

**OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
December 19, 2023**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairperson Scott Ward at 10:00 a.m., at the OLERS Conference Room, 421 NW 13th Street, Suite 100, Oklahoma City, Oklahoma.
2. Sue Ann Loggains called the roll. Attending were: Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Absent: Darin Kent (arrived late).
3. The Minutes of the Regular Meeting of the OAB, conducted on November 21, 2023, were reviewed. A motion was made by Ms. Ringo to approve the minutes with the required corrections. The motion was seconded by Ms. Yates. Motion carried.

Mr. Koller and Ms. Loggains pointed out errors that needed to be corrected.

Yeas: Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

4. **Chairperson's Report - Scott Ward:** Mr. Ward apologized to the Board for a late addition to the packet. He intended to send it out the previous week, but didn't notice that it wasn't sent when he intended to send it.
5. **Administrator's Report (Board Report):** Ms. Smith reported that the office is quiet other than Ayla being busy with license renewals.
6. **Committee Reports.**
 - a.) **Budget and Finance – Jeff Mapes:** Mr. Mapes gave an update on the budget reporting that the annual budget is \$303,532.00 with encumbrances of \$59,851.33, which gives us a total Year-To-Date Encumbrances and Expenses of \$155,572.05 and a variance of \$147,960.95. The revenue for the month of November was \$35,440.00 and expenses were \$20,454.72 which leaves us with an ending cash balance of \$984,581.33. After review and discussion, Mr. Mapes made a motion to approve the report as presented. Second by Ms. Ringo. Motion carried.
Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.
 - b.) **Rules and Regulations – Randy Coffman:** Mr. Coffman reported that the committee met again to try to reconcile the two versions of rules that were presented last month. What came in the packet has no changes on items 1-4 compared to what was in the packet last month, but item 6 from last month was dropped. Item 5 concerning the conversion of an abstract is what they spent the most time on, specifically the part of it having to be done under the supervision of a holder of a

COA in the county where the property is located. The previous language had the requirement to note a date of conversion was dropped and left only a company performing the conversion and the type of conversion. If a company outside the county where the property was located decided to make a copy of an abstract, they would be required to retain the original abstract. Item number six would not require previously converted abstracts to adhere to the change in the rule. He asked Ms. Scimeca and she agreed that generally, a rule shouldn't be made retroactive and therefore, Item 6 wouldn't be needed. It doesn't hurt, and could be included if the Board wanted, but it's not needed.

Mr. Coffman asked the other committee members if they had any comments and they did not. Mr. Ward pointed out the timeline for rulemaking that was in the Board packets. He reminded the Board that a decision to enter the rulemaking process does not finalize the language, it simply starts the process. Changes can still be made as the process continues. He also commented that an email had been received from OLTA that wasn't something they developed to circumvent the Rules Committee, it was just comments and language developed as suggestions from the association.

Mr. Ward stated that the OLTA suggestion takes the existing rule and adds an Item 2 that reads “(2) If a holder of a certificate of authority in the county in which the property is located offers electronic abstracts, the property owner or the authorized agent for the property owner has the right to choose a paper abstract or electronic abstract.” The language regarding conversion in Item 4 in the existing rule is removed. The reasoning for that is that based on Title 1 an abstract is defined and can only be created by a COA holder in the county where the property is located. Anything else done by anyone other than a COA holder in the county where the property is a copy. If an abstract is copied and something happens to the original abstract, the consumer should be able to go back to the county where it was created and receive a replacement at no cost.

Ms. Loggains said she didn't understand that.

Mr. Ward said there shouldn't be an issue with the destroying of abstracts. He felt a lot of issues were resolved by removing all references to conversions.

Mr. Koller suggested that he just read the email from the OLTA as sent by Mr. Mark Luttrull. Mr. Ward gave him the floor to do so.

Chairperson Scott Ward,

At yesterday's OLTA board meeting, the attached amendments to the Electronic Abstract rule were passed by the board. We offer the amendments to the OAB for consideration.

I'm including some of the talking points for explanation for our amendments.

Thank you for your service,

Mark

Talking Points

It seems that issues regarding the electronic abstract discussions get confusing when we discuss "conversions".

In an effort to simplify the issue, we should turn to the provisions already present in Title 1.

Title 1 defines what an abstract is, whether paper, electronic or, we believe by extension, converted abstracts. If a converted abstract is to have any integrity, it must remain within the statutory provisions.

§1-21. Definitions.

1. "Abstract of title" is a compilation in orderly arrangement of the materials and facts of record, in the office of the county clerk and court clerk, affecting the title to a specific tract of land issued pursuant to a certificate certifying to the matters therein contained;

2. "Abstract plant" shall consist of a set of records in which an entry has been made of all documents or matters which legally impart constructive notice of matters affecting title to real property, any interest therein or encumbrances thereon, which are filed, recorded and currently available for reproduction in the offices of the county clerk and the court clerk in the county for which such abstract plant is maintained. Such records shall consist of:...

6. "Certificate of authority" is the authorization to engage in the business of abstracting in a county in this state, granted to a person, firm, corporation, or other entity, by the Oklahoma Abstractors Board;

If we apply the statutes to the conversion of an abstract, the conversion must be provided by a COA holder in the county in which the property is located. Any change in the form of the abstract, not produced by a COA holder in the county where the property is located, is not a duly produced abstract. We believe that if a COA holder chooses to accept a scan of one of their paper abstracts, they can do that, but they accept responsibility for the contents, compilation and quality of the abstract.

Although, most in our industry believe the consumer should have the right to choose the format of the abstract, we don't think it has to be memorialized in the rules

(although it would be more clear if it was). Due to the common carrier provisions, we believe the OAB has the authority to force a COA holder to provide the consumer with an abstract in either form provided by the statutes, pursuant to the consumer's request. Moreover, since the statutes and rules recognize paper and electronic abstracts, it seems illogical that a converted abstract would not be subject to the same statutory definitions, as well.

W. Mark Luttrull

Mr. Ward pointed out that attached to the email was the document sent out yesterday. Mr. Coffman asked if Mr. Luttrull, since he was in the audience, had any comments on the email and attachment.

Mr. Luttrull stated that it was the view of the OLTA that the Board needs to make it into the rulemaking process. There are some differences in thought about the phraseology, but the Board has no obligation to do what the OLTA says, of course. However, discussion during the comment period should be helpful.

Ms. Yates asked Mr. Luttrull about the addition of number 2 why didn't OLTA go with what the Committee suggested. Mr. Ward replied that the OLTA didn't have a copy of the recommendation from the Committee when they developed their language. Mr. Luttrull stated that in their number 2 that gives the customer the choice of the type of abstract they wanted to receive, they simply tried to use previously memorialize phrases such as holder of a certificate of authority and he repeated that the OLTA didn't have the updated Rules Committee's language when they wrote the suggestions from the OLTA.

Ms. Yates said she was concerned about it being permissive and might require an additional step with regard to acquiring specific input from the owner of the property. Mr. Luttrull stated that the reasoning behind adding the authorized agent is that the question is already being asked prior to the order being placed.

Ms. Loggains stated that if a company prepares a paper abstract and sends it off to an out of county destination and that destination company does something to the abstract, loses it or scans and destroys the original, she felt it shouldn't be the responsibility of the originating company to replace the abstract at no cost because it often requires hours of work to replace. It should be the responsibility of the company that lost or destroyed it. Mr. Luttrull stated that as situations arise, there might have to be some form of enforcement on the part of the OAB. They weren't ready to take that on at this point because there had already been so much time spent on the conversion issue and they felt the basics should be handled first, but that it would likely need to be addressed.

Mr. Ward stated that being in a county that only does paper abstracts, there is always a receipt, so it can be tracked as to who is taking responsibility for the product. Mr. Mapes commented that as the abstract board, we have no authority over title

companies if they're the ones creating the issue. Ms. Ringo agreed that it is difficult to do even if you do have documentation that a non-abstract company took possession of the abstract and something happened to it while it was in their possession.

Mr. Ward stated that on number 2, they're very similar and that getting into the rulemaking process would not preclude being able to make adjustments to the language originally presented. Ms. Yates stated that her concern is with regard to a choice regarding the abstract type not being made at the point the order is made. Mr. Ward said that he believed that during the rulemaking process, those things can be ironed out.

Ms. Smith confirmed that while you shouldn't make substantive changes across the board or you have to start all over, but that minor tweaks to the language is fine to continue with. There was further discussion about whether the law is requiring the abstract company to perform an additional step to get a specific choice when the abstract is ordered. Mr. Coffman added that the idea of adding back in the idea of choice was assuring a consumer had an option was memorialized. Ms. Yates stated that at her companies, if someone requests a paper abstract, they get one. Ms. Smith stated that the problem is that not every company has that same viewpoint. If the company produces only electronic abstracts and the customer request paper, they tell the customer to take it home and print out the file on their own.

Mr. Ward said that the differences between the version from the Committee and OLTA were minor and can be tweaked during the process. He asked the Rules Committee for input now that they've seen both. Mr. Koller said that he believes that the closer they can stay to the current rule, the better because there could be an issue with it being rejected and having to start all over again next year. Mr. Mapes said that he disagreed because currently the rule says that anyone can convert an abstract, but it should only be done in the county where the property is located and not having that language in there would be a detriment to the process. Mr. Ward pointed out that the use of the word conversion is implying that there is an action that needs to be done but getting rid of that removes the possibility of a conversion process. Mr. Coffman added that based upon the OLTA's suggestion, removing that altogether and sticking with what Title 1 says about an abstract that there is no conversion process. Anything done to an abstract by anyone other than a holder of a COA in the county where the property is located is merely creating a copy and not a valid abstract. Therefore, in light of that, there is no need to address it at all in the rules because based on the framework of Title 1, it's already addressed.

Mr. Ward asked how he felt about that. Mr. Coffman replied that he felt it was good to spell things out sometimes to make it explicit as to what the Board thinks about it. He's always thought, speaking for himself, that the only legitimate conversion was one performed in that county. If there is nothing about conversion in the current language, but if it's not noted as to who did it, then how could it be known?

Ms. Smith asked for clarification based upon what OLTA is presenting. It has been the policy of several companies, particularly in the larger metro areas, that if they receive an abstract from anyone whether it's in their county or not, the paper abstract is scanned and then destroyed. So, based upon the opinion of OLTA, that practice should not have been allowed and illegitimizes it going forward or they become financially responsible to replace any paper abstract they destroyed. Mr. Coffman agreed that was their interpretation.

Ms. Yates asked if it mattered whether it was a COA holder that did that. Ms. Smith said that it didn't but that if was an unlicensed person creating a copy of an abstract it would automatically call into question the legitimacy of their product.

Mr. Ward asked why we couldn't offer help when a non-abstractor destroys an abstract. Ms. Yates said that we can't compel anyone not licensed by us to do anything because that power is not granted in our law. Ms. Smith added that there have been times when she's made a phone call on behalf of a company, but that we can't force them to do anything.

A motion to enter the rulemaking process was made by Mr. Kent to utilize the language presented by the committee. Second by Mr. Coffman. Motion passed.

Mr. Lower commented that when it was first proposed, he liked that the customer having an option to choose was included and that the original abstract had to be preserved. Mr. Ward asked whether the language could be changed later to be more akin to the OLTA version. She replied that the one on the table is the version presented by the committee and that unsubstantial changes can be made during the process. Ms. Smith added that based on her experience with rulemaking, the legislature is much more accepting of removing language you decide you don't need than they are about the language being significantly added to. There were additional questions about the timeline for rulemaking that Ms. Smith answered.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: Jeff Mapes.

- c.) **Licensing and Testing-Rex Koller:** Mr. Koller reported that since the last board meeting, there were five people who took the test, and all passed. The next testing date is January 18th at the OAB offices.
- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been one inspection since the last Board Meeting which was a six-month revisit to a company that had issues during their previous inspection. The findings and suggestions from the Enforcement Committee could be found in the packet. Ms. Smith asked for a motion to accept the inspection report as presented and authorization to proceed with the recommended actions from the Enforcement Committee. A motion was made by Mr. Coffman. Second by Ms. Yates. Motion passed.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

Mr. Ward commented as requested by the Enforcement Committee that the six-month revisits are working. This company had 14 out of 36 orders at their regular inspection that were outside guidelines, but now only had 1 out of 18 at the revisit.

Ms. Smith also presented two consent orders which were included in the packet. Both were from inspection findings. One was for Bryan County Abstract who had two late orders and received a \$300 fine because they didn't have a demonstrated history with late orders. The other was for Coal County Abstract whose indexes were out of date due to a misunderstanding while one employee was out on maternity leave. The penalty was \$800. Ms. Smith asked for a motion to approve the consent orders and authorize the chairperson to sign off on them and officially close the matters. A motion was made by Ms. Ringo. Second by Mr. Kent. Motion passed.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

e.) **Enforcement Committee Reports-Jeff Lower:**

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. Lower on behalf of the Enforcement Committee to approve all the licenses presented, subject to administrative review and to make sure all compliance issues were met, and appropriate fees paid. Second by Ms. Yates. Motion passed.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

Renewal of Certificate of Authority (With No Changes): Presented to the Board for approval was an application for renewal of Certificate of Authority with their rate sheet by Bryan County Research, LLC, Crawford Abstract & Title company (Tillman), Guaranty Abstract & Title Company, Inc. (Texas), New Century Abstract, LLC (McCurtain), Photo Abstract Company (Ottawa), Powers Abstract Company, Inc. (Noble), SCA Title, LLC (Adair), Security Abstract Company (Kay), and Solomon Abstract, LLC dba Solomon Abstract Company (Kingfisher). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Ms. Yates. Motion passed.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

Renewal of Certificate of Authority (With Fee Changes): Presented to the Board for approval was an application for renewal of Certificate of Authority with their rate sheet by Garvin County Abstract, PHS Title, LLC dba Smith Brothers Abstract, LLC (Hughes), and Vinita Abstract Company, LLC dba Smith Brothers Abstract & Title

Co. (Craig). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Mr. Koller. Motion passed.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward and Sue Ann Loggains. Nos: None.

Abstention: Ms. Ringo, and Mr. Koller abstained from those reports related to their employer's businesses.

Application for NEW Certificate of Authority (With Fee Changes): Presented to the Board for approval was an application for a NEW Certificate of Authority with their rate sheet by Smith Brothers Abstract and Title (Texas). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Ms. Yates. Motion passed.

Mr. Coffman referenced a letter included in the packet by Guaranty Abstract concerning how the court work was done in the building of the plant. They state that when the plant was being built, they went into the Court Clerk's office and just copied or took pictures of the Court Clerk's dockets. He asked Ms. Smith if that was her understanding as to how it was done. She replied that is how it was purported to be done, but that is not how the applicant said it was done. Her understanding was as the applicant stated in their response to the comment. He stated that based on what he saw on what was presented with the comment, there were court cases that had property involved, but the Court Clerk's records didn't always have a legal description even though property was likely involved. He was concerned about how that property information was getting into their plant if they weren't pulling the actual cases.

Mr. Ward opened the floor to comments from the existing Certificate of Authority holder. Mr. Rick Harbison with Guaranty Abstract took the floor. He gave the board copies of an email received by the County Clerk. He stated that in the email, she confirms that only the dockets were used in the building of the plant. The records are digitized back to the mid-1990s but before that, they are not and only available in paper and microfilm. She hadn't pulled any cases for them until November of 2023 and were specific requests for dockets that only had et.al. or didn't have legal descriptions. He says that he also asked if she'd been contacted by anyone from the Board and she said she had not. He said that he was told by the Clerk that she doesn't feel she has the authority to enforce the abstractors law, but because they have a close relationship, she told him.

Ms. Smith responded that they had been contacted because they were notified when the application was received and given opportunity to contact her directly. He clarified that he meant she wasn't called after the complaint was filed. He feels that the plant is not complete because it was built off of indexes prior to when it was digitized, and he believes it is not complete. He believes the Certificate of Authority should not be granted and that Mr. Koller and Mr. Lower should be recused from voting because of the applicant being their employer. Ms. Smith clarified that Mr.

Lower is no longer affiliated with the applicant company and that Mr. Koller and Ms. Ringo, who are, would be abstaining from voting on the application. He said they are scanning and duplicating cases starting on November 14th trying to fill in their records for specific cases. He said the law makes it clear that no county index can be used and it's his opinion that a docket is an index and can't be used.

He opened the floor to the Applicant. Mr. Charles Holleman with Smith Brothers Abstract took the floor and stated that the company verified everything that needed to be verified. He feels confident in the plant and believes the indexes are complete and have been verified. They have pulled some cases in the last week to verify cases but even still, feels the plant is complete. The abstracts that they prepared for the inspection were reviewed by the board.

Ms. Loggains stated that in reviewing the abstracts there seemed to be some things missing and she wanted to know if there was some kind of limit on what was allowable before an abstract isn't acceptable. Mr. Holleman asked what was missing. Ms. Loggains replied that there were several patents and documents missing. Mr. Holleman replied that there had been documents destroyed that they weren't able to get so what was available is what was included in the abstracts. Ms. Loggains observed that they were in the comparison abstracts. Mr. Holleman said he couldn't comment on that. Ms. Smith stated that the applicant isn't aware that there were abstracts to compare side-by-side and that there were notations made as to what was different in both abstracts. She added that in the County Clerk's office, there were notes on almost every index book listing documents which had been destroyed.

Ms. Scimeca noted that Mr. Coffman and Mr. Lower reviewed some of the abstracts and asked if they had any comments. Mr. Lower said that one of the abstracts that he reviewed was for a platted property, but the plat was not in the abstract and that was his only notation.

Mr. Coffman said there were a number of things missing from the ones he reviewed. One of them was worse than the other two. However, they weren't fatal things like a court case, but there were things that should have been there.

Mr. Harbison said that he was aware of 3 patent books that were destroyed in a fire in 1911 but he wasn't sure if they were the ones that applied to the abstracts in question.

Mr. Ward asked for further public comments. There were none so he opened the floor to discussion by the Board. Mr. Coffman asked Mr. Holleman whether older cases were being pulled and he responded yes. Mr. Coffman added if they were being pulled as the plant was being built. Mr. Holleman replied that they were pulled, but he wasn't aware of specifics as to how many were pulled and of what, but that their vendor helping to build the plant was doing it. Ms. Smith noted that in the response

form the applicant that it was the same person helping to build the plant who had been digitizing records for the Court Clerk for a while.

Mr. Coffman asked whether that meant they were digitizing actual cases or just digitizing the appearance dockets. Mr. Harbison responded that it was in the email he had from the Court Clerk that said the company, Midwest Printing, came to the courthouse and looked at everything to give the applicant a price of what it would cost. The Clerk claims that individual took the estimate to the applicant and was told it would be too expensive, so they'd just digitize the dockets.

Mr. Coffman said that looking at the old court cases is where most people building a plant seem to have issues. If they haven't done that, the plant isn't complete. There should be some way to verify whether the legal was in the system or not and if people are building plants, they have to look at the cases. They've just got to do it. It came up before the board several years ago where they were using indexes and it was stated at that time, that they could be used as a guide, but shouldn't be relied upon. He's afraid that they're being relied upon. If it is certain cases that could have real property, if you're not looking at those and getting legal descriptions out of them then your plant isn't what it should be.

Mr. Ward asked Ms. Smith about when the permit was granted, and she confirmed that it was granted in March of 2023. He further asked if the application was denied, would it just mean that the applicant would have more work to do. She confirmed that it could be presented again.

She stated that if that happened, she would ask for guidance from the Board as to what they wanted her to look at because she performed the same inspection she's performed for every COA application before this one. Mr. Holleman commented that they've built three other plants in the state of Oklahoma and they know what they're doing. Ms. Scimeca asked if they used the same company as with the other plants. Mr. Holleman replied that they hadn't with the court items but that they have used the same company to verify and index. They have used the company on other projects, but this is the first time they've worked on a plant for them. Ms. Scimeca asked whether he felt the cost was enough to cover doing everything and not just the docket sheets.

Ms. Yates asked whether she normally interviewed the Court and County Clerks. Ms. Smith said she does not usually unless there have been problems or issues brought to her attention between the Clerk or the applicant. However, if there are no complaints originating from someone with the county and they have been given opportunity to respond directly to her when the application is received and they don't, she doesn't pursue an interview with them.

Mr. Harbison stated that he felt the Board should be a little more proactive because he tried to get her to complain directly to the Board and she would not. She's approachable, but isn't one to step out.

Ms. Scimeca asked if there was a way to verify whether the plant was sufficient or not. Ms. Smith responded that she does the same searches she was taught to do when she was trained on inspections. She looks at court cases and ensures that they are populated back to sovereignty and theirs was. She verifies chains of title with the records in the County Clerk's office and theirs were good. There have been changes to the process in that she checks a lot more records than they used to, but overall, it's the same one that's been used.

Ms. Yates asked if she'd gone back and pulled cases back to sovereignty. Ms. Smith said that no, she does not pull cases but she looks to verify that they have things like probates and indexes back to sovereignty. Ms. Loggains said but they can get those from the indexes and Ms. Smith agreed and said that no, she has never gone to a Court Clerk's office and pulled specific cases for comparison. It's her understand that that is why they also prepare abstracts to be reviewed.

Mr. Harbison said that in their Court Clerk's office, they have a card file where you can go to search names and verify any name that's been filed in a court case.

Mr. Ward asked Ms. Scimeca about verifying whether the process is being done correctly and whether it would cause financial harm to the applicant if it pushed back to the Enforcement Committee to review some of the documents and interview the Court Clerk. Ms. Scimeca responded that the applicant would not be able to issue abstracts until they receive their COA, so they would not be able to recoup any of their costs. The Board needs to consider whether the applicant has met the requirements in building their plant. They've had a third party create it for them and they believe they have a sufficient plant, but there are questions about that. Mr. Ward said that as a Board member, to vote yes on the application, they should feel strongly about whether the requirements have been met.

Ms. Loggains asked whether they could ask for a signed affidavit from the party who was involved with the building of the plant stating that they verified the cases. Mr. Holleman stated that he had a problem with that because it's already been reviewed by the Enforcement Committee and no questions have been asked prior to the Board meeting and he's only just now seeing the email document presented by Mr. Harbison and now they're talking about delaying their COA. The Enforcement Committee has already made their recommendation to the Board to approve it.

Ms. Loggains asked how people are on the Enforcement Committee and Ms. Smith confirmed there are three. Ms. Yates pointed out that she wasn't there.

Ms. Scimeca said that Ms. Smith hadn't read her Director's statement into the record but that it's up to the Board to approve or deny and as for the third party, they aren't present and testifying so she would steer against that. The application was submitted and both parties, the applicant and commenter have given their statements so she suggested reading the report and moving forward with a vote.

Ms. Smith stated that both individuals who reviewed abstracts gave it a green light. Mr. Coffman said that was as far as the content of the abstracts, but they don't know about the fullness of the plant. He said he would ask the Enforcement Committee whether indexing court cases only by name in every instance is sufficient.

Ms. Scimeca added that if the Board wanted to do a special meeting to review the application again at a later date is also an option instead of waiting for the next board meeting.

Ms. Yates asked Ms. Smith whether she invested gate it according to the standards that she already uses. She affirmed that. Ms. Yates asked Mr. Coffman whether an additional review should be done by Ms. Smith because she hasn't been doing it the way he thinks it should be done. He said that a solution to the potential impasse should be discussed and that court cases should be pulled and compared to what is in the plant and verify if there is a legal description attached to the case number and parties.

Mr. Lower asked Mr. Coffman whether legal descriptions are in their plant with their court indexes. Mr. Coffman said they had a system that provided that information. It was asked whether that was required information. Mr. Coffman said that it was something they had to do, but he thought it was wise to include it as a best practice. Ms. Smith pointed out that the statutes only require an index of names when it comes to court and holding someone to a best practice or higher standard than what the law requires isn't regulatable.

Mr. Lower stated that he reviewed the abstracts and found them to be acceptable and reviewed the inspection information presented by the inspector and found it acceptable. He reviewed the comments and responses and still found it to be acceptable, so that's why he made the recommendation for approval.

Ms. Scimeca read the criteria to be considered when reviewing an application for COA.

Ms. Smith read the Directors statement into the record. Comes now Katherine Smith, State Administrator of Abstracting of the Oklahoma Abstractors Board, and states:

The application for certificate of authority has been received in proper form and reviewed.

Proper notification was made by posting on the OAB website, notifying the Court Clerk and County Clerk of Texas County, as well as all Certificate of Authority holders in Texas County.

Comments were received from the existing COA holder.

Payment of the applicable fees have been made in the correct amount of \$800.00. E&O Insurance in the sum of \$10,000,000.00 and a County records bond of \$15,000.00 have been posted.

Inspections have been performed by the Inspectors on behalf of the OAB and all have found an adequate abstract plant available for use.

The name of the company is not deceptively similar to other certificate of authority or permit holders, and the company has an actual physical presence in the county of Texas.

According to the foregoing, the application for a Certificate of Authority is in compliance with Title 1 of the Oklahoma Statutes and 5:11-9-1 of the Permanent Rules of the OAB.

As the State Administrator of Abstracting of the Oklahoma Abstractor's Board, I hereby recommend that the Application for Certificate of Authority submitted by Smith Brothers Abstract & Title Co., LLC be approved. Signed by Katherine Smith on December 19, 2023

Yeas: Darin Kent, Jeff Lower, Jeff Mapes, Lisa Yates, and Scott Ward. Nos: Randy Coffman.

Abstention: Ms. Ringo, and Mr. Koller abstained from voting as the application related to their employer's businesses.

Complaint OAB-2023-W148: Presented to the Board for a public complaint received by the OAB office. However, it pertained to closing issues that are outside of the scope of the Board. Therefore, the Enforcement Committee recommended closure of the complaint so she asked for a motion to close the complaint and investigation. A motion was made by Mr. Lower. Second by Ms. Ringo.

Ms. Loggains suggested that even though the complaint is outside of our scope that the information be sent to the company so they can address potential issues in their closing area.

Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, and Scott Ward. Nos: None.

7. **New Business:** Mr. Ward asked for new business. There was none.
8. **Report Legal Counsel-Whitney Herzog Scimeca:** Ms. Scimeca gave an update on the case in Love County CV-2023-38. The motion to dismiss has been denied and it's been set on the status docket set March 26, 2024 at 11:00 AM. The Judge asked for a transcript of the recorded files and the opposing counsel is going to handle that. They've asked for oral arguments and briefing for the record. They're looking at doing a scheduling order so the status docket may or may not proceed at that time.
9. **Visitor's Comments:** Mr. Ward asked for any visitor comments. There were none.
10. **Announcement of next meeting:** Tuesday, January 16, 2024, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
11. **Adjournment:** Mr. Ward asked for a motion to adjourn the meeting. Motion was made by Mr. Kent. Second by Ms. Ringo. Motion passed.
Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, and Scott Ward. Nos: None.