

**OKLAHOMA ABSTRACTORS BOARD**  
**MINUTES OF REGULAR MEETING**  
**February 20, 2024**

1. A special 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 13<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma.
2. Darla Ringo called the roll. Attending were: Darin Kent, Darla Ringo, Jeff Lower, Jeff Mapes, Lisa Yates, Randy Coffman, Rex Koller, and Scott Ward. Absent: Sue Ann Loggains (arrived late).
3. The Minutes of the Regular Meeting of the OAB, conducted on December 19, 2023, were reviewed. A motion was made by Mr. Lower to approve the minutes. The motion was seconded by Mr. Mapes. Motion carried.

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

4. **Chairperson's Report - Scott Ward:** Mr. Ward had no report other than apologizing for cancelling the January meeting. However, the weather made it prohibitive, so they felt it was better to be safe and push everything to the February meeting.
5. **Administrator's Report (Board Report):** Ms. Smith reported that she had gone to the OLTA Owners/Managers meeting the day before and it was a good meeting.
6. **Committee Reports.**
  - a.) **Budget and Finance – Jeff Mapes:** Mr. Mapes gave an update on the budget for both December and January. For December, the annual budget is \$303,532.00 with encumbrances of \$57,942.30, which gives us a total Year-To-Date Encumbrances and Expenses of \$173,362.36 and a variance of \$130,170.64. The revenue for the month of December was \$19,165.00 and expenses were \$30,849.34 which leaves us with an ending cash balance of \$972,902.99. Ms. Smith noted that the elevated level of expenses was due to the cost of the recent website migration which was \$10,000 of the expenses.  
For January the annual budget is still \$303,532.00 with encumbrances of \$54,219.93, which gives us a total Year-To-Date Encumbrances and Expenses of \$188,250.52 and a variance of \$115,282.48. The revenue for the month of January was \$46,715.00 and expenses were \$18,610.53 which leaves us with an ending cash balance of \$1,001,007.46. 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, and Scott Ward. Nos: None.

- b.) **Rules and Regulations – Randy Coffman:** Mr. Coffman reported that the board had voted to enter the rulemaking process at the December meeting. There were no comments received during the comment period. Since the December meeting, the committee decided to meet a couple more times to review what had been submitted. The Rules Committee made some minor changes from what had been submitted.

Previously submitted:

**5:11-5-3. Preparation of abstracts**

**(h) Electronic Abstracts.**

- (1) Electronic Abstracts may be provided by the holder of a certificate of authority in the county in which the property is located.
- (2) If a certificate of authority holder offers electronic abstract, a customer shall have the option of requesting and receiving a paper abstract.
- (3) Any charge for an Electronic Abstract must be the same as a paper Abstract of Title pursuant to 1 Okla. Stat. §41.
- (4) Any separate charge for the conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be disclosed on the "Abstract Fee Schedule" filed and approved by the Oklahoma Abstractors Board.
- (5) The conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be conducted under the supervision of a holder of a certificate of authority. Any such conversion shall be documented by a notation on the last certificate converted stating the company conducting the conversion and type of conversion. If an electronic copy of an abstract is created by a certificate of authority holder of a county other than where the property is located, the original abstract must be preserved.
- (6) Abstracts that have had a format conversion prior to the enactment of this rule will not be required to have a conversion notation.

Suggested revisions:

**5:11-5-3. Preparation of abstracts**

**(h) Electronic Abstracts.**

- (1) Electronic Abstracts may be provided by the holder of a certificate of authority in the county in which the property is located.
- (2) If a certificate of authority holder offers Electronic Abstracts, the person submitting the order has the right to choose a paper abstract or an electronic abstract.
- (3) Any charge for an Electronic Abstract must be the same as a paper Abstract of Title pursuant to 1 Okla. Stat. §41.
- (4) Any separate charge for the conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be disclosed on the "Abstract Fee Schedule" filed and approved by the Oklahoma Abstractors Board.
- (5) The conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be conducted by a certificate of authority holder for the county in which the property is located, pursuant to 1 Okla. Stat. §21. Any conversion performed by a certificate of authority holder for a county

other than the county in which the property is located shall be deemed a copy of that abstract, and the original abstract must be retained.

The change will keep things in the context of Title 1 as to the definition of an abstract. It was also felt that the use of the word conversion to only pertain to what a certificate of authority holder in the county where the property is located is able to do. Anyone else that does anything to the abstract is simply making a copy, therefore they are simply changing the format and not converting to create a legitimate abstract.

Based on this language, it was felt that number six was not needed and should be removed.

Mr. Coffman asked for input from the other committee members. Mr. Koller agreed with the previous comments.

Mr. Ward opened the floor for the public hearing and invited comments from attendees.

Mr. Mark Luttrull commented that he thought that the term certificate of authority holder be changed to the holder of a certificate of authority to keep it consistent with the language throughout the statutes and rules. He also thanked the committee for drawing a difference between the word conversion because a conversion is something the COA holder in the county where the property is located can do and not anyone else.

Mr. Matt Mickle asked about taking apart paper abstracts from a different county for the purposes of scanning them. Mr. Coffman replied that anytime the seal was broken on an abstract or brads removed to take it apart, the longstanding practice has been that when the originating company received the abstract back, it would be up to them as to whether they were willing to accept it as is or would charge a recertification fee to go back through and verify whether the abstract received was complete. Therefore, the company taking the abstract apart is, through their actions, taking responsibility for the originating company's decision.

Ms. Jamie Harmon stated that she felt the newest version was a good compromise.

Mr. Coffman repeated the suggestion from OLTA via Mr. Luttrull's comments.

Final results with comments incorporated:

**5:11-5-3. Preparation of abstracts**

**(h) Electronic Abstracts.**

(1) Electronic Abstracts may be provided by the holder of a certificate of authority in the county in which the property is located.

(2) If a holder of a certificate of authority offers Electronic Abstracts, the person submitting the order has the right to choose a paper abstract or an electronic abstract.

(3) Any charge for an Electronic Abstract must be the same as a paper Abstract of Title pursuant to 1 Okla. Stat. §41.

(4) Any separate charge for the conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be disclosed on the "Abstract Fee Schedule" filed and approved by the Oklahoma Abstractors Board.

(5) The conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be conducted by a holder of a certificate of authority for the county in which the property is located, pursuant to 1 Okla. Stat. §21. Any change of format performed by a holder of a certificate of authority for a county other than the county in which the property is located shall be deemed a copy of that abstract, and the original abstract must be retained.

Mr. Coffman made a motion to accept the requested changes to the rules originally presented for rulemaking. Second by Mr. Kent. Motion Carried.

Ms. Yates stated that she was confused by a real life application of number two in the revised rules. If the person submitting the order has a right to choose, how does that look in real life? Does she have everyone check a box as to what they want?

Ms. Terri Parrish stated that's what her company does. There is a checkbox on the order form.

Ms. Smith stated that she felt it was up to the company as to how they want to handle it. It's being put back into the rules because it used to state that if a company produces electronic abstract, the customer can choose to receive one. Ms. Yates interrupted and said that she felt that was quite different. Ms. Smith asked to be allowed to finish her statement and went on to say that there are companies who produce electronic abstracts who will refuse to provide a paper abstract, regardless of customer preference. This change is returning the customer's ability to choose.

Ms. Yates made the statement that the board was going back in time, then. Ms. Smith said that she didn't feel it was a bad thing to restore the customer's ability to choose the format of the abstract they receive.

Mr. Ward agreed that it wasn't going back in time, it was just restoring something that was never intended to be removed and correct an error created in previous rulemaking.

Ms. Yates said she preferred the original language in number two because she felt that did it. Ms. Smith asked for clarification because to her, original means the existing rule. Ms. Yates stated that by original, she meant the original submitted rule changes. She feels that the changes add a step to companies forcing them to ask what the customer wants and most likely, when asked, the customer or their representative aren't going to know.

Mr. Ward commented that he liked the new version because currently, no one is being asked about the abstract whether it be the consumer or their representative. He didn't think it was a bad thing to put in play a checkbox for the person placing the order so that if it's not the consumer, their representative knows they need to be asking the question. Therefore, it's not any more work on the abstractor, but would fall to the person placing the order to know what is wanted. He also stated that he liked putting in the rules that the original abstract must be retained because even though the OAB doesn't have authority over anyone other than abstractors, by fact of it being in our rules, we can set a standard that can be conveyed to the companies.

Ms. Yates responded that she thinks it is more than just the checking of a box. If an order comes in via email and she responds with the request of whether a paper or electronic abstract is required and what if they never get back with her and time is ticking. Does she have a valid order? Because she doesn't know.

Mr. Coffman responded that the rules don't stipulate that it has to be a part of the order, only that the customer has the right to choose. She replied so she doesn't need to put it on her form.

Mr. Ward stated that he felt the discussion was getting into business operations that each company will need to decide. He said that some companies might simply put a disclaimer out that they'll be doing electronic abstracts unless requested otherwise.

Mr. Kent said that's how he feels. He doesn't think the two versions are any different.

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

Ms. Smith stated that now that the language had been refined based on comments received, the board needed a motion and vote for adoption of the rules. Ms. Ringo made a motion to adopt the rules with the requested changes. Second by Mr. Kent. Motion carried.

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

- c.) **Licensing and Testing-Rex Koller:** Mr. Koller reported that since the last board meeting, there were fourteen people who took the test, and thirteen passed. The next testing date is March 21<sup>st</sup> at the OAB offices.
- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been two inspections since the last Board Meeting, both of which were six-month revisits 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 reports as presented and

authorization to proceed with the recommended actions from the Enforcement Committee. A motion was made by Ms. Ringo. Second by Mr. Coffman. Motion passed.

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

Ms. Smith also presented three consent orders which were included in the packet. Both were from inspection findings. One was for Arbuckle Title & Abstract in Love County. There was one late order and an indexing issue which was the fault of their third-party vendor, but the company still should have been double checking their work. They received a \$200 fine because this was their first inspection. The next was for Guaranty Abstract of Jefferson County who had three delayed orders, but the company didn't have a demonstrated history of order delays, so their penalty was \$300. And finally, is one for a six-month revisit to Okmulgee County. They showed significant improvement but still had one order that was delayed and one indexing error. The penalty was \$500. 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, and Scott Ward. 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, and Scott Ward. Nos: None.

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

**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 Antlers Abstract & Title, LLC (Pushmataha), Pioneer Abstract Company dba Atlas Abstract Company (Hughes), Great Plains Investments, LLC dba Bailey's Abstract & Title (Kiowa), Caddo County Abstract Co., Inc, Cheyenne Abstract Company, Inc. (Roger Mills), Chicago Title Oklahoma Co. (Cleveland), Chicago Title Oklahoma Co. (Oklahoma), Clinton Abstract Co., Inc (Custer), American Eagle Title Insurance Co. dba Coal County Abstract, Cochran Abstract Company (Grady), Cotton County Abstract Company, Duncan Abstract Co (Stephens), Eufaula Abstract

& Title Company (McIntosh), First Republic Title Company dba Ellis County Abstract, Greer Guaranty Abstract Company (Greer), Guaranty Abstract and Title of Stigler, LLC (Haskell), Harmon County Abstract, LLC, Home Title Guaranty Co. (Pontotoc), Hugo Abstract & Title, LLC (Choctaw), Love County Abstract Company, Inc., Mayes County Abstract Company, Muskogee Abstract & Title Company (Muskogee), Pioneer Abstract & Title Company (Harper), Pioneer Abstract Company (Seminole), Smith Brothers Abstract & Title Co., LLC (Beaver), Southwest Abstract & Title, LLC (Comanche), Stephens County Abstract Company, The Musselman Abstract Company, Inc (Washington), Tishomingo Abstract Company, LLC (Johnston), Washita Valley Abstract & Title, LLC (Grady), and Woods County Abstract Corporation. 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, and Scott Ward. Nos: None.

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

**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 Company (Oklahoma), Chicago Title Oklahoma Co (Logan), Creek County Abstract Company, Inc. (Creek), First American Title Insurance Company (Pottawatomie), First American Title Insurance Company (Canadian), First American Title Insurance Company (Cleveland), First American Title Insurance Company (Oklahoma), First Republic Title Company dba Goetzinger Abstract & Title Company (Woodward), Grand River Abstract & Title Co. (Delaware), The Guaranty Abstract Company of McClain County, Ok, Jamaican Eagle Data, LLC (Logan), Southeastern Oklahoma Abstract and Title LLC dba Latimer County Abstract & Title Co (Latimer), MG Cox Abstract (Garvin), SCA Title, LLC (Sequoyah), Smith Brothers Abstract & Title Co., LLC (Creek), Smith Brothers Abstract & Title Co., LLC (0079) (Cherokee), Smith Brothers Abstract & Title Co., LLC (0085) (Cherokee), Lincoln Abstract & Guaranty, LLC dba Smith Brothers Abstract & Title Co., LLC (Lincoln), Osage County Abstract Company dba Smith Brothers Abstract & Title Co., LLC (Osage), Pawhuska Abstract & Title Company, LLC dba Smith Brothers Abstract & Title Co., LLC (Osage), Rogers County Title and Abstract, LLC dba Claremore Abstract & Guaranty, dba Smith Brothers Abstract & Title Co., LLC (Rogers), Oklahoma Abstract Company of Lawton, Inc dba Sovereign Abstract & Title of Comanche (Comanche), The Valley Abstract Co., Inc. (Garvin), and Wagoner County Abstract Company, LLC. 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, and Scott Ward. Nos: None.

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

**Fee Schedule Change Only:** Presented to the Board for approval were amended rate sheets by American Eagle Abstract of Cleveland County, LLC, American Eagle Title & Abstract, LLC (Tulsa), Oklahoma Digital dba American Eagle Abstract Rogers County (Rogers), Arbuckle Closing & Escrow Service LLC dba Arbuckle Title & Abstract (Carter), Arbuckle Closing & Escrow Service LLC dba Arbuckle Title & Abstract (Love), Buffalo Land Abstract Company, Inc. (Osage), Jelsma Abstract Company dba Logan County Abstract (Logan), American Eagle Title Group, LLC dba Lincoln County Title Company (Lincoln), American Eagle Title Insurance Co. dba Union-Creek Abstract Company (Creek), and Oklahoma Digital Abstract LLC dba American Eagle Abstract Wagoner County (Wagoner). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the amended rate sheets. Second by Ms. Yates. Motion passed.

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

Ms. Loggains arrived to the meeting.

**Application for Renewal of Permit to Build:** Presented to the Board for approval was an application for a Renewal of Permit to Build by Smith Brothers Abstract LLC (Canadian). 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 asked about the difficulty obtaining records from the Court Clerk. Mr. Charles Holleman responded that it had been resolved.

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

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

**Application for NEW Permit to Build:** Presented to the Board for approval was an application for a NEW of Permit to Build by Genesis Abstract & Title (Pittsburg). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Ms. Ringo. Motion passed.



The floor was opened to the applicant to make comments. Mr. Matt Mickle representing the applicant stated that he appreciated the opportunity. Mr. Charles Holleman representing the existing COA holder in the county had no comment.

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

7. **Report Legal Counsel-Whitney Herzog Scimeca:** Ms. Scimeca gave an update on the case in Love County CV-2023-38. status docket is set March 26, 2024 at 11:00 AM. The court asked for oral arguments and briefing for the record which the plaintiff is going to provide.
8. **Visitor's Comments:** Mr. Ward asked for any visitor comments. There were none.
9. **Announcement of next meeting:** Tuesday, March 19, 2024, at 10:00 a.m., 421 NW 13<sup>th</sup> Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
10. **Adjournment:** Mr. Ward asked for a motion to adjourn the meeting. Motion was made by Mr. Kent. Second by Mr. Lower. 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.