

**OKLAHOMA ABSTRACTORS BOARD**  
**MINUTES OF REGULAR MEETING**  
**October 17, 2023**

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Vice-Chairperson Darla Ringo at 10:00 a.m., at the OLERS Conference Room, 421 NW 13<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma.
2. Sue Ann Loggains called the roll. Attending were: Darla Ringo, Jeff Lower, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Absent: Darin Kent and Jeff Mapes.
3. The Minutes of the Regular Meeting of the OAB, conducted on September 19, 2023, were reviewed. A motion was made by Ms. Ringo to approve the minutes. The motion was seconded by Mr. Lower. Motion carried.  
Yeas: Darla Ringo, Jeff Lower, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: None.
4. **Chairperson's Report - Scott Ward:** Mr. Ward had no report.
5. **Administrator's Report (Board Report):** Ms. Smith gave a reminder that when an employee holding an abstractor's license separates from a company, the COA holder is required by law to notify the OAB within 10 days. She reported that the website migration is mostly complete and will be going live any day. Finally, she reminded everyone that she would be out of the office on vacation the last half of October.
6. **Committee Reports.**
  - a.) **Budget and Finance – Katherine Smith:** Ms. Smith gave an update on the budget reporting that the annual budget is \$303,532.00 with encumbrances of \$70,332.89, which gives us a total Year-To-Date Encumbrances and Expenses of \$114,902.38 and a variance of \$188,630.62. The revenue for the month of September was \$15,050.00 and expenses were \$20,976.53 which leaves us with an ending cash balance of \$991,241.67. After review and discussion, asked for a motion to approve the report as presented. Motion was made by Ms. Yates. Second by Mr. Lower. Motion carried.  
Yeas: Darla Ringo, Jeff Lower, 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 is reviewing items related to electronic abstracts. The committee has developed language to make adjustments to some wording as well as some additions. One addition is item number 2 which adds “If a certificate of authority holder offers electronic abstract, a customer shall have the option of requesting and receiving a paper abstract.

Under number 4, there as a change to the language that the changing from one format to another must be conducted under the supervision of a holder of a certificate of authority for the county in which the property is located. There is also language related to documenting the conversation by the certificate of authority holder and that any conversion not performed by a certificate of authority holder from that county will be no longer be considered an abstract, but only a copy of an abstract. And finally, number 6 is new and states “If a holder of a certificate of authority in the county in which the property is located receives a converted abstract in any form not originally produced by a holder of a certificate of authority in that same county, the holder of a certificate of authority may, but is not required to, accept the abstract as if it had been produced under its supervision.”

Mr. Ward clarified that the intent of this agenda item was for it to enter the rulemaking process and requested that Ms. Smith outline the process. She gave the general timeline. The Notice of Rulemaking intent is simply to notify the public, the Secretary of State and the Legislature that the OAB intends to make rules. The initial language gives a general idea of the intent. After that, there has to be a comment period, public hearing and adoption. Often the presented language changes are tweaked and adjusted according to the information gathered from the comments and public hearing. Once that happens, it’s adopted and then it gets published again and goes to the legislature.

Mr. Ward clarified that even if the board agrees to move into rulemaking process, it can be abandoned later if the board chooses not to go forward with changes. Ms. Smith confirmed that is correct.

Ms. Yates asked who was on the Rules Committee and Mr. Coffman stated that it was Ms. Loggains, Mr. Koller, and himself. She asked if anyone else had seen the rule changes and he said no, the committee was bringing it to the board today.

Ms. Smith pointed out that even if the board didn’t want to say yes to entering the rulemaking process, but also didn’t want to just say no, they could also choose to table the discussion to the next board meeting.

Mr. Ward asked when the deadline was to be able to move forward. Ms. Smith said the December Board Meeting because there had to be time to get the publication done, complete the comment period and have the public hearing.

Mr. Lower stated that he appreciated the Rules Committee’s work on the language changes but he felt that the board was not in a position to move forward on voting on the language.

Mr. Ward asked about what the motion should be. Did it have to be a yes or no at this point. Ms. Smith clarified that the motion could go three ways. There could be a motion to enter rulemaking, to definitely not enter rulemaking, or that the board

needs more time to consider and so there would be a motion to table the item for the next board meeting.

Ms. Yates asked about allowing the OLTA to participate in the discussion about the rule. Ms. Scimeca informed her that they could be invited to comment. Ms. Smith also said that the committee could have a meeting which OLTA members regularly attend and offer comments. Ms. Yates stated that she didn't like that because she was not a member of the committee and therefore, unable to attend and would not be afforded the opportunity to hear directly from the OLTA. Mr. Coffman added that after the last meeting of the committee, they reached out to the OLTA leadership directly and asked for comments from their Uniformity Committee but got no response.

Ms. Yates asked what problems were occurring that needed to be addressed. Mr. Coffman replied that there was existing language in the rule that needed to be addressed because it wasn't being enforced because it wasn't clear how it needed to be handled. He went on to say that there really hadn't been any instances of it being a problem. Ms. Smith interjected that she had an incident arise in the past week from an abstractor who uses legal size paper and sent their abstract to another abstract company. When they received an electronic abstract back instead of their paper original, the bottom three inches of every page had been cut off because it had been scanned to a letter size format. They had to charge the consumer to build all over again because the converting company refused to compensate for their error.

Because several board members wanted to review the changes before making a decision, Mr. Lower made a motion to table the discussion and vote as to whether to enter the rulemaking process and pick it up again at the November meeting. Second by Ms. Yates. Motion carried.

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

- c.) **Licensing and Testing-Rex Koller:** Mr. Koller reported that since the last board meeting, there were three people who took the test and all three passed. The next testing date is October 19<sup>th</sup> at the Basic Abstractors School.
- d.) **Inspections-Katherine Smith:** Ms. Smith reported that there had been one inspection, a six-month revisit, since the last Board Meeting and that everything reviewed this time was found to be in compliance. Ms. Smith asked for a motion to accept the inspection reports as presented. A motion was made by Ms. Yates. Second by Mr. Lower. Motion passed.

Mr. Lower commented that he thought it was a great example of the effectiveness of the implementation of the reinspection process. Mr. Ward agreed.

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

Abstention: Ms. Ringo, Ms. Yates, Mr. Koller and Ms. Loggains 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 Oklahoma City Abstract and Title Co. (Oklahoma). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, Jeff Lower, 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 Okmulgee Land Title Company. A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, Jeff Lower, Lisa Yates, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: Randy Coffman because their Final Abstracting was over \$400.

**Rate Changes Only:** Presented to the Board for approval were amended rate sheets by Smith Brothers Abstract & Title Co., LLC (Beaver). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the amended rate sheet. Second by Ms. Yates. Motion passed.

Yeas: Jeff Lower, Lisa Yates, Randy Coffman, Scott Ward, and Sue Ann Loggains. Nos: None.

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

Mr. Ward commented that if someone has decided to vote no on an item that they might bring it up during discussion so other members can hear their reasoning because they might not have caught the issue.

7. **New Business:** Mr. Ward asked for new business. There was none.

8. **Report Legal Counsel-Whitney Herzog Scimeca:** Ms. Scimeca reported that the case in Carter County has been sent to Love County and has been officially moved. It has been assigned case number CV-2023-38. The review of the motion to dismiss has been

tentatively set to be for December 5, 2023 at 9:00 AM. Ms. Smith also state that she delivered the Administrative Record to the court while in the area doing inspections. In addition, Ms. Scimeca will be attending the Basic Abstractors School to gain a better understanding of the industry. Mr. Ward thanked her for doing that.

9. **Visitor's Comments:** Mr. Ward asked for any visitor comments. There was none
10. **Announcement of next meeting:** Tuesday, November 21, 2023, at 10:00 a.m., 421 NW 13<sup>th</sup> 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 Ms. Loggains. Second by Ms. Yates. Motion passed.  
Yeas: Darla Ringo, Jeff Lower, Lisa Yates, Randy Coffman, Rex Koller, Scott Ward, and Sue Ann Loggains. Nos: None.