

OKLAHOMA ABSTRACTORS BOARD

MINUTES OF REGULAR MEETING

JULY 21, 2015

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Chaney Haynes at 10:00 a.m., at the OLERS Conference Room, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma.
2. Mark Luttrull called the roll. Attending were Charles Nichols, Chaney Haynes, J Thomas, John Bailey, Ken McDowell, Mark Luttrull, Ralph Harrison, Robert Getchell. Members absent: Corky Heard.
3. The Minutes of the Regular Meeting of the OAB, conducted on June 16, 2015, were reviewed. After review, a motion was made by Ralph Harrison to approve the minutes as presented. The motion was seconded by John Bailey. Motion carried unanimously.
4. **Chairman's Report-Chaney Haynes:** Chaney Haynes reported that the search for the position of State Administrator of Abstracting is on-going. He has met with the State human resources department; they have helped a great deal in posting the job opening and requirements. Several resumes have been accepted and interviews of applicants will begin, as soon as possible. The office of Oklahoma Management and Enterprise Services (OMES) has also been a great help. There have been several State documents that have been updated. The test for Abstractors licenses will now be given by the State Testing Center, and immediate results of the test will be given to the applicant. The test will continue to be given at the Oklahoma Land Title Association School.
5. **Executive Director's Report (Board Report):** In the absence of the Executive Director, Mark Luttrull, reported that learning how to run a State agency is interesting and thanked Ayla Linville for her hard work and patience.
6. **Committee Reports.**
 - a.) **Budget and Finance-J Thomas:** Mr. Thomas, gave a an update on the budget and presented the OSF Form "FY2015 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 FY2015”, which covers each month from the beginning of the fiscal year for comparison purposes. The total budget for the year is \$307,638. The total expenses year-to-date \$228,567.97. The total expenditures for the month were \$14,001.56, and the expenditures for the year to date are \$242,569.53. After review and discussion, a motion was made by Charles Nichols to approve the report as presented. The motion was seconded by Ken McDowell. Motion carried.

- b.) **Rules and Regulations-Ralph Harrison:** There are several carryover possible rule discussions left over from last year that will continue to be worked on. He also asked for recommendations for possible rules to be considered. There will be a short Rules and Regulations meeting after next month’s meeting.
- c.) **Licensing and Testing-Chaney Haynes:** The first test at the State Testing Center will take place on 7/22/2015. Four applicants are currently signed up to take the test.

d.) **Inspections:** None.

e.) **Enforcement Committee Reports:**

Applications for Licenses: Presented to the Board for approval was a list of applicants for abstract licenses or renewals, which are set out in the attachments hereto. After discussion, a motion was made by Robert Getchell to approve all of the licenses presented, subject to administrative review and to make sure all compliance issues were met and appropriate fees paid. Second by Ken McDowell. Motion carried unanimously.

Certificates of Authority and Rate Sheets: Presented to the Board for approval was a list of applications for renewal of Certificate of Authority, with or without a fee change, which are set out in the attachments hereto. After discussion, a motion was made by Robert Getchell to approve the renewal of the Certificate of Authorities. Second by Ken McDowell. Motion carried, with Charles Nichols abstaining.

7. In the matter of Sovereign Abstract & Title of Okfuskee County d/b/a Okfuskee County Abstract Company Transfer of Ownership and change of name. Robert Getchell, reporting on behalf of the Enforcement Committee, reported that all the required documents were in order. A motion to approve the transfer of the certificate of authority was made by Robert Getchell. Second by Charles Nichols. Motion carried unanimously.

8. In the matter of consideration for a Permit to Develop an Abstract Co. in Pottawatomie County by Abstractus, LLC. Robert Getchell reported on behalf of the Enforcement Committee, he reported that all the required documents were in order. A motion to approve the permit was made by Robert Getchell. The Chairman asked if there was anyone attending the meeting that wished to address the Board, in regards to this application to develop an abstract plant. There were none. The motion was seconded by Ralph Harrison. A roll call vote was recommended by John Crittenden. Charles Nichols, Yes. Chaney Haynes, Yes. J Thomas, Yes. John Bailey, Yes. Ken McDowell, Abstain. Mark Luttrull, Yes. Ralph Harrison, Yes. Robert Getchell, Yes. Motion carried.

9. In the matter of the Application for Certificate of Authority by American Eagle Abstract of Cleveland County LLC in Cleveland County, Oklahoma. Chaney Haynes recused himself and left the Board's table, as he was involved in this action as a principle. Charles Nichols, Vice-Chairman, presided over the meeting from this point. Charles Nichols opened the floor for discussion. Speaking in opposition to the certificate application: Jack DeArmon, President of Cleveland County Abstract, did not believe that sharing title plant records was "allowed". He introduced his attorney Rita Flagler. She affirmed that Cleveland County Abstract Company, filed their timely objection. She took exception to the lease agreement, as well as the requirements of Title 1§28, in regards to "independent set of abstract books". Speaking in opposition to the certificate application: Drew Dossey, Smith Brother's Abstract and Title Company, was concerned the practice of leasing title plant records could be exploited in the future. Speaking in support of the certificate application: Robert Bearer, Attorney for American Eagle Abstract of Cleveland County; hoped that the integrity of the Old Republic Title plant was not being questioned, as it is an operating plant. He believes that American Eagle is in compliance with Title 1§ 28, because the title plant they have for use is independent from the county clerk. A lengthy discussion ensued. Mark Luttrull made a motion to table the Application for Certificate of Authority,

Title 5§5:11-5-1, until an inspection could be completed. After some discussion, Mark Luttrull withdrew his motion. Ralph Harrison moved to table the Application for Certificate of Authority, to give the board the opportunity to review the rules and statutes. Bob Getchell, asked to amend the motion to add, that both proponents and any opponents submit in writing, within 15 days, any further evidence or authority in respect of their respective positions and that the enforcement committee arrange for an inspection of American Eagle's facilities, to determine and report back to the Board their findings. Second by Mark Luttrull. Roll call vote: Charles Nichols, Yes; Chaney Haynes, Abstain; J Thomas, Yes; John Bailey, Yes; Ken McDowell, Yes; Mark Luttrull, Yes; Ralph Harrison, Yes; Robert Getchell, Yes. Motion carried.

10. In the matter of the Application for Certificate of Authority by Old Republic Title Company in Logan County, Oklahoma. Charles Nichols, open the floor for discussion. There was none. Robert Getchell, made a motion to table the Application for Certificate of Authority, to give the board the opportunity to review the rules and statutes and require that both proponents and any opponents submit in writing, within 15 days, any further evidence or authority in respect of their respective positions and that the enforcement committee arrange for an inspection of Old Republic Title Company's facilities, to determine and report back to the Board their findings. Second by Mark Luttrull. Roll call vote: Charles Nichols, Yes; Chaney Haynes, Abstain; J Thomas, Yes; John Bailey, Yes; Ken McDowell, Yes; Mark Luttrull, Yes; Ralph Harrison, Yes; Robert Getchell, Yes. Motion carried.

11. **New Business:** None

12. **Report Legal Counsel-John Crittenden:** John Crittenden reported on a court case from North Carolina that may result in the states having more supervision of licensing boards. He submitted a letter from the Attorney General and an Executive Order from the Governor. Said letters are attached as Exhibit "A" and Exhibit "B".

13. **Visitor's Comments:** Mary Maple of Hugo Abstract & Title and Antlers Abstract & Title requested a mailing list of licensed abstractors be made available to her for possible recruitment. John Crittenden told her that this request would be a freedom of information request and can be made available to her.

14. **Announcement of next meeting:** Tuesday, August 18, 2015, at 10:00 a.m., 421
NW 13th Street, Suite 180 (OLERS) Conference Room, Oklahoma City,
Oklahoma.