

OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
December 20, 2022

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairperson Randy Coffman at 10:00 a.m., at the OLERS Conference Room, 421 NW 13th Street, Suite 100, Oklahoma City, Oklahoma.
2. Darla Ringo called the roll. Attending were: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains.
3. The Minutes of the Regular Meeting of the OAB, conducted on November 15, 2022, were reviewed. Mr. Koller pointed out that on page 6, paragraph 4, there was a duplicated motion and vote in the minutes that needed to be removed. A motion was made by Ms. Ringo to approve the minutes with that correction. The motion was seconded by Mr. Kent. Motion carried.
Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: None.
4. **Chairperson's Report-Randy Coffman:** Mr. Coffman had no report.
5. **Administrator's Report (Board Report):** Ms. Smith stated that another go-live date was promised for the end of the month for online licensing. However, based upon everything that we're being told they cannot do despite them being a part of our requirements all along (TOO forms, allowing companies to access multiple COAs they have in various counties) it's doubtful. We're only going to be able to get approximately 1/3 of the functionality we need and what functionality exists is extremely cumbersome for Ayla who deals with licensing all day every day so it's likely to be even more cumbersome for end users. She will be attending a roundtable with other agencies and the company on January 23rd.

Mr. Coffman asked if there was any insight as to how the state of Oklahoma chose a Canadian company to provide this service. Ms. Smit replied that it appears that yet again, a company has come in and made big promises but has fallen very short of the mark.

When Ayla was going through training for the system that is supposed to go live in short order, the entire business licensing side of the portal didn't even work. Even though we're being pushed by OMES and the Governor to move to online licensing, at this point, based on what we're seeing, it might be better just to upgrade the ancient Access database we currently use because if the portal is too difficult for the end user, we'll be paying for something that we'd be getting no benefit from.

Mr. Coffman asked if there had been any feedback from other agencies. Ms. Smith replied that there are many unhappy agencies. Even though we can't seem to get a go-live date in place, other agencies haven't even started the process. It feels to Ms. Smith as

though the agency is being pushed to accept the inadequate system being presented so that the provider can tick off another agency as being fulfilled and move on.

6. **Committee Reports.**

- a.) **Budget and Finance – Jeff Mapes:** Mr. Mapes gave an update on the budget reporting that the annual budget is \$298,063.00 with encumbrances of \$61,725.74, which gives us a total Year-To-Date Encumbrances and Expenses of \$142,813.81 and a variance of \$155,249.00. The revenue for the month of November was \$42,975.00 and expenses were \$18,759.59 which leaves us with an ending cash balance of \$901,093.10.

Mr. Kent asked about the ending cash balance and Mr. Mapes repeated the figure. Mr. Kent asked if it was divided into multiple accounts. Ms. Smith replied that it was not. Mr. Kent asked what kind of rate we were getting on it and Ms. Smith replied that she did not know. Mr. Kent stated that with rates being what they are currently, we're missing an opportunity to get some extra income to be used for other things. Ms. Smith replied that the Board had discussed investing the funds before, but in the end, we would only be building that balance because the OAB doesn't have authority to use it for something like building a building and if the balance grows too much, it will simply be an attractive target for the legislature to seize the fund for their purposes. Mr. Kent posed using it for something like adding staff. Ms. Smith replied that the Board actually reduced staff in 2015 from a three-person agency to a two-person agency which is more than adequate because our license numbers remain fairly static therefore the workload remains static.

Mr. Ward suggested checking out what our options are and Mr. Coffman added that if that's what the Budget and Finance committee desires, Ms. Smith should do that.

After review and discussion, a motion was made by Mr. Mapes to approve the report as presented. Second by Mr. Kent. Motion carried.

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

- b.) **Rules and Regulations – Randy Coffman:** Mr. Coffman reported that the Notice of Rulemaking Intent has been filed and published and that now we're in the comment period. Now it is just a matter of waiting for that to be complete and then the public hearing will take place at the February Board Meeting.
- c.) **Licensing and Testing-Rex Koller:** Mr. Koller reported that there have been 7 people take the test and 7 passed since the last board meeting. The next testing date January 19th at the testing center.
- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been no inspections but there are three consent orders in the packet. Two are related to inspections and one to a complaint. The consent orders have already been approved by the Board, they just need to be accepted and authorize Mr. Coffman to sign off on them.

A motion was made by Mr. Ward to accept the consent orders. Second by Mr. Mapes. Motion carried.

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

e.) **Enforcement Committee Reports-Scott Ward:**

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. Ward 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 Mr. Lower. Motion passed.

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

Renewal of Certificate of Authority (With NO Fee Changes): Presented to the Board for approval were applications for renewal of Certificate of Authority with their rate sheet by Bryan County Abstract Company, Inc., Bryan County Research, LLC, Caddo County Abstract Co., Inc., Crawford Abstract & Title Co. (Tillman), First Republic Title Co., dba Cimarron County Abstract Co., Garvin County Abstract, Guaranty Abstract Partners, LLC dba Smith Brothers Abstract & Title Co., LLC, (Tulsa), Mayes County Abstract Company, New Century Abstract, LLC (McCurtain). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the applications. Second by Ms. Loggains. Motion passed.

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

Abstention: Ms. Ringo, Mr. Lower, Mr. Coffman, and Mr. Koller abstained from voting on those companies related to their company's business interests.

Renewal of Certificate of Authority (With Fee Changes): Presented to the Board for approval were applications for renewal of Certificate of Authority with their rate sheet by Guaranty Abstract & Title Co., Inc. (Texas), Photo Abstract Company (Ottawa), PHS Title, LLC dba Smith Brothers Abstract, LLC (Hughes), PHS Title, LLC dba Smith Brothers Abstract, LLC (Pottawatomie), and Vinita Abstract Company, LLC dba Smith Brothers Abstract & Title, LLC (Craig). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the applications. Second by Ms. Ringo. Motion passed.

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

Abstention: Ms. Ringo, Mr. Lower, and Mr. Koller abstained from voting on those companies related to their company's business interests.

Rate Changes Only: Presented to the Board for approval were amended rate sheets by First American Title Insurance Company (Pottawatomie), First American Title Insurance Company (Oklahoma), First American Title Insurance Company

(Canadian), First American Title Insurance Company (Cleveland). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the amended rate sheet. Second by Mr. Koller. Motion passed.

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

Application for Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership by Adair County Abstract & Title, LLC to SCA Title LLC. A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Ms. Ringo. Motion passed.

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

7. **New Business:** Mr. Coffman asked for new business. There was none.
8. **Report Legal Counsel-Whitney Herzog-Scimeca:** Ms. Scimeca stated that she had been working with the Enforcement Committee and on the case that has been filed in Carter County.
9. **Visitor's Comments:** Mr. Coffman asked for any visitor comments. There were none.
10. **Announcement of next meeting:** Tuesday, January 17, 2023, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
11. **Executive Session:** A motion was made by Darin Kent to enter Executive Session to discuss case CV-2022-159 in Carter County. Second by Mr. Ward. Motion passed.
Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: None.

The Board entered executive session.

A motion was made by Darin Kent to exit Executive Session. Second by Mr. Ward. Motion passed.

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

12. **Adjournment:** Mr. Coffman asked for a motion to adjourn the meeting. Motion was made by Mr. Kent. Second by Mr. Ward. Motion passed.
Yeas: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: None.