

OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
June 21, 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. J. Thomas called the roll. Attending were: Darla Ringo, J. Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Absent: Lisa Yates
3. The Minutes of the Regular Meeting of the OAB, conducted on May 17, 2022, were reviewed. A motion was made by Mr. Ward to approve the minutes as presented. The motion was seconded by Mr. Thomas. Motion carried.
Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Nos: None.
4. **Chairperson's Report-Randy Coffman:** Mr. Coffman extended condolences from the board to the family of Herschel Beard who was extremely dedicated to the industry. He served as a former board member and Chairman as well as serving nationally with ALTA. He also mentioned that each member of the board received a letter and that he would be addressing that himself.
5. **Administrator's Report (Board Report):** Ms. Smith thanked the board members who would be terming out and gave plaques to both J. Thomas, the Banker member of the board, and Ken McDowell, the representative from District 6.
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 \$26,598.38, which gives us a total Year-To-Date Encumbrances and Expenses of \$230,930.91 and a variance of \$50,024.09. The revenue for the month of May was \$67,050.00 and expenses were \$18,311.02 which leaves us with an ending cash balance of \$920,082.73. 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, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Nos: None.
 - b.) **Rules and Regulations – Randy Coffman:** Mr. Coffman stated that the rules submitted by the Board were not approved during the legislative session. Ms. Smith stated that action could still be taken by the Governor to approve as long as he acted by the 24th. If he does not act, it will have to be resubmitted.
 - c.) **Licensing and Testing-Ken McDowell:** Mr. McDowell reported that there had been 6 people take the test and all six passed. The next testing date is July 21st.

d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been no inspections since the last board meeting, but that there were several Consent Orders related to inspections in the packet. All of the consent orders were previously approved by the board and have since been agreed to by the parties, so she asked for a motion to accept the consent orders and authorize the Chairperson's signature on them. A motion was made by Mr. Ward. Second by Mr. Lower. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, 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. McDowell. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, 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 Green Country Title and Closing, LLC (Adair), Great Plains Investments, LLC dba Bailey's Abstract and Title (Greer), PHS Title, LLC dba Smith Brothers Abstract (Seminole), and SCA Title, LLC dba Leflore County Abstract & Title. 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, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Fee Changes Only: Presented to the Board for approval were amended rate sheets by Old Republic Title Co. of OK (Canadian), Old Republic Title Co. of OK (Cleveland), and Old Republic Title Co. of OK (Oklahoma). A motion was made by Mr. Ward on behalf of the Enforcement Committee to approve fee changes. Second by Ms. Ringo. Motion passed.

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

Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership by Grant County Abstract Company. After discussion, a motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Mr. Mapes. Motion passed.

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

Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership by Liberty Abstract Company, Inc./Smith Brothers Abstract & Title Co., LLC (Pittsburg). After discussion, a motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Ms. Ringo. Motion passed.

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

Transfer of Ownership: Presented to the Board for approval was an application for a Transfer of Ownership by Pioneer Abstract Company of McAlester, Inc./Smith Brothers Abstract & Title Co., LLC (Pittsburg). After discussion, a motion was made by Mr. Ward on behalf of the Enforcement Committee to approve the application. Second by Mr. Mapes. Motion passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, 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 a Renewal of Permit to Build an Abstract Plant by Oklahoma Digital Abstract, LLC dba American Eagle Abstract Garfield County. After discussion and comments, 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, Jeff Mapes, Ken McDowell, 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 a Renewal of Permit to Build an Abstract Plant by Oklahoma Digital Abstract, LLC dba American Eagle Abstract Kingfisher County. After discussion and comments, 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, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Nos: None.

Renewal of Permit to Build an Abstract Plant: As a follow-up to the Renewal of a Permit to Build an Abstract Plant by Reliable Abstract and Title of McCurtain County, Mr. Ward stated that the application had been withdrawn by the applicant. Once they are better prepared to actively pursue a permit in McCurtain County, they will reapply.

Complaints OAB-2022-W129: Ms. Smith reported that complaint was regarding the unnecessary delay of an abstract. During the course of the investigation, it was discovered that the Respondent completed the abstract ten days outside of guidelines. The Enforcement Committee's recommended penalty is in the packet and Ms. Smith asked for a motion to approve the recommended action from the Enforcement

Committee and issuance of a consent order. A motion was made by Mr. Lower. Second by Mr. Ward. Motion passed.

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

Complaints OAB-2022-W132: Ms. Smith reported that complaint was regarding the unnecessary delay of an abstract. During the course of the investigation, it was discovered that the Respondent completed the abstract four days outside of guidelines. The Enforcement Committee's recommended penalty is in the packet and Ms. Smith asked for a motion to approve the recommended action from the Enforcement Committee and issuance of a consent order. A motion was made by Mr. Mapes. Second by Ms. Ringo. Motion passed.

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

Complaints OAB-2022-W133: Ms. Smith reported that complaint was regarding the unnecessary delay of an abstract. During the course of the investigation, it was discovered that the Respondent completed the abstract nine days outside of guidelines. The Enforcement Committee's recommended penalty is in the packet and Ms. Smith asked for a motion to approve the recommended action from the Enforcement Committee and issuance of a consent order. A motion was made by Mr. McDowell. Second by Mr. Thomas. Motion passed.

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

Complaints OAB-2022-W134: Ms. Smith reported that complaint was regarding the unnecessary delay of an abstract. During the course of the investigation, it was discovered that the Respondent completed the abstract eight days outside of guidelines. The Enforcement Committee's recommended penalty is in the packet and Ms. Smith asked for a motion to approve the recommended action from the Enforcement Committee and issuance of a consent order. A motion was made by Mr. Mapes. Second by Mr. Koller. Motion passed.

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

7. **Staff Reviews:** Mr. Coffman asked for a motion to enter Executive Session for the purpose of performing staff reviews.

A motion was made by Ms. Ringo. Second by Mr. Lower. Motion passed.

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

Mr. Coffman asked for a motion to exit the staff review Executive Session.

A motion was made by Mr. Ward. Second by Mr. McDowell. Motion passed.

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

Mr. Ward made a motion to approve a three percent increase for both staff members pending the confirmation of the ability to amend the budget. Second by Mr. McDowell.

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

8. **Election of Officers:** Mr. Coffman opened the floor for discussion.

A motion was made by Ms. Ringo to nominate Randy Coffman for Chairman. Second by Mr. Lower. Motion Passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, Rex Koller and Scott Ward. Nos: None. Abstention: Mr. Coffman

A motion was made by Ms. Ringo to nominate Scott Ward for Vice-Chairman. Second by Mr. Mapes. Motion Passed.

Yeas: Darla Ringo, J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, Randy Coffman, and Rex Koller. Nos: None. Abstention: Mr. Coffman. Abstention: Mr. Ward.

A motion was made by Mr. Ward to nominate Darla Ringo for Secretary. Second by Mr. Mapes. Motion Passed.

Yeas: J Thomas, Jeff Lower, Jeff Mapes, Ken McDowell, Randy Coffman, Rex Koller and Scott Ward. Nos: None. Abstention: Ms. Ringo.

9. **New Business:** Mr. Coffman asked for new business. There was none.

10. **Report Legal Counsel-Whitney Scimeca:** Ms. Scimeca reported that she had been working with the Enforcement Committee. He also introduced Nick Curry, an intern with the Attorney General's office.

11. **Visitor's Comments:** Mr. Coffman asked for any visitor comments. There were none.

12. **Announcement of next meeting:** Tuesday, July 19, 2022, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.

13. **Administrative Hearing:** Mr. Ashbaker addressed the fact that the Respondent has two of their witnesses that have tested positive for COVID. He laid out the options to either set a special meeting before the departing board members are no longer able to hear the case or start over again after the 1st of July with the new board members.

Counsel from both sides presented with the Respondent's counsel, Wes Johnston, stating that one person needed to be quarantined until the 24th and the other tested positive the

day before with a home test. He stated that it would not be conducive for one witness who is sicker to try and testify via video conference. The other witness is willing to testify by video but would prefer to testify in person.

Ms. Scimeca stated that she was contacted by opposing counsel the day before and we put in place the ability to testify by video. There are two board members that will be unavailable after the 1st of the month that were also members during the time of the original occurrence, and this could possibly just be a delaying tactic. Mr. Ashbaker asked if Ms. Scimeca could possibly revise her witness list to potentially include those board members who were present at the very beginning. He also asked if there would be any objection to resetting the scheduling order. There was none. Opposing counsel objected to the idea that there would be any kind of delaying tactics involved. Ms. Scimeca objected to a continuance because it would mean starting over then retracted it when it became obvious that a continuance was unavoidable.

Both counsel members would be out the following week and one of the board members would be out so a special meeting before the end of the month would not be feasible.

Because of an exposure and positive test for COVID by the Respondent and one of their witnesses, the Administrative Hearing was proposed to be postponed until the August Meeting. Mr. Coffman asked for a motion to continue the hearing to the next Board Meeting on August 16, 2022. Ms. Ringo made that motion. Second by Mr. Ward. Motion passed.

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

14. **Adjournment:** Mr. Coffman asked for a motion to adjourn the meeting. Motion was made by Mr. McDowell. Second by Mr. Thomas. Motion passed.

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