

**MINUTES OF REGULAR MEETING
OKLAHOMA ABSTRACTORS BOARD
June 17, 2014**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Herschel Beard at 10:00 a.m. on June 17, 2014, at the OSBELTCA Conference Room, 2401 NW 23rd St., Oklahoma City, OK.
2. Mr. Nichols called roll. Attending were John Bailey, Jerald Stringer, Chaney Haynes, Mark Luttrull, Charles Nichols, Corky Heard and Herschel Beard. Ralph Harrison and Robert Getchell were absent. It was determined that seven 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 May 20, 2014, were then distributed. After review, a motion was made by Chaney Haynes and seconded by Charles Nichols to accept the Minutes as presented. Vote: Unanimously approved.
4. **Chairman's Report: Herschel Beard.** Mr. Beard expressed his appreciation to everyone on the Board for their cooperativeness and the opportunities to get to know the non-industry members during his two terms on the Board. He also expressed his appreciation to Jerald Stringer for all that he has given to the Board and the expertise that he has brought to the Board. Mr. Stringer is the last of the original Board and has been Chairman of the Budget Committee for the past four years. He then presented Mr. Stringer with a plaque commemorating his service to the Board from 2008 through 2014.

Mr. Haynes then presented Mr. Beard with a plaque commemorating his service to the Board from 2008 through 2014. He served as Chair of the Board twice, in 2009/2010 and again in 2013/2014. Mr. Haynes thanked him for his service to the Board and expressed how much he was appreciated.

5. **Executive Director's Report:** Director Reppond stated that she also wished to express her appreciation of working with Mr. Beard and Mr. Stringer and for their dedication to the industry and their hard work.
6. **Committee Reports:**
 - a. **Budget and Finance – Jerald Stringer.** Mr. Stringer 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 \$304,447.00. The total expenditures for the month were \$23,024.11 and the amount spent for the year to date is \$246,531.58. A motion was made by Charles Nichols and seconded by John Bailey to approve the budget report as presented. Vote: Unanimously approved.
 - b. **Rules and Regulations – Glynda Reppond.** Ms. Reppond reported that the proposed rules are now in the Governor's hands. The House has passed HJR1099 and made no reference to our rules. However, both Senators Newberry and Dahm had issues with our last rule concerning guidelines in

Chapter 11, Subchapter 7. Because the House had passed a bill but the Senate did not, the rules went to the Governor "as written". She will make the decision whether or not to leave in 5:11-7-3(b) – Guidelines for Developing a New Abstract Plant. The Governor's office should make a decision towards the end of the month.

c. Licensing and Testing – Corky Heard. Mr. Heard reported that test was given in McAlester on June 12th at Pioneer Abstract. Seven took the test and five passed. The next test will be given at the OAB office on July 17th then in Lawton on August 14th.

d. Inspections – Mitzi Combs. Ms. Combs reported that she will be going to First American Title & Trust as well as Old Republic in Canadian County. She hasn't scheduled any inspections for July due to the impending move of the OAB office.

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 Jerald Stringer to approve the inspections as presented with the recommendations or requirements being met. Vote: Unanimously approved.

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 John Bailey 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.

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 Charles Nichols and seconded by John Bailey for approval subject to administrative review by the Executive Director, and making sure all compliance issues were met and appropriate fees paid. Vote: Unanimously approved.

A ten minute break was taken at this time.

7. **American Eagle & Abstract, LLC.**

This matter comes on for hearing as to American Eagle Title & Abstract, L.L.C.'s request for a Declaratory Ruling pursuant to the Board's Rule OAC 5:2-3-6. American Eagle wants an interpretation as to the application of Board Rule OAC 5:11-5-3(d) Federal Court Certificate to its existing Certificate of Authority Numbered 0155 for Tulsa County and whether the "agreed" limitation for American Eagle not to perform federal certificates of October 16, 2012 is presently necessary or if it may be deleted.

As to this issue, the Board heard legal arguments or testimony from the following people:

- 1) Attorneys Ron Barber and Joe Fears, of Barber & Bartz, representing American Eagle Title & Abstract, L.L.C.
- 2) Jim Inhofe of Tulsa Abstract & Title Company

3) Jim Cichon of Smith Brothers Abstract & Title Co., L.L.C.

The Board reviewed the following items and made the following findings and conclusions:

1. Pursuant to the Oklahoma Abstracting Act ("Act"), 1 O.S.2011, §§20 through 43, the Oklahoma Abstractors Board is charged with the duty to regulate and issue certificates of authority, permits, and abstract licenses and promulgate and enforce rules necessary to implement the Act.

2. The Board may issue declaratory rulings under Board Rule OAC 5:2-3-6:

"(a) Any person who may be directly affected by the existence or application of any of the public rules may request an interpretation or ruling regarding the application of such rule to a particular set of facts.

(b) The request shall be in writing and shall state the number and language of the rule and sufficient facts to support the request.

(c) The request shall be reviewed by the Board. The Board shall make a final determination of the interpretation or ruling. The final determination shall be furnished in writing within a reasonable time to the person making the request."

3. The Board amended OAC 5:11-5-3(d) as to Federal Court Certificates, effective July 1, 2011:

"Upon request of a consumer, a holder of a certificate of authority in Muskogee, Okmulgee, Oklahoma, and Tulsa counties may certify to the records of the Clerk of the United States District Court and the Clerk of the United States Bankruptcy Court for such federal judicial districts located in such counties for the time period covered by the certification, that disclose:

(1) executions, court proceedings, pending suits and bankruptcy proceedings in said courts affecting title to the subject property; and

(2) judgments or transcripts of judgments filed against any of the parties appearing within the chain of title."

4. Board minutes of its regular meeting on October 16, 2012 state, in part:

"After hearing all parties, reviewing the documents and having discussion, Gary Baer made the following motion: "I move that the Board now find that applicant American Eagle has complied with the requirements for a Certificate of Authority to engage in the business of abstracting in Tulsa County, Oklahoma, including the following:

1) Complied with the Oklahoma Abstractors Act and Rules of the Board;

2) Paid the applicable fee of \$3,200.00;

3) Provided adequate E&O insurance coverage of \$1,000,000.00;

4) Provided a Certificate of Deposit for its County Records Bond in the sum of \$100,000.00;

5) Provided proof that an adequate abstract plant is available for use;

6) The name of the company is not deceptively similar to other certificate of authority holders;

7) The applicant has an actual physical presence in Tulsa County; and

8) That the applicant has agreed to not issue Federal Court Certificates or to certify as to Federal Court proceedings,

and that the Board should grant American Eagle Title & Abstract, LLC, a Certificate of Authority to engage in the business of abstracting in Tulsa County, Oklahoma... Motion approved."

5. The Inspection Report for Application for Certificate of Authority, of American Eagle Title & Abstract, Tulsa County, presented at the October 2012 meeting has language *"In the event the certificate holder desires to begin producing Federal Court Certificates at a later time, they must meet the Board's requirements and be approved by the Board before doing so."*

After hearing all parties, reviewing the documents and having discussion, a motion was made by Chaney Haynes and seconded by Charles Nichols that American Eagle's agreement not to issue Federal Court Certificates or to certify as to Federal Court proceedings as offered to the Board on October 16, 2012 is not a present requirement to perform Federal Court certificates under Board Rule OAC 5:11-5-3(d), and the restrictions be hereby lifted, effective today.

Vote: Jerald Stringer, yea; Chaney Haynes, yea; Herschel Beard, yea; Corky Heard, yea; Charles Nichols, yea; Mark Luttrull, yea; John Bailey, yea; Seven yeas. Motion passes.

8. **Approval of contract for new office space.** Mrs. Reppond presented a proposed standard 5 year lease for office space in the Colcord Building located at 421 NW 13th Street, Suite 180, which is in the basement. The space would be shared with two other agencies and would have a common kitchen and lobby. The proposed amount would be \$10.50 for years 1 and 2, \$11.00 for years 3 and 4 and \$11.50 for year 5. It would be for approximately 950 sq. plus or minus 5%. A motion was made by Corky Heard and seconded by Mark Luttrull to accept the proposed lease. Vote: Unanimously approved.

9. **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 Charles Nichols to move into executive session and seconded by Corky Heard. Vote: Unanimously approved. The Board moved into executive session at 12:55 p.m.

At 1:05 p.m., the Board returned and a motion was made by Charles Nichols and seconded by Corky Heard to return to regular session. Vote: Unanimously approved. Mr. Beard stated that no votes were taken nor decisions made during the executive session.

10. **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 and Personnel Committees. Mr. Chaney thanked Mr. Crittenden for his work and dedication to the OAB.

11. **Visitor's Comments:** There were none.

12. **Next Meeting:** The next meeting will be held Tuesday, July 15, 2014 at 10:00 a.m. in the OSBELTCA conference room, 2401 NW 23rd St., Oklahoma City, OK.

The meeting was adjourned by Chairman Beard.

Respectfully submitted,

A handwritten signature in cursive script that reads "Glynda Reppond". The signature is written in black ink and is positioned above the printed name.

Glynda Reppond
Executive Director

INSPECTION REPORTS			June 2014		
No.	Company	County	Date Inspected	Recommendations or Requirements	Actions
1	Pioneer Abstract Co of McAlester, Inc.	Latimer	05/16/14		

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

JUNE 2014

Individual License Renewals

6/17/2014

No.	Date Rec	First	Last	Exp Date	Cond Appr	Company	County
633	9/25/14	Robin	Finch	5/28	1	Okmulgee Land Title	Okmulgee
802	12/9/13	Dana	Barton	New		Cheyenne Abstract Company, Inc.	Roger Mills
955	3/6/14	Brenda	Hollenbeck	New		Grand River Abstract & Title Co.	Delaware
984	3/28/14	Amaraye	Hartley	New		Albright Abstract	Key
994	4/14/14	Angela	Slater	New		Pawhuska Abstract & Title	Osage
999	4/15/14	Lori	Chambers	New		Capitol Abstract and Title Co.	Oklahoma
999	4/15/14	Tanya	Perkins	New		Capitol Abstract	Oklahoma
1000	4/17/14	Adrian	Calhoun	New		Bailey's Abstract and Title	Jackson
1002	4/18/14	Barbara	Berryhill	New		Washita Valley Abstract Co.	Grady
1004	4/24/14	Kristi	Adkins	New		Guaranty Abstract Company of McClain Co.	McClain
1004	4/24/14	Misty	Elmore	New		Guaranty Abstract Co.	McClain
1005	4/25/14	Diane	Pearson	New		Security Abstract Company	Key
1006	4/25/14	Melody	Cannon	New		Wagoner County Abstract Co.	Wagoner
1006	4/25/14	Lori	LaCoursiere	New		Wagoner County Abstract Co.	Wagoner
1007	4/24/14	Cynthia	Kennedy	New		Claremore Abstract & Guaranty Co.	Rogers
1011	4/23/14	Angela	Johnson	New		Oklahoma Abstract	Payne
1013	4/30/14	Marlena	Beckner	New		Guarantee Abstract Company	Garfield
1013	4/30/14	Kasey	Bolz	New		Guarantee Abstract Company	Garfield
1014	4/30/14	Dakota	VerMeir	New		Southern Abstract & Title Co.	McCurtain
1015	4/30/14	Crystal	Summers	New		Title Abstract Company	Nowata
1016	5/5/14	Jessica	Wolfe	New		Bryan County Abstract Company	Bryan, Atoka
1017	5/1/14	Khristen	Pierce	New		Bryan County Abstract Company	Bryan
1020	5/5/14	Raven	Holcomb	New		Tahlequah Abstract & Title Co.	Cherokee, Craig
1020	5/5/14	Susan	Petty	New		Cherokee Capitol Abstract & Title Co.	Cherokee, Craig
1022	5/5/14	Sheryl	Lake	5/28	1	Photo Abstract Company	Ottawa
1023	5/7/14	Heather	Nance	New		Solomon Abstract Company	Kingfisher
1024	5/7/14	Clayton	Dirickson	New		Buffalo Land Abstract	Coal, Creek, Johnston, Lincoln, Logan, OK, Osage, Tulsa
1026	5/8/14	Jerri	Boyd	6/28		Crawford Abstract & Title Co.	Tillman
1027	5/8/14	Owen	Harper	6/28		Southern Abstract Company	Washington
1028	5/12/14	Betty	Ford	6/28		OK Abstract & Title of Lawton	Commanche
1029	5/12/14	Annette	Blakley	6/28		Creek County Abstract	Creek
1029	5/12/14	Teresa	Harris	6/28		Creek County Abstract	Creek
1030	5/15/14	K. Dave	Faulkner	6/28		Rogers County Abstract	Rogers
1030	5/15/14	Charlotte	Thompson	8/28		Rogers County Abstract	Rogers

No.	Date Rec	First	Last	Exp Date	Cond Appr	Company	County
1030	5/15/14	Mark	Williston	8/28		Rogers County Abstract	Rogers
1031	5/15/14	Lisa	Collins	New		Abstract & Guaranty	Blaine
1032	5/15/14	Meranda	Williams	New		Grand River Abstract & Title	Delaware
1033	5/14/14	Margaret	Winston	New		First American Title & Trust	Oklahoma, Pottawatomie, Cleveland, Canadian, Tulsa
1034	5/15/14	Sarah	Smith	New		Capitol Abstract & Title Co.	Oklahoma
1036	5/16/14	Kimberly	Griswold	6/28		Pawhuska Abstract & Title Co.	Osage
1037	5/19/14	Carol Ann	Stidham	7/28		Eufaula Abstract & Title Co.	McIntosh, Haskell
1038	5/19/14	Cheryl	Goetzinger-Saxon	6/28		Capitol Abstract & Title Co.	Oklahoma
1039	5/20/14	Stan	Patterson	11/28		American Eagle Title Ins.	Coal, Creek, Johnston, Lincoln, Logan, Oklahoma, Osage, Tulsa
1040	5/14/14	Tracy	Williams	New		Abstract and Guaranty of Lincoln Co.	Lincoln
1041	5/21/14	Janae	Faulkner	New		First American Title	Oklahoma, Pottawatomie, Cleveland, Canadian, Tulsa
1042	5/21/14	Patricia	Evans	6/28		Capitol Abstract & Title Co.	Oklahoma
1043	5/22/14	Jeffery	Carrington	11/28		American Eagle Title Abstract	Coal, Creek, Johnston, Lincoln, Logan, Oklahoma, Osage, Tulsa
1044	5/23/14	Barbara	Underwood	6/28		Abstract & Guaranty of Blaine Co.	Blaine
1045	5/23/14	Lisa	Hamilton	6/28		Southern Abstract & Title Co.	McCurtain
1045	5/23/14	Joycelin	Maye	7/28		Southern Abstract & Title Co.	McCurtain
1046	5/27/14	Dorothy	Kropp	5/28		Inactive, personal renewal	Tulsa, OK, Shawnee, Cleveland
1050	5/29/14	Teresa	Armontrout	6/28		Grand Valley Abstract Co.	Mayes, Wagoner

CONDITIONAL APPROVAL CODES:

1. Missed deadline - license extended - pd. \$100 fine
2. OTC Hold
3. Waiting for payment of fine

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

APPLICATIONS: RENEWAL OF CERTIFICATE OF AUTHORITY **JUNE 2014**

No.	Date Rec	Company	EXP Date	County	Cond App	Fee Change	Page or Time Based	Rate Sheet Effective Date
1019	5/2/14	Guaranty Abstract Company	7/28	Jefferson		N	Time	7/1/2014
985	3/28/14	Marietta Abstract Company	6/28	Love		Y	Page	6/18/2014
983	3/28/14	AAA Abstract Company, Inc.	6/28	Adair		Y	Page	6/18/2014
1035	5/16/14	Sulphur Abstract & Title Co.	7/28	Murray		Y	Page	7/15/2014

FEE SCHEDULE CHANGE ONLY REQUESTS **JUNE 2014**

No.	Date Rec	Name		County	Cond App	Fee Change	Page or Time Based	Rate Sheet Effective Date

TRANSFER OF OWNERSHIP **JUNE 2014**

NO.	Date Rec	Name (Prior to Ownership Change)	Name Change	Owner(s)		Contact	Page or Time Based	Rate Sheet Effective Date

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