

**OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
December 21, 2021**

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. J. Thomas called the roll. Attending were: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward.
3. The Minutes of the Regular Meeting of the OAB, conducted on November 16, 2021, were reviewed. A motion was made by Mr. McDowell to approve the minutes as presented. The motion was seconded by Mr. Thomas. Motion carried.
Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.
4. **Chairperson's Report-Randy Coffman:** Mr. Coffman reported that he had no report.
5. **Administrator's Report (Board Report):** Ms. Smith reported that the projected timeline for going live with online licensing has been set for April. She reminded everyone of projected closures for the holiday week.
6. **Committee Reports.**
 - a.) **Budget and Finance – Jeff Mapes:** Mr. Mapes gave an update on the budget reporting that the annual budget is \$280,955.00 with encumbrances of \$51,824.53, which gives us a total Year-To-Date Encumbrances and Expenses of \$147,026.61 and a variance of \$35,906.84. The revenue for the month of November was \$73,749.99 and expenses were \$20,879.31 which leaves us with an ending cash balance of \$771,660.18. After review and discussion, a motion was made by Mr. Mapes to approve the report as presented. Second by Ms. Ringo. Motion carried.
Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.
 - b.) **Rules and Regulations – Randy Coffman:** Mr. Coffman said that the committee had been discussing a change to the rules for permits. The proposed updates are included in the packet. The significant change was to 5:11-7-2 to letter A in that section and sets out deadlines for the completion of plant building activities. The committee looked at the term actively pursue because there are several permits that have been sitting out there for years with only minimal progress so they felt it needed to be more defined.

Ms. Smith pointed out that in two counties that had significant issues during the previous year both counties have had permits in place for many years. One for over

ten years and the other county since 2013. Both permits seem to be pulling in the new daily information and not indexing at all.

Ms. Yates stated that she had an issue with trying to make new rules for permit holders that were already in progress because it could be viewed as a retroactive application of the rule.

Mr. Lower stated that he feels as if this puts everyone on a level playing field.

There was discussion about the timeframes and fairness to existing permit holders.

Ms. Smith pointed out that this is just the first step in the rulemaking process. The language is not final and can still be tweaked and that today is just seeking approval to enter the Rulemaking process.

Mr. McDowell also pointed out that it appeared that some of these could be placeholders to scare off other potential permit filings. He also pointed out that this could allow for more frequent and more thorough inspections.

Ms. Smith pointed out that it would potentially help expedite the inspection process when they apply for a COA.

Ms. Scimeca pointed out again that there is still time for comments and feedback to be received.

A motion was made by Mr. McDowell to enter the rulemaking process with the proposed language. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

- c.) **Licensing and Testing-Ken McDowell:** Mr. McDowell reported that there had been 11 people had taken the test and 9 passed.

- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been eleven inspections since the last board meeting, but that only nine were on the agenda for review because the Enforcement Committee had additional questions for the remaining two. Only two companies had issues found with one of them having a missing probate and the other company having three delayed orders. The recommendations from the Enforcement Committee are included in the packet. Ms. Smith asked for a motion to approve the inspection reports as presented and accept the recommendation of the Enforcement Committee. A motion was made by Mr. Mapes. Second by Mr. Koller. Motion passed.
Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Ms. Smith also pointed out that several Consent Orders had been received back from the respondents related primarily to inspections and a few on complaints. She asked for a motion to accept the Consent Orders and authorization for the Chairperson to sign off on those orders. A motion was made by Mr. Lower. Second by Mr. Ward. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. 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. Thomas. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. 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 Adair County Abstract & Title, LLC dba East Side Abstract, Albright Abstract & Title Guaranty Company (Kay), Crawford Abstract & Title Co. (Harmon), Modern Abstract & Title Company (Bryan), New Century Abstract (McCurtain), and PHS Title, LLC dba Smith Brothers Abstract, LLC (Hughes). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the applications. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

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 American Eagle Title Insurance Co. dba Coal County Abstract, First Republic Title Company dba Cimarron County Abstract Company, First Republic Title Company dba Ellis County Abstract Company, Garvin County Abstract Company, and Vinita Abstract Company, LLC dba Smith Brothers Abstract & Title Co., LLC (Craig). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the applications. Second by Mr. Mapes. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Abstention: Mr. Koller abstained from voting on those applications pertaining to his business interests.

Fee Changes Only: Presented to the Board for approval were amended rate sheets by American Abstract Company of McClain County. A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve fee changes. Second by Mr. McDowell. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Transfer of Ownership: Presented to the Board for approval was an application for the Transfer of ownership of Goetzinger Abstract & Title Co dba Cimarron County Abstract Company to First Republic Title Company, Goetzinger Abstract & Title Co to First Republic Title Company (Woodward), and Ellis County Abstract to First Republic Title Company. Ms. Smith pointed out that these transfers were merely a formality instigated by a merger of the ownership entities but that since the entity holding the COA was changing, the form was required to be processed. A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the Transfers of Ownership. Second by Mr. McDowell. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Renewal of Permit to Build an Abstract Plant: Presented to the Board for approval was an application for the Renewal of a Permit to Build an Abstract Plant by American Eagle Title & Abstract of Rogers and Wagoner Counties, LLC (Wagoner). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Mr. Thomas. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Renewal of Permit to Build an Abstract Plant: Presented to the Board for approval was an application for the Renewal of a Permit to Build an Abstract Plant by Smith Brothers Abstract & Title Co., LLC (Canadian). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Mr. McDowell. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, and Scott Ward. Nos: None.

Abstention: Mr. Koller abstained from voting on those applications pertaining to his business interests.

Complaints OAB-2021-W120: Ms. Smith outlined the complaint which alleged a delayed completion of an abstract. Upon gathering the information from the Complainant and Respondent, it was discovered that once the legal description was clarified the abstract was completed seven days outside of guidelines and the penalty recommended by the Enforcement Committee is enclosed in the packet. A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the recommended actions. Second by Mr. Mapes. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

7. **New Business:** Mr. Coffman asked for new business. Ms. Smith reminded everyone that there are two board members terming out at the end of June, the banker member and Ken

Mc Dowell in District 6 so if anyone knows someone who would be interested, they should be encouraged to apply.

8. **Report Legal Counsel-Whitney Herzog Scimeca:** Ms. Scimeca said that she has been working with the Enforcement and Rules Committee.
9. **Visitor's Comments:** Mr. Coffman asked for any visitor comments. There were none.
10. **Announcement of next meeting:** Tuesday, January 18, 2022, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
11. **Adjournment:** Mr. Coffman asked for a motion to adjourn the meeting. Motion was made by Mr. Ward. Second by Mr. McDowell. Motion passed.
Yeas: Darla Ringo, J Thomas, Jeff Lower, Ken McDowell, Lisa Yates, Randy Coffman, Rex Koller and Scott Ward. Nos: None.