

**MINUTES OF REGULAR MEETING
COMMISSION ON CONSUMER CREDIT
December 12, 2012**

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 December 7, 2012.

I. Call to Order.

Chairman Stanley called the meeting to order at 10:00 a.m.

II. Roll Call.

PRESENT: Chairman Spencer Stanley; Vice-Chairman Bob Moses; Odell Roland; Trisha Thompson; Cass Fahler; James Lee, Joe Wilbanks and Rick Harper

ABSENT: Armando Rosell and Mick Thompson.

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; Karen Banks, Senior Consumer Credit Examiner; Brad Custard, Senior Consumer Credit Examiner; Vanessa Todd, Senior Consumer Credit Examiner; Fred Britt, Consumer Credit Examiner; Alicia Gregg, Consumer Credit Examiner; Angela Gober, Consumer Credit Examiner; Deshia Parks, Consumer Credit Examiner; Drew S'Rencho, Consumer Credit Examiner; Mary Keel, Consumer Credit Examiner; Richard Kellogg, Consumer Credit Examiner; Sarah Reynolds, Consumer Credit Examiner; Steve Glasgow, Consumer Credit Examiner; Viola Peters, Consumer Credit Examiner; Megan Willson, Administrative Assistant; Tiffany Roberts, Administrative Assistant and Tracy Anderson, Administrative Assistant.

GUESTS: Laura Swingle, Office of Management and Enterprise Services; Greg Piatt; Kent Carter, Citywide Mortgage; Shawn Ashley, eCapitol; Caleb Lundy; Erin Kennedy, Oklahoma House of Representatives.

III. Discussion and possible action regarding the minutes of the executive session held October 10, 2012.

Vice-Chairman Moses made a motion to approve the minutes of the executive session held October 10, 2012. Commissioner Trisha Thompson seconded the motion. The roll call vote was as follows:

Chairman Stanley-Yes; Vice-Chairman Moses-Yes, Roland-Yes; Trisha Thompson-Yes; Fahler-Yes; Lee-Yes, Wilbanks-Abstain; Harper-Yes.

Commissioner Rosell arrived at 10:01 a.m.

- IV. Discussion and possible action regarding the minutes of the regular meeting held November 14, 2012.

Commissioner Trisha Thompson made a motion to approve the minutes of the regular meeting held November 14, 2012. Commissioner Fahler seconded the motion. The roll call vote was as follows:

Chairman Stanley-Yes; Vice-Chairman Moses-Yes, Roland-Yes; Trisha Thompson-Yes; Fahler-Yes; Lee-Yes, Wilbanks-Yes; Harper-Yes; Rosell-abstain.

- V. Public comments. (Limited to three minutes per person).

There were not any public comments.

- VI. Staff announcements and discussion.

Ruben Tornini, Deputy Administrator, introduced new Consumer Credit Examiners Sarah Reynolds, Angela Gober and Richard Kellogg.

- VII. 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, presented the November 2012 budget and financial reports.

Commissioner Harper made a motion to approve the November 2012 budget and financial reports. Commissioner Rosell seconded the motion. The motion was unanimously approved.

- VIII. Discussion and possible action regarding Department sponsored legislation for the 2013 Oklahoma legislative session, including, but not limited to, proposed amendments to the following statutes:

Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, 59 O.S. §§ 2095-2095.25.

Administrator, Scott Leshner and Commissioner Cass Fahler discussed the proposed legislation for the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act at 59 O.S. §§ 2095-2095.25 (SAFE Act). Commissioner Fahler requested an additional amendment to the proposed SAFE Act legislation that was presented to the Commission at the November meeting, in which approval of the proposed legislation was tabled until the December meeting. Commissioner Fahler requested an additional amendment that requires continuing education for mortgage loan originators to be conducted in a classroom setting every other calendar year.

Legislative Liaison, Greg Piatt, announced that Representative Don Armes had agreed to author the Department's Uniform Consumer Credit Code legislation and SAFE Act legislation. Mr. Piatt also announced that Senator Ballenger had agreed to author the Department's precious metal and gem dealer legislation and Representative Armes had agreed to author the Department's precious metal and gem dealer legislation in the House

of Representatives.

Commissioner Fahler made a motion to approve the Department's proposed SAFE Act legislation. Commissioner Trisha Thompson seconded the motion. The motion was unanimously approved.

IX. Discussion and possible action regarding Notices of Rulemaking Intent for the following proposed permanent rules:

Title 160, Chapter 3, Procedure, 160:3-1-4, Requirements for individual proceedings [AMENDED];

Title 160, Chapter 45, Truth in Lending Rules, Subchapter 1, General Provisions, 160:45-1-2, Definitions and rules of construction [AMENDED], 160:45-1-3, Exempt Transactions [AMENDED];

Title 160, Chapter 45, Truth in Lending Rules, Subchapter 5, Closed-End Credit, 160:45-5-1, General Disclosure requirements [AMENDED], 160:45-5-3, Certain mortgage and variable-rate transactions [AMENDED], 160:45-5-9, Mortgage transfer disclosures [NEW].

General Counsel, Roy John Martin, discussed the proposed Notices of Rulemaking Intent. General Counsel Martin stated that the proposed rules for Chapter 3 require the Administrator to issue a Final Agency Order within a reasonable period of time after reviewing the administrative record and a proposed order from the hearing examiner, requires the Administrator to issue a Final Agency Order regarding an individual proceeding that has not been resolved pursuant to a Consent Order and requires the Administrator to schedule a hearing within twenty (20) days from the date of service of an emergency order.

General Counsel Martin stated that the proposed Chapter 45 incorporate federal changes to Regulation Z for purposes of maintaining Oklahoma's exemption from federal enforcement of the consumer credit disclosure provisions of the Truth in Lending Act and Regulation Z. Specifically, the proposed rules implement the enhanced mortgage disclosure requirements that were incorporated into the Uniform Consumer Credit Code by Oklahoma House Bill 2742, which became effective July 1, 2012. The proposed rules also amend the dollar threshold amount for exempt transactions to correspond with revisions made to the Uniform Consumer Credit Code and Regulation Z.

Commissioner Rosell made a motion to approve the proposed Notices of Rulemaking Intent. Commissioner Lee seconded the motion. The motion was unanimously approved.

X. Consumer Credit Advisory Committee report and recommendations. Discussion and possible action regarding the Consumer Credit Advisory Committee report and recommendations.

Administrator Leshner stated that the Consumer Credit Advisory Committee met on October 17, 2012 and made the following recommendations to the Commission:

(1) No change in license fees and

(2) Recommend a legislative change to the "refund" provision in 14A O.S. 6-303(4) during the 2013 legislative session.

Commissioner Wilbanks made a motion to adopt the recommendations of the Consumer Credit Advisory Committee. Commissioner Trisha Thompson seconded the motion. The motion was unanimously approved.

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

Administrator Leshar announced that the CSBS/AARMR mortgage accreditation committee would not be visiting the Department in January as previously announced.

Commissioner Mick Thompson arrived at 10:49 a.m.

- XII. 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, Deputy Administrator;
- C.Enforcement Report by Roy John Martin, General Counsel;
- D.Other Administrator Reports

Lindsie Lundy delivered the Licensing Report. Ruben Tornini delivered the Examination Report. Roy John Martin delivered the Enforcement Report. Scott Leshar delivered other Administrator Reports and discussed United States House of Representatives Resolution 6139, which would create a federal charter for certain non-depository financial institutions.

Vice-Chairman Moses made a motion to approve items A-D of the Consent Agenda. Commissioner Rosell seconded the motion. The motion was unanimously approved.

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

There was not any new business for the Commission's consideration.

- XIV. Department of Consumer Credit Employee Recognition Ceremony and Luncheon.

Vice-Chairman Moses presented state service recognition certificates and lapel pins to the following Department employees:

Scott Leshar, Administrator; Karen Banks, Senior Consumer Credit Examiner; Brad Custard, Senior Consumer Credit Examiner and Tracy Anderson, Administrative Assistant.

XV. Adjournment.

A lack of quorum occurred at 12:15 p.m. and Chairman Stanley adjourned the meeting.





Spencer Stanley, Chairman



Treasure Tytenicz, Commission Secretary