

# OKLAHOMA ABSTRACTORS BOARD

## MINUTES OF REGULAR MEETING

October 20, 2015

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairman Chaney Haynes at 10:15 a.m., at the OLERS Conference Room, 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, Oklahoma.
2. Mark Luttrull called the roll. Attending were, Chaney Haynes, Charles Nichols, Mark Luttrull, John Bailey, Robert Getchell, Corky Heard, Ken McDowell, J Thomas. Members absent: Ralph Harrison.
3. The Minutes of the Regular Meeting of the OAB, conducted on September 15, 2015, were reviewed. After review, a motion was made by Mr. McDowell to approve the minutes as presented. The motion was seconded by Mr. Bailey. Motion carried.
4. **Chairman's Report-Chaney Haynes:** Chaney Haynes welcomed the attendees and welcomed the new Administrator, Katherine Smith.
5. **Administrator's Report (Board Report):** Ms. Smith reported that she is settling into her new role nicely. She went to the Oklahoma Land Title Association's Basic Abstractors School on Friday, October 16<sup>th</sup> to proctor the Abstractor's Licensing Exam. She also attended the Intermediate Abstractor's School on October 19<sup>th</sup>.
6. **Committee Reports.**
  - a.) Budget and Finance-J Thomas: Mr. Thomas, gave an update on the budget and presented the OSF Form "Summary of Receipts and Disbursements" showing revenue of \$23,840.90 and expenditures of \$50,469.63 leaving our ending cash as \$333,558.24. "Allotment Budget" Expenses YTD \$317,962.34. The discrepancy is because of the timing of revenue and next month will match with \$333,558.24 figure. The "Six-Digit Expenditure Detail" report, which covers each month from the beginning of the fiscal year for comparison purposes shows a net amount of \$12,494.69. "FY2015 Operating Budget Comparison by Department and Account" show the total budget for the year is \$311,275. The year-to-date budget is \$77,620. Expenses are \$47,579.02 and

the outstanding encumbrances are \$55,956.92. The total expenses and outstanding encumbrances year-to-date \$103,533.94 with a year-to-date variance of -\$25,915.95. The “Six-Digit Object of Expenditure” report, The 6 Digit Object of Expenditure Report reflects total current months expenses of \$16,165.39, with fiscal year-to-date of \$50,469.63. After review and discussion, a motion was made by Mr. Nichols to approve the report as presented. Second by Mr. Luttrull. Motion carried.

b.) **Rules and Regulations-Mark Luttrull:** The Rules and Regulations Committee met after the August board meeting and will be meeting again after today’s meeting. Mr. Luttrull, also said that several issues have been brought up, and will be discussed.

c.) **Licensing and Testing:** Based upon Ms. Smith’s report, all attendees of the OLTA’s Basic Abstracting School, passed the exam. There were two other test takers who did not attend the school. One passed, the other did not. The next Abstractor’s Exam will be given on November 19<sup>th</sup>.

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. A motion was made by Mr. Getchell to approve all of the licenses presented with the exception of Mandy Ethridge, subject to administrative review and to make sure all compliance issues were met and appropriate fees paid. Second by Mr. Bailey. Vote: Unanimously approved.

**Certificates of Authority and Rate Sheets:** Presented to the Board for approval were applications for renewal of Certificate of Authority, by American Abstract (McClain County), Okmulgee Land Title, University Land Title Services, Buffalo Land Abstract Company, Logan County Abstract Company, Grant County Abstract Company, Oklahoma City Abstract and Title, Mayes County Abstract, Guarantee Abstract Company, Garfield County Abstract Co., LLC, and J.C. Humphrey Abstract Company. A motion was made by Mr. Getchell to approve all the applications. Second by Mr. Luttrull. Vote: Unanimously approved.

Presented to the Board for approval was an Abstract Fee Schedule-Special Filing-Amending Fees by Capitol Abstract Company. Mr. Haynes questioned why they were changing to a flat rate charge and asked about the motivation for the change. Kenneth McBride responded that because of new requirements from lenders because of the new regulatory requirements from the CFPB, he felt it was important to be able to provide the lenders with more predictable rate structures. There was some discussion. A motion was made by Mr. Getchell to approve the application. Second by Mr. Bailey.

Vote: Chaney Haynes, Yes; Charles Nichols, No; Mark Luttrull, Yes; John Bailey, Yes; Robert Getchell, Yes; Corky Heard, Yes; Ken McDowell, Yes; J Thomas, Yes. Motion passes.

Presented to the Board for approval were Transfer of Ownership forms for Osage County Abstract and Pawhuska Abstract & Title. A motion was made by Mr. Getchell to approve the transfers. Second by Mr. Luttrull.

Vote: Unanimously approved.

Mr. Getchel returned to the New Abstractor's License Application of Mandy Ethridge. Mr. Crittenden gave a synopsis of the situation – in 2012, Ms. Ethridge pled Nolo Contendere to a misdemeanor charge involving fraud and was placed on probation. Her license was up for renewal at the time the case was active so the renewal was denied, therefore, her existing abstractors license expired. She was allowed to re-test and reapply once probation was completed. The Board allowed comments from Ms. Ethridge. The Board conveyed its regrets regarding the situation, but upon review of the actual charge that was conveyed on the final plea, it was determined to be a crime of moral turpitude and the license application could not be approved. Ms. Ethridge was encouraged to seek legal remedy to have her record expunged and that if she were able to do so, her license application could be reviewed for approval. Mr. Getchel made a motion to defer the application to be revisited at a later time, possibly at the January 2016 meeting. Mr. Luttrull made comments regarding the seriousness of the charges. The filing of forged documents with the county offices goes against everything the Abstractor holds sacred. Second by Mr. McDowell. Motion passes.

7. **New Business:** Mr. Haynes asked for any new business, there was none.

8. **Report Legal Counsel-John Crittenden:** John Crittenden stated that he has been working with the Rules Committee and the Enforcement. There are no active cases.
9. **Visitor's Comments:** Mr. Haynes asked for any visitor comments. Charles Holleman with the Oklahoma Land Title Association thanked the Abstractors Board for allowing Ms. Smith to be on-site to give the Abstractors Exam at the Basic Abstractors School the previous week.
10. **Notice of Executive Session:** Mr. Haynes asked for a motion to move into executive session. Mr. McDowell, made a motion to move to executive session. Second by Mr. Nichols. Motion carried.

Mr. Haynes asked for a motion to return from executive session. A motion was made by Mr. Nichols, to return from executive session. Second, by Mr. Getchell. Motion carried.

Mr. McDowell made a motion to authorize the Ms. Smith, to adjust Ayla Linville's title to Executive Assistant and raise her salary. Second by Mr. Nichols. Motion carried.

11. **Announcement of next meeting:** Tuesday, November 17, 2015, at 10:00 a.m., 421 NW 13<sup>th</sup> Street, Suite 180 (OLERS) Conference Room, Oklahoma City, Oklahoma.
12. The meeting was adjourned by Chairman Haynes.