

MINUTES OF REGULAR MEETING
OKLAHOMA ABSTRACTORS BOARD
March 11, 2010

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Beard at 10:00 a.m. on March 11, 2010, at the Oklahoma Finance Authority, 5900 N. Classen Court, Oklahoma City, OK.
2. The Secretary called roll. Attending were Mike Harris, Gary Baer, Herschel Beard, Jerald Stringer, Dennis Hall, Linda Carpenter, Monica Wittrock, and David Riley. Glenda Mittasch was absent with an excused absence. 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, Terri Parrish, 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 February 11, 2010, were then distributed and, after review, a motion was made by Linda Carpenter and seconded by Dennis Hall to accept the minutes as presented. Vote: Unanimously approved.
4. Chairman's Report: Herschel Beard. Chairman Beard expressed the Board's condolences to Director Reppond on the loss of a family member.
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 February, 2010. He reported that the budget continues to run on target. Out of the \$316,544 approved budget, actual expenses of \$176,682 have been spent so far this year with \$25,757 encumbered. A motion was made by Monica Wittrock and seconded by David Riley to approve the budget report as presented. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock.

Ms. Wittrock presented the Board with a copy of the most recent proposed rules for adoption. The notice of rulemaking intent was published January 15th, there was a 30 day comment period and the public hearing was held February 16th. There were two outside persons attending the public hearing, MaryAnn Nelson and Joy Scheller, who both offered comments on the proposed rules. There was public comment from several individuals in writing and those comments were taken into consideration as well in developing the final proposed rules presented today for adoption. The next step is to formally adopt these rules, with or without changes, and then they will be presented to the Governor and the Legislature for approval. The Governor must specifically adopt them within a 45 day time period and the Legislature has a 30 day time period to not adopt. The rules are automatically deemed approved if the Legislature does not act affirmatively.

She again gave highlights of some of what will be addressed in the changes of the rules: 1) to better define who must hold an abstractor's license, 2) employment status to allow inactive status for a year, including active duty military, 3) require permit applicants to provide lists of 3rd party providers, 4) renewal of a permit to include actively pursuing the building of the plants, 5) forms, and 6) guidance for permit applications.

She then presented the amended rules to the Board for adoption. After discussion by the Board, Mr. Luke Pollard requested to be heard concerning the rules and was allowed to do so. At the conclusion of his comments, a motion was made by Gary Baer to adopt the rules without changes as presented. The motion was seconded by Linda Carpenter. Vote: Gary Baer, Yes; Linda Carpenter, Yes; David Riley, Yes; Monica Wittrock, Yes; Mike Harris, Yes; Herschel Beard, Yes; Dennis Hall, Yes; and Jerald Stringer, Yes. With eight members voting yes, and with one absent, the motion passes.

Licensing and Testing – Linda Carpenter. Ms. Carpenter reported the test was held on March 4th at the agency office and that eight took the test with five passing. On March 10th, the test was given at the OLTA school with 33 taking the test. Those tests have not yet been graded but will be reported next month. The next test will be held May 6th in Sapulpa in the second floor ballroom at 317 E. Lee Street.

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.

As an informational item, Mr. Riley reported that last month Garvin County Abstract was issued a cease and desist order because of a county records bond not being provided before the expiration date of their certificate of authority. After communicating with the company, the required documentation was sent to the agency before the order went into effect and Garvin County Abstract is now in compliance with OAB rules.

Mr. Riley then reported that the meeting scheduled on February 25, 2010, with Mr. Pollard and his attorney to discuss the complaints filed against his permits in both Carter and Love Counties was held. The committee is now awaiting documentation requested from Mr. Pollard and, due to the disclosure requirements of the documents that need to be provided, an agency subpoena needs to be issued to protect those records. The Administrative Procedures Act requires that an individual proceeding have been started to issue the subpoena. Therefore, the Enforcement Committee is requesting that a formal complaint be filed against Arbuckle Title and Abstract in both Carter and Love Counties.

A motion was made by the Monica Wittrock and seconded by Jerald Stringer to approve the inspection reports presented for American First Abstract Co. nka Old Republic Title in Cleveland County, Cleveland County Abstract in Cleveland County, Oklahoma City Abstract & Title Co. in Oklahoma County, and American Eagle Title Insurance Co. in Oklahoma County. Vote: Unanimously approved.

6. Inspections – Terri Parrish. Ms. Parrish reported that in February she inspected American Abstract Co., McClain County, Guaranty Abstract Co., McClain County, Caddo County

Abstract Co., Caddo County, Lacey Pioneer Abstract Co., Caddo County, Abstract & Guaranty of Blaine County, Blaine County Abstract Co., and Soloman Abstract Co., Kingfisher County. In March, she will be inspecting Clinton Abstract Co., Custer County, Cordell Abstract LLC., Washita County, Kiowa County Abstract Company, Kiowa County, Pioneer Abstract Co., Seminole County, Seminole County Abstract Co., Seminole County, and Atlas Abstract Company, Hughes County.

7. Executive Director's Report: Director Reppond thanked the Board for their condolences. She reported that the OLTA Abstract School was held March 9th and 10th and TJ monitored the class. Dennis Hall has been appointed by the Governor to the Board for another four year term. Director Reppond also reported that she has met with OK.gov concerning the on-line forms and everything is on track.
8. Application for Licenses and Certificate Renewals (including rate changes): A list of new applicants for Abstract Licenses, as well as a list of Certificate of Authority renewals which include Choctaw County Abstract Co., Stewart Abstract & Title of OK, Oklahoma County, Stewart Abstract & Title of OK, Carter County, Woodward County Abstract Co., Marshall County Abstract Co., LLC, Abstract & Guaranty of Blaine County, Cleveland County Abstract, Meurer Abstract & Title Company, Clinton Abstract Company, Inc., Pioneer Abstract & Title Company of Muskogee, Sayre Abstract Company, Beckham County Abstract Co., Inc, Smith Brothers Abstract & Title, Payne County Title Company, Oklahoma Abstract & Title Co., Cordell Abstract, LLC., Guaranty Abstract & Title Co., Inc., J.C. Humphrey Abstract Co., Creek County Abstract, Rogers County Abstract Co., Lewis-Pott County Abstract Co., First American Title & Trust Co., Oklahoma County, First American Title & Trust Co., Cleveland County, First American Title & Trust Co., Canadian County, First American Title & Trust Co., Pottawatomie County, First American Title & Trust Co., Tulsa County, Capitol Abstract & Title Company, Adams Abstract Company, Inc., Guaranty Abstract & Title of Stigler, Blaine County Abstract Co., Inc., Woods County Abstract Co., Liberty Abstract Company, Inc., Pioneer Abstract Co. of McAlester, Harmon County Abstract, Valley Abstract Co., Inc., and Grand River Abstract & Title Co. were then submitted to the Board. Rate changes only include Okmulgee Land Title Co., and Custer County Abstract Co.

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. Vote: Unanimously approved.

9. Old Business :
 - a. Fines for Late Renewals - This matter was tabled at last month's meeting so that the Board would have more time for review of the policy. With no further discussion being heard, a motion was made by David Riley and seconded by Linda Carpenter to adopt the policy with an effective date of September 1, 2010. Vote: Unanimously approved
 - b. Legal Counsel Report - AG Crittenden reported he has been working with the Enforcement Committee and Rules Committee and researching legal matters.
10. New Business: Application for Permit to Develop Abstract Company - Allen Wheeler for Atoka Land Abstract Co., LLC. This matter came before the Board for approval and the Executive Director declared that all parties had been notified by US Mail, the application had been posted

on the agency website in accordance with the rules, and that all requirements had been met to be in compliance with Title 1 of the Oklahoma Statutes and 5:11-7-1 of the Permanent Rules of the OAB. No objections were received nor were any voiced during this meeting. No one spoke on behalf of the applicant. After discussion, Gary Baer made the following motion:

I move that the Board now find that applicant Atoka Land Abstract Company, LLC, has complied with the requirements for a Permit to Develop an Abstract Plant in Atoka 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 a County Records Bond of \$25,000.00; and
- 4) Affidavits from the District Court Clerk and County Clerk have been received certifying the status and availability of the county records;

and that the Board should grant applicant Atoka Land Abstract Company, LLC a permit to develop an abstract plant in Atoka County, Oklahoma. The motion was seconded by Dennis Hall. Vote: Gary Baer, Yes; Linda Carpenter, Yes; David Riley, Yes; Monica Wittrock, Yes; Mike Harris, Yes; Herschel Beard, Yes; Dennis Hall, Yes; and Jerald Stringer, Yes. With eight members voting yes, with one absent, the motion passes.

11. Visitors' Comment Period: Mr. Ron Barber, counsel for American Eagle, reported that they were making progress and working with Mr. Crittenden. No other visitors spoke.
12. April Meeting: The April meeting will be held Thursday, April 8, 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