

MINUTES OF SPECIAL MEETING
OKLAHOMA ABSTRACTORS BOARD
October 8, 2009

1. A special meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Beard at 10:00 a.m. on October 8, 2009, at 2401 NW 23rd Street, Suite 60B, Oklahoma City, Oklahoma.
2. The Secretary called roll. Attending were Gary Baer, Herschel Beard, Monica Wittrock, Jerald Stringer, Dennis Hall and Mike Harris. Absent were Linda Carpenter, David Riley, and Glenda Mittasch, all of whom have excused absences. It was determined that six 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 special meeting of the OAB conducted September 10, 2009, were then distributed and, after review, a motion was made by Dennis Hall and seconded by Monica Wittrock to accept the minutes as presented. Vote: Unanimously approved.
4. Chairman's Report: Herschel Beard. No report.
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” and a new P&L Statement which covers each month from the beginning of the fiscal year for comparison purposes, and a Transaction List for the month of September, 2009. A motion was made by Monica Wittrock and seconded by Mike Harris to approve the budget report as presented. Vote: Unanimously approved.

Rules and Regulations – Monica Wittrock.

Instructions and Fee Sheets - Ms. Wittrock handed out the proposed instructions and fee filing rate sheets for both page-based and time-based fee schedules. The forms were handed out at all the OLTA regional meetings this past month and comments were requested from the attendees at those meetings. No comments have been received to date. If adopted, the forms will be sent out as soon as possible to all certificate holders as well as being posted on the OAB website. The forms will be posted in Word as well as a PDF format on the website. After further discussion, a motion was by Ms. Wittrock to adopt the instructions as a policy statement and the forms to be effective November 1, 2009, which was seconded by Jerald Stringer. Vote: Unanimously approved.

Instructions and Uniform Abstract Certificate – Ms. Wittrock then handed out copies of the proposed instructions and Uniform Abstract Certificate. These were also handed out at the OLTA regional meetings and two comments have been received concerning these forms. She made a motion that the instructions and form be adopted with a target effective date of January 1, 2010, and was seconded by Dennis Hall. During discussion, she also stated that this form needs to be in

“substantial compliance” from abstract companies, it doesn’t need to be word for word. Different markets have different requirements, dates, signature blocks, etc., but the substance needs to remain. It ties down the basic obligations of an abstractor when they certify an abstract – what property is being certified to, what courts have been searched and court dockets, and personal property taxes/special assessments. John Crittenden will do legal research concerning this form being a part of the formal rule making process. Ms. Wittrock then decided to withdraw the above motion and schedule a Rules committee meeting after the November meeting and invite the OLTA. Also to be discussed at the next Rules meeting are two big items: what constitutes a valid order and all the things associated with it and the issue of who must hold a license.

Licensing and Testing – Glynda Reppond. She announced that the next test at the OAB will be held November 5, 2009, at 1:00 p.m. The October OLTA abstract licensing school in Tulsa will be held October 13th and 14th and Director Reppond will give the test at that time for the school attendees.

Enforcement Committee – Mike Harris. Mr. Harris made a motion on behalf of the Enforcement Committee to approve the list of rate sheets attached to the agenda. The motion was seconded by Monica Wittrock. Vote: Unanimously approved.

Mr. Harris then presented the list of inspection reports of regular certificate holders which have been completed by Inspector Parrish and made the motion, which was seconded by Monica Wittrock, that they be approved with the requested requirements and recommendations. Those companies are Adams Abstract Co., Sooner Abstract Co., Sequoyah County Abstract Co., Valley Land Abstract Co., East Side Abstract Co. and AAA Abstract Co. After discussion, the vote was called. Vote: Unanimously approved.

Follow-up of inspection of LeFlore County Title Co. - Mr. Harris then made a motion, with a second by Monica Wittrock, to approve last month’s inspection report of permit holder LeFlore County Title Co. with the requirement that they present to the Board a business plan and a timeline for completion. During discussion, John Crittenden suggested to the Board that they do not renew this permit until the permit holder shows cause why the permit should be renewed. Vote: Unanimously approved.

Mr. Harris then made a motion, with a second by Jerald Stringer, to approve the transfer of the Certificate of Authority of Greer Guaranty from Steven Stalcup to Cynthia Caldwell. Vote: Unanimously approved.

6. Inspections – Terri Parrish. Ms. Parrish reported that she would be visiting the following companies in October: Delaware County Abstract, Grand River Abstract, Vinita Title Co., Ottawa County Abstract and Photo Abstract. She will also be revisiting with Title Abstract in Nowata for the official inspection but they are now compliant on indexing and time and have moved to their new building. During November, she will be inspecting companies in Hollis, Altus and Frederick counties.

She also announced that the requirements made by the Board for Beckham County Abstract, Bryan County Abstract, Marietta Abstract and Albright Abstract from the September agenda have been met.

7. Executive Director's Report: Director Reppond reported that she had attended an Open Records/Open Meetings seminar presented by Drew Edmondson and Gay Tudor. She sent notice of Board meetings for next year to the Secretary of State – Regular meetings will begin after Jan. 1, 2010, instead of Special meetings. The FY2011 Budget Request was completed and submitted to Oscar Jackson, the cabinet secretary for the OAB. She also attended the four OLTA regional meetings presented around the state. Leah Scoles from Oklahoma Insurance Department gave presentations at three of the meetings and Kim Holland was at the OKC meeting. She passed out the OLTA/OAR joint task force survey to the Board members which showed that out of 900 realtors surveyed, on a scale of 1 to 7, the average service quality score was 6.1 with the median 6.7 for services provided by abstractors. Director Reppond will be attending the OLTA abstractor school in Tulsa on Oct. 14 and will give the test there. TJ has been revising the database since she has completed the access classes and the Board members were invited to stop by the office and see how the database now works. All outstanding purchase orders for FY2009 have also been closed out and those sums will be added back in to the unencumbered amounts in the budget.
8. Application for License and Certificate Renewals: A list of new applicants for Abstract Licenses, as well as a list of Certificates of Authority and rate changes, were then submitted to the Board. After discussion, a motion was made by Monica Wittrock 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. Legal Counsel Report - Latimer Co. Abstract & Title Co. v. Oklahoma Abstractors Board and Pioneer Abstract Co. of McAlester, Inc. CV-09-37, CV-08-160, and CV-09-126. AG Crittenden reported that nothing new had been filed in the cases nor had any actions been filed in Oklahoma County concerning a Writ of Mandamus.
 - b. \$25,000.00 Deductible for D&O Insurance – Ms. Reppond explained the various deductibles for D&O insurance and requested that the Board approve the \$25,000.00 deductible. Jerald Stringer made the motion and was seconded by Dennis Hall to change the deductible amount of the D&O insurance to \$25,000.00. Vote: Unanimously approved.
 - c. Meeting with State Auditor – Mr. Beard announced that a response had been received from the State Auditor's office concerning the monies owed to the Board. After discussion, it was decided that the Executive Director would call and make an appointment with Mr. Burrage to discuss the matter further.
10. New Business:
 - a. Purchasing Policy Changes – Ms. Reppond presented a copy of the amended Internal Purchasing Policy which, because of statutory changes, changes the amounts previously set at \$2,500.00 to \$5,000.00. A motion was made by Gary Baer and seconded by Jerald Stringer to approve the Internal Purchasing Policy as amended. Vote: Unanimously approved.
11. Visitors' Comment Period: Chaney Haynes addressed the Board and thanked them and Director Reppond and Terri Parrish for attending the OLTA regional meetings. The turnout was some of the highest for the past few years. Ms. Wittrock also suggested that the OAB might have a booth at the OLTA Summer Meeting.

12. November Meeting: The November meeting will be held Thursday, November 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