

**MINUTES OF REGULAR MEETING  
COMMISSION ON CONSUMER CREDIT  
January 9, 2013**

The regular monthly meeting of the Commission on Consumer Credit was held at 10:00 a.m. at the Department of Consumer Credit Conference Room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112. The Notice and Agenda for the meeting was posted at the Department's office, outside the main public entrance of the 3 Corporate Plaza office building and on the Department's Internet website on January 4, 2013.

I. Call to Order.

Chairman Stanley called the meeting to order at 10:00 a.m. and then introduced Suzy Casper as the Commission on Consumer Credit's newest Commissioner.

II. Roll Call.

PRESENT: Chairman Spencer Stanley; Vice-Chairman Bob Moses; Suzy Casper; Mick Thompson; James Lee; Joe Wilbanks and Odell Roland

ABSENT: Armando Rosell, Rick Harper and Cass Fahler

Chairman Stanley announced that a quorum was present.

STAFF: Scott Leshner, Administrator; Roy John Martin, General Counsel; Ruben Tornini, Deputy Administrator; Lindsie Lundy, Administrative Programs Officer; Treasure Tytenicz, Executive Secretary and Commission Secretary; Vanessa Todd, Senior Consumer Credit Examiner; Fred Britt, Consumer Credit Examiner; Viola Peters, Consumer Credit Examiner; Megan Willson, Administrative Assistant

GUESTS: Laura Swingle, Office of Management and Enterprise Services; Chris Foster, Office of Management and Enterprise Services; Greg Piatt; Christie Southern, eCapitol; Eric Johnson, Phillips Murrah P.C.

III. Discussion and possible action regarding the minutes of the regular meeting held December 12, 2012.

Commissioner Harper arrived.

Vice-Chairman Bob Moses made a motion to approve the minutes of the regular meeting held December 12, 2012. Commissioner Joe Wilbanks seconded the motion. The motion was unanimously approved.

IV. Public comments. (Limited to three minutes per person).

There were no public comments.

V. Staff announcements and discussion.

Roy John Martin introduced Meredith Fazendin as the Department's new Legal Research Assistant.

VI. Presentation of the Monthly Budget and Financial Reports. Discussion and possible action

regarding the Monthly Budget and Financial Reports.

Laura Swingle, from the Office of Management and Enterprise Services (OMES), presented the December 2012 budget and financial reports and also introduced Chris Foster, Director of Agency Business Services, who recently started with OMES.

Commissioner Rick Harper made a motion to approve the December 2012 budget and financial reports. Commissioner James Lee seconded the motion. The motion was unanimously approved.

- VII. Discussion and possible action authorizing Commissioner Cass Fahler to attend and represent the Department of Consumer Credit at the 2013 Nationwide Mortgage Licensing System Annual Conference.

Vice-Chairman Bob Moses made a motion to approve Commissioner Fahler to attend the 2013 Nationwide Mortgage Licensing System Annual Conference. Commissioner Odell Roland seconded the motion. The motion was unanimously approved.

- VIII. Discussion and possible action regarding a manual of employee positions for the Department of Consumer Credit.

Administrator Scott Leshar informed the Commission that even though the Department has been operating under 14A O.S. § 6-510 regarding our manual, there have not been job descriptions listed for each position at the Department. Job descriptions are now listed for each specific position and these have been compiled into what is referred to as the "Administrator's Manual of Positions Necessary to Run the Department."

Commissioner Rick Harper made a motion to approve the manual of employee positions. Commissioner Suzy Casper seconded the motion. The motion was unanimously approved.

- IX. Discussion and possible action regarding an organizational chart for the Department of Consumer Credit.

Administrator Leshar stated that the proposed organizational chart for consideration goes along with the employee positions manual from the previous agenda item. Commissioner Roland asked who the General Counsel reports to and Administrator Leshar said that the General Counsel reports directly to the Administrator.

Commissioner Joe Wilbanks made a motion to adopt the proposed organizational chart. Commissioner Rick Harper seconded the motion. The motion was unanimously approved.

- X. Presentation and discussion of revisions to the Department of Consumer Credit Employee Manual.

Administrator Leshar stated there were routine changes needed to update the Department manual. Those changes included the following:

- 1) General Employee Information, Purpose of Manual - Employees will receive an electronic copy of the Department manual, rather than a hard copy;

- 2) Mission Statement - The Department's mission statement was updated to "We protect and educate consumer buyers, lessees and borrowers against unfair practices, and are fair and impartial in the regulation of consumer credit transactions in Oklahoma";
- 3) Department Personnel Classifications - The position of "Legal Research Assistant" was added to "Classified Personnel";
- 4) Fair Labor Standards Act – "Executive Secretary" was removed from Non-exempt status and added under Exempt status of Department positions and "Legal Research Assistant" was added under Non-exempt status of Department positions;
- 5) Annual Leave – Previously, no more than three Department examiners could be on annual leave at the same time and this was changed to reflect that no more than six examiners can be on annual leave at the same time;
- 6) Policy Regarding Nonpublic or Confidential Information Provided to the Department by Written Agreement – A new policy regarding nonpublic or confidential information provided to the Department by written agreement has been added.

Chairman Stanley asked for any questions and there were none noted.

Commissioner Cass Fahler arrived.

XI. Legislation report. Discussion and possible action regarding legislation report.

Greg Piatt, Legislative Liaison, reported that the Department is sponsoring three bills. Two of our bills will be filed by Representative Don Armes. The third bill is SB 107, the Precious Metal and Gem Dealer bill, which was filed by Senator Roger Ballenger. The deadline for bills to be filed is January 18.

No action was taken.

XII. Presentation and discussion regarding the implementation of a mortgage examination, mortgage examination accreditation and mortgage examiner certifications.

Administrator Leshner informed the Commission that there are no real changes to report since last month's Commission meeting. Melinda Kinard will make a preliminary visit in February to the Department before the regular on-site evaluation occurs.

XIII. Consent Agenda-Discussion and possible action regarding the reports listed below:

*The items on the Consent Agenda listed below may be discussed and acted upon individually, item by item or discussed and acted upon collectively through one motion. Each Commissioner retains the right to remove any item(s) so that the item(s) may be discussed and/or acted upon through a separate motion(s).*

- A.Licensing Report by Lindsie Lundy, Administrative Programs Officer;
- B.Examination Report by Ruben Tornini, acting Chief Examiner;
- C.Strategic Plan Report by Ruben Tornini, Deputy Administrator;
- D.Enforcement Report by Roy John Martin, General Counsel;
- E.Other Administrator Reports

Lindsie Lundy delivered the Licensing Report. She stated that the notification period is almost over since the deadline is 1-31-13. The Department has had 6,600 licenses renewed so far.

Ruben Tornini, acting Chief Examiner, delivered the Examination Report. Commissioner Mick Thompson asked how the Department keeps track of complaints. Tornini stated that the Department's data base is utilized to categorize complaints.

Ruben Tornini delivered the Strategic Plan Report. The report showed updates for each of the Department's three goals that were listed.

Roy John Martin delivered the Enforcement Report. Martin informed the Commission there are no new enforcement filings for December. There is one pending in District court and the company has until February 4 to comply.

Chairman Stanley then asked for an update on the consumer alert situation with Bancfirst Atm Only Loans Personal, which consumers have confused with BankFirst. Administrator Leshar said the Department is working with the Banking Department to stop the false advertising among consumers. Banking Commissioner Mick Thompson further stated that the Banking Department is working with its counterpart in California, where Bancfirst Atm Only Loans Personal is based.

Commissioner Cass Fahler asked about a new proposed rule from the Consumer Financial Protection Bureau (CFPB) which would place a moratorium of a three day waiting period before the execution of a loan. He stated that he would like DOCC to keep informed of how this rule progresses, since he does not support the moratorium. Commissioner Mick Thompson said it would be helpful to get comments on this issue to Senator Tom Coburn, who is now on the Senate Banking Committee.

Scott Leshar delivered other Administrator Reports. Administrator Leshar briefed the Commission on the Cash Estimate Sheet update.

Administrator Leshar also briefed the Commission that their packets contained a letter sent by the National Association of Consumer Credit Administrators (NACCA) regarding H.R. 6139, the Consumer Credit Access, Innovation and Modernization Act. NACCA believes this legislation would preempt state consumer protection laws that are currently in place.

Commissioner Cass Fahler made a motion to approve items A-E of the Consent Agenda. Vice-Chairman Bob Moses seconded the motion. The motion was unanimously approved.

XIV. Nominations and elections of the Chairman and Vice-Chairman of the Commission.

Commissioner Cass Fahler made a motion to nominate Vice-Chairman Bob Moses for the position of Chairman. Commissioner Rick Harper seconded the motion.

Commissioner Odell Roland made a motion to nominate Chairman Spencer Stanley for a successive term as Chairman. Commissioner Joe Wilbanks seconded the motion.

A vote was taken on the first nomination, for the nomination of Vice-Chairman Bob Moses for the position of Chairman.

Chairman Stanley-Abstain; Vice-Chairman Moses-Y; Casper-Y; Harper-Y; Lee-N;  
Wilbanks-N; Fahler-Y; Roland-N

The vote was 4-3, so the motion to elect Vice-Commissioner Bob Moses as the new  
Chairman passed.

Commissioner Rick Harper made a motion to nominate Commissioner Cass Fahler for the  
position of Vice-Chairman. Commissioner Joe Wilbanks seconded the motion.

Chairman Stanley-Y; Vice-Chairman Moses-Y; Casper-Y; Harper-Y; Lee-Y; Wilbanks-Y;  
Fahler-AB; Roland-Y

- XV. New business (Any matter not known about or which could not have been reasonably  
foreseen prior to the time of posting the agenda).

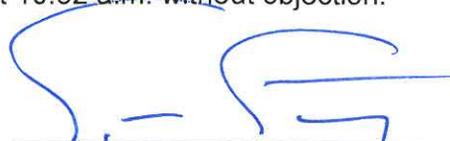
Commissioner Cass Fahler asked when the Commission would select a new member for  
the Budget Committee, now that Commissioner Trisha Thompson is no longer on the  
Commission. Administrator Leshner said that the issue would be placed on the agenda for  
the next Commission meeting. He also recommended the possibility of having an annual  
selection of Committee members.

Commissioner Harper remarked that he appreciated Chairman Spencer Stanley's service  
and that he wanted to make note that his vote for another Chairman was no reflection on  
Chairman Stanley's job, but that he felt it was good to rotate the Chairman position every  
few years.

- XVI. Adjournment.

Chairman Stanley adjourned the meeting at 10:52 a.m. without objection.



  
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Spencer Stanley, Chairman

  
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Treasure Tytenicz, Commission Secretary