fees for AG's office, added \$25,467.84 for the fiscal year; and Attorney Fees associated with Rule Making added \$5,000.00 for the fiscal year. After discussion, a motion was made by Monica Wittrock and seconded by Linda Carpenter to approve the FY2010 budget as revised. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock. Ms. Wittrock passed out drafts of proposed rate sheet forms and Uniform Abstract Certificates that will be reviewed in the next Rules Committee meeting. Director Reppond will check on the use of the OLTA and ALTA logo for the abstract certificates. Ms. Wittrock announced that there would be a Rules committee meeting immediately after the Board meeting in August and the OLTA Uniformity Committee would be invited to attend. She also requested John Crittenden review the new RESPA regulations and provide a memo or letter directing the Certificate Holders in how to comply with RESPA Reform and our rules which require the abstracting to be separately shown on the HUD-1.

Licensing and Testing – Linda Carpenter. Ms. Carpenter announced that the next test will be held July 30th at 1:00 p.m. in the OAB office. The Board requested that Ms. Carpenter be the liaison to the OLTA Education Committee, which she agreed to do.

Enforcement Committee – David Riley. Mr. Riley presented the list of inspection reports which have been completed by Inspector Parrish and requested they be approved with the requested requirements and recommendations (a copy of which is filed with these Minutes). A motion was

made by Glenda Mittasch and seconded by Linda Carpenter to approve the inspections with the requested requirements and recommendations. Vote: Unanimously approved.

6. Inspections – Terri Parrish. Ms. Parrish reported that she had completed inspections and would be presenting reports to the Enforcement Committee for the August Board meeting the following companies: Title Abstract Co., Marietta Abstract Co., Love County Abstract, Bryan County Abstract, Bryan County Research Co., Durant Abstract Co., Stewart Abstract in Carter Co., Guaranty Abstract in Jefferson County and the permit holder Atoka Land Abstract Co. She has scheduled upcoming inspections for Cheyenne Abstract Co., Sayre Abstract Col, Beckham County Abstract, Greer County Abstract, Stewart Abstract in OKC and permit holder Green Country Abstract and Title.
7. Executive Director’s Report: No report.
8. Application for License and Certificate Renewals: A list of new applicants for Abstract Licenses and Certificates of Authority was then submitted to the Board. After discussion, a motion was made by Linda Carpenter and seconded by David Riley 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 the list will be filed these Minutes.) Vote: Unanimously approved.
9. Old Business
 - a. Committees for FY2010 were presented by the Chairman. Gary Baer made a motion to accept the members for the various committees as presented and was seconded by Dennis Hall. Vote: Unanimously approved.
10. Visitor’s Comment Period: Mr. John Russell, attorney on behalf of Mrs. Phipps, addressed the Board. Attorney Kreattli Epperson had previously asked the Board to conclude or dismiss an enforcement action in State Auditor Complaint file 05-01 which has been ongoing for a number of years. It was an individual proceeding, filed with the former regulator, but Mr. Russell stated that there are no issues left. Mr. Russell will send copies for the Board to look over and asks they make a recommendation for dismissal or conclusion. This complaint was filed with the former regulator, the State Auditor and Inspector, not the OAB.
11. New Business:
 - a. The terms of the contract to provide legal services to the Board by the Attorney General’s office was discussed. Upon recommendation of the Finance Committee, a motion was made by Monica Wittrock and seconded by Linda Carpenter to approve a contract with the office of the Attorney General in the amount of \$25,467.84, to be paid in 12 monthly installments of \$2,122.32 for the services of an Assistant Attorney General for FY2010. This amount is comprised of the salary and benefits of the Assigned Attorney and non-salary costs incurred in connection with the provision of legal services pursuant to the contract. Vote: Unanimously approved.
 - b. Latimer Co. Abstract & Title Co. v. Oklahoma Abstractors Board and Pioneer Abstract Co. of McAlester, Inc. CV-09-37 and CV-08-160. Pursuant to the recommendation of

John Crittenden, a motion was made by Glenda Mittasch and seconded by Mike Harris to move into executive session pursuant to 25 O.S. §307B(4). Vote: Unanimously approved.

The Board went into Executive Session at 11:00 a.m.

The Board exited Executive Session at 11:45 a.m. and resumed the regular Special meeting. No action was taken on any issue at this time.

c. Pioneer Abstract Co. of McAlester, Inc. (Wilburton Office) Application for Certificate of Authority

The inspection report was presented by Inspector Parrish; said report was recommended to be approved by the Enforcement Committee.

Attorney Jeff Belote spoke for applicant, Pioneer Abstract Co. of McAlester, Inc.

The Executive Director then gave her report (a copy of which is filed with these Minutes.) It is noted that Monica Wittrock had to leave the room at this time.

Attorney John Russell spoke on behalf of protestant, Latimer County Abstract Co. As part of his comments, he has filed with the Board:

- 1) An Objection for Application for Certificate of Authority;
- 2) Motion to Stay;
- 3) Motion for Discovery; and
- 4) Motion for Hearing.

Ms. Wittrock rejoined the meeting at this point.

Attorney John Crittenden recommended to the Board that they deny motions 2 through 4. After listening to the explanation of the Objection for Application for Certificate of Authority by attorney Russell, and discussion by the Board, a motion was made by Gary Baer and seconded by Dennis Hall to deny motions 2 through 4. Vote: Eight ayes, one abstention. Motion approved.

After listening to all the comments and discussion, the following motion was presented to the Board by Gary Baer and seconded by Dennis Hall:

I move that the Board now find that the applicant, Pioneer Abstract Company of McAlester, Inc., has complied with the requirements for a certificate of authority to engage in the business of abstracting in Latimer County, Oklahoma, including the following:

- 1) Complied with the Oklahoma Abstractors Act and Rules of the Board;
- 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 \$25,000.00;
- 5) Provided proof that an adequate abstract plant is available for use; and

that the Board should grant applicant Pioneer Abstract Company of McAlester, Inc. a Certificate of Authority to engage in the business of abstracting in Latimer County, Oklahoma.

Further, that issuance and execution of said Certificate of Authority be stayed pending resolution of District Court cases CV-09-37 and CV-08-160.

Vote: Linda Carpenter, Yea; David Riley, Yea; Monica Wittrock, Abstain; Mike Harris, Yea; J. Herschel Beard, Yea; Gary Baer, Yea; Dennis Hall, Yea; Jerald Stringer, Yea. With eight yeas and one abstention, the motion passes.

11. August Meeting: The August meeting will be held Thursday, August 13, 2009, at 10:00 a.m. in Shepherd Mall, 2401 NW 23rd Street, Suite 60B (OAB Office), Oklahoma City, OK.

12. The meeting was adjourned by Chairman Beard.

Respectfully submitted,

Glynda Reppond
Executive Director