

**MINUTES OF REGULAR MEETING  
OKLAHOMA ABSTRACTORS BOARD  
August 19, 2014**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Ralph Harrison at 10:00 a.m. on August 19, 2014, at the OSBELTCA Conference Room, 2401 NW 23<sup>rd</sup> St., Oklahoma City, OK.
2. Mr. Nichols called roll. Attending were John Bailey, J Thomas, Chaney Haynes, Mark Luttrull, Charles Nichols, Robert Getchell, Corky Heard, and Ralph Harrison. It was determined that nine members were present at the time of roll call and that a quorum was present. Also attending were Mitzi Combs, Inspector, Glynda Reppond, Executive Director, and John Crittenden, Assistant Attorney General. 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 July 15, 2014, were then distributed. After review, a motion was made by Corky Heard and seconded by Charles Nichols to accept the Minutes as presented. Vote: Unanimously approved.
4. **Chairman's Report: Ralph Harrison.** Mr. Harrison reminded everyone about the OLTA Regional meetings and encouraged everyone to attend their District meeting. He also clarified that he had one change to the Committee assignments. John Bailey will now move to the Budget and Finance Committee and Chaney Haynes will move to the Licensing and Testing Committee.
5. **Executive Director's Report:** Director Reppond stated she had spoken with Charles Holloman and gotten the dates for the Regional meetings. Usually, the District Representatives are asked to speak on behalf of the Board so that would be Ken McDowell in Krebs on September 9<sup>th</sup>, Charles Nichols in Claremore on the 10<sup>th</sup>, Chaney Haynes in OKC on September 23<sup>rd</sup> and Ralph Harrison in Weatherford on the 24<sup>th</sup>. Mr. Harrison asked John Bailey if he would speak for him on the 24<sup>th</sup> and Mr. Bailey agreed. She will prepare a list of bullet points and will get them out within the next few days. She also announced that Terri McNulty is no longer with the agency and a notice has been placed on the website soliciting resumes. She then announced that the agency will be moving on September 3<sup>rd</sup> and she is sending postcards to all of the abstract companies and will send out an email as well concerning the change. The building is owned by the Oklahoma Law Enforcement Retirement System (OLERS). The telephone system will need to be replaced and it appears that it will be the largest outlay of the move, approximately \$300 per telephone. The office may not have telephone service on the 3<sup>rd</sup> or the 4<sup>th</sup> but she will leave her cell phone number on the website for emergencies. She distributed copies of the Rules that go into effect on September 15<sup>th</sup> and announced that there will be a Rules Committee meeting directly after the meeting today.
6. **Committee Reports:**
  - a. **Budget and Finance – J Thomas.** Mr. Thomas gave an update on the budget and presented the OSF Form "FY2014 Operating Budget Comparison by Department and Account", the Six Digit Object of Expenditure Report, the Six Digit Expenditure Detail Report, as well as the OAB P&L Statement for FY2014 which covers each month from the beginning of the fiscal year for comparison purposes. The total budget for the year is \$307,638.00. The total expenditures for the

month were \$21,123.00 and the amount spent for the year to date is \$21,123.00. A motion was made by Charles Nichols and seconded by Ken McDowell to approve the budget report as presented. Vote: Unanimously approved.

**b. Rules and Regulations – Mark Luttrull.** Mr. Luttrull reported that a Rules Committee meeting will be held immediately after the Board meeting at the OAB office.

**c. Licensing and Testing – Corky Heard.** Mr. Heard reported that test was given at the OAB office on July 17th. One took the test and passed. The test in Lawton was cancelled due to not having enough applicants sign up. The next test will be given at the OAB office on September 18<sup>th</sup> and the test will also be given at the OLTA Abstractors School on October 2<sup>nd</sup>.

**d. Inspections – Mitzi Combs.** Ms. Combs reported that due to the office move, she has only two inspections scheduled. She will be going to Oklahoma City Abstract & Title and American Eagle Title Insurance Group, both in Oklahoma County.

**e. Enforcement Committee – Charles Nichols.**

**Inspection Reports:** Presented to the Board for approval was a list of Inspection Reports which are set out in the attachments hereto. A motion was made by Charles Nichols and seconded by John Bailey to approve the inspections as presented with the recommendations or requirements being met. Vote: Eight yeas with Chaney Haynes abstaining from voting on his company report. Motion passes.

**Applications for Licenses:** Presented to the Board for approval was a list of applicants for abstract licenses which are set out in the attachments hereto. After discussion, a motion was made by Charles Nichols and seconded by Ken McDowell for approval of all licenses subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Unanimously approved.

**Rate Sheets with Changes:** Presented to the Board for approval was a list of applications for a rate change, which is set out in the attachments hereto. After discussion, a motion was made by Charles Nichols and seconded by J Thomas for approval subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Eight yeas with Ken McDowell abstaining from voting on his company changes. Motion approved.

7. **Latimer County Abstract and Title Company, OAB-2014-INS 003.** This matter came before the Board upon a finding in an inspection. Upon investigation, the Inspector found that the company failed to keep its name index up to date pursuant to Section 31 of the Act. Respondent and the Board have agreed to settle this matter without a formal proceeding and that a fair and just resolution is a \$100.00 fine against Respondent. The Respondent has paid the fine at this time. After discussion, Charles Nichols made the motion to complete the Consent Agreement with Latimer County Abstract and Title Co. The motion was seconded by John Bailey. Vote: Unanimously approved.
8. **Delaware County Abstract Company, OAB-2014-INS 004.** This matter came before the Board upon a finding in an inspection. Upon investigation, the Inspector found that the company failed to keep its name index up to date under § 31 of the Act and failed to have an independent set of name indexes

under §28. The Field Inspector also learned the company was not keeping the records required by Title 5:11-5-1(c). Respondent and the Board have agreed to settle this matter without a formal proceeding and that a fair and just resolution is a \$1,000.00 fine against Respondent. After discussion, Charles Nichols made a motion to approve the Consent Order with Guaranty Abstract Co. The motion was seconded by John Bailey. Vote: Unanimously approved.

9. **Discussion of Abstracting of Guardianship Proceedings:** This matter came before the Board upon a question to Robert Getchell about what the rules were concerning what an abstractor should show in an abstract in a guardianship proceeding. This matter has come up before in 2012 and the Board had originally thought to prepare a bulletin to be distributed. Chaney Haynes stated that he thought this might be a good opportunity to the OLTA and OAB to prepare a joint statement or notice regarding guardianships. Charles Nichols thought an article in the Titlegram might also be a good suggestion so Chaney Haynes volunteered to work with OLTA and the OAB Enforcement Committee on the article.
10. **Review of Staff Positions:** Executive Director, Administrative Assistant and Inspector/Investigator – There may be an executive session pursuant to the Oklahoma Open Meetings Act, Section 307(B)(1) to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried employee...”

A motion was made by Ken McDowell to move into executive session and seconded by Corky Heard. Vote: Unanimously approved. The Board moved into executive session at 10:35 a.m.

At 11:10 a.m., the Board returned and a motion was made by Charles Nichols and seconded by Thomas to return to regular session. Vote: Unanimously approved. Mr. Harrison stated that no votes were taken nor decisions made during the executive session.

11. **Report of Legal Counsel:** Mr. Crittenden reported that there are no lawsuits pending at this time and that he has been working with the Enforcement Committee. Mr. Crittenden also reported there is no active litigation at this time.
12. **Visitor's Comments:** Jeff Noble said that the OLTA would be happy to work with the OAB on some type of bulletin on guardianships.
13. **Next Meeting:** The next meeting will be held Tuesday, September 16, 2014 at 10:00 a.m. in the OLERS conference room, 421 NW 13th St., Oklahoma City, OK.

The meeting was adjourned by Chairman Harrison.

Respectfully submitted,

  
Glynda Reppond  
Executive Director

INSPECTION REPORTS			AUGUST 2014		
No.	Company	County	Date Inspected	Recommendations or Requirements	Actions
	First American Title & Trust	Canadian	06/27/14		
	Old Republic Title Co.	Canadian	06/27/14		
	Stewart Abstract & Title Co.	Oklahoma	07/24/14		
	Old Republic Title Co.	Oklahoma	07/24/14		
	First American Title & Trust	Oklahoma	07/25/14		
	Capitol Abstract & Title Co.	Oklahoma	07/25/14		
	Guaranty Abstract-Jefferson	Jefferson	02/03/14	2 (name indexes)	Fine Paid

**REQUIREMENTS**

1. Keep an in and out log on a daily basis
2. Bring and keep index current (ie lease, agreement or media)
3. Require last 30 days of invoices for review for compliance with filed rates
4. The practice of charging for status on files to cease since it is not a filed and approved rate
5. Provide plant lease
6. Provide upated OESC to match with employees
7. Remove verbiage on uniform abstract certificate regarding excepting wetlands
8. Add verbiage on uniform abstract certificate regarding not certified to guardianships
9. Add OAB Statute 5:11-3-9(4)(D) less minerals, for surface abstracts on uniform abstract certificate
10. Use correct form when issuing Final Title Report for the Issuance of Title Insurance.

**RECOMMENDATIONS**

- A. Make a good faith effort to locate abstract and document efforts
- B. Cease requiring authorization letter from Owner
- C. If storing abstracts for anyone, must store abstracts for everyone



APPLICATIONS: RENEWAL OF CERTIFICATE OF AUTHORITY						AUGUST 2014		
No.	Date Rec	Company	EXP Date	County	Cond App	Fee Change	Page or Time Based	Rate Sheet Effective Date

FEE SCHEDULE CHANGE ONLY REQUESTS					AUGUST 2014			
No.	Date Rec	Name		County	Cond App	Fee Change	Page or Time Based	Rate Sheet Effective Date
	6/30	First American Title & Trust		Oklahoma		Y	Time	9/1/2014
	6/30	First American Title & Trust		Pottawa.		Y	Time	9/1/2014
	6/30	First American Title & Trust		Cleveland		Y	Time	9/1/2014
	6/30	First American Title & Trust		Canadian		Y	Time	9/1/2014
	6/30	First American Title & Trust		Tulsa		Y	Time	9/1/2014
	6/30	Coal County Abstract Co.		Coal		Y	Time	8/20/2014
	6/30	Buffalo Land Abstract Co.		Johnston		Y	Time	8/20/2014

TRANSFER OF OWNERSHIP					AUGUST 2014			
No.	Date Rec	Name (Prior to Ownership Change)	Name Change	Owner(s)	Contact	Page or Time Based	Rate Sheet Effective Date	
		Oklahoma Abstract of Lawton dba Sovereign Abstract & Title of Commanche County	No	Bryan Thomason		Time	8/20/2014	

**FEE SCHEDULE CODES:**

*N: Annual Filing - No Fee Change*

*Y: Annual Filing - Amended Fee Schedule*

*S: Special Filing - Amended Fee Schedule*

**CONDITIONAL APPROVAL CODES:**

- |  |                             |
|--|-----------------------------|
| 1. Correct Payment of fees                                 | 5. OSBI Background Check    |
| 2. Misc. application and/or other required documentation   | 6. Discussion of Fee Sheet  |
| 3. Missed deadline - certificate extended - pd. \$100 fine | 7. Tabled from Last Meeting |
| 4. Missed deadline - certificate extended - pd. \$300 fine |                             |

*\* all subject to administrative review and payment of fees*