

OKLAHOMA ABSTRACTORS BOARD
MINUTES OF REGULAR MEETING
October 21, 2025

1. A regular meeting of the Oklahoma Abstractors Board (OAB) was called to order by Chairperson Rex Koller 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: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Absent: Darin Kent and Scott Ward.
3. The Minutes of the Regular Meeting of the OAB, conducted on September 16, 2025, were reviewed. A motion was made by Ms. Ringo to approve the minutes as presented. The motion was seconded by Mr. Mapes. Motion carried.
Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.
4. **Chairperson's Report – Rex Koller:** Mr. Koller stated that a comment had been made about a potential change of licensing fees since they haven't been changed since 2008. He said that it wasn't specifically stated in the statutes and rules which committee would be responsible for reviewing that, but asked the board to think about it and discern which they think would be responsible or whether it was something the entire board needed to address together.

He also said there may need to be some changes to how new plants are reviewed and verified but that he would talk about that more under the Rules and Regulations report.
5. **Administrator's Report (Board Report):** Ms. Smith stated that things are running smoothly. Lisa Collins, the new Inspector, has made it through the first round of inspections and now that she feels she has a firm grasp of that process, she's started taking on more of the duties for the role that Ms. Smith has been handling while Ms. Collins was still learning.
6. **Committee Reports.**
 - a.) **Budget and Finance–Darla Ringo:** Ms. Ringo gave an update on the budget for the previous month. The annual budget is \$335,846.00 with encumbrances of \$77,476.62, which gives us a total Year-To-Date Encumbrances and Expenses of \$136,064.57 and a variance of \$199,781.43. The revenue for the month was \$3,350.00 and expenses were \$26,444.29 which leaves us with an ending cash balance of \$1,043,606.40. After review and discussion, Ms. Ringo made a motion to approve the report as presented. Second by Mr. Lower. Motion carried.
Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

- b.) **Rules and Regulations – Rex Koller:** Mr. Koller stated that he'd been checking with representatives of the OLTA to see if they desire any changes, but it appears there's nothing that needs to be addressed. If anything were to come up, it would need to be drafted before the November meeting to have time to work through the Rulemaking process. Because there are no pressing needs, he thinks the committee will review the Guidelines for Building an Abstract Plant to ensure they're up to date and address the increase in technology.
- c.) **Licensing and Testing-Sue Ann Loggains:** Ms. Loggains reported that since the last board meeting 8 individuals have taken the exam and 7 passed. The next testing date is the next day, October 22nd at the OLTA Basic Abstractor's School with 12 people signed up to take the test. There will also be a test on November 20th at the OAB offices.
- d.) **Inspections-Lisa Collins:** Ms. Collins reported that there had been 24 inspections since the last board meeting. There were two companies that had issues. One had an order completed late due to a large development and one undercharged two orders. She asked for any questions, but if there were none, she asked for a motion to approve the inspection reports as presented. A motion was made by Mr. Mapes. Second by Ms. Ringo. Motion passed.
Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

Consent order OAB-2025-INS-040904

Presented to the Board for review was a consent order issued to Ottawa County Abstract & Title Company for undercharging on one order. The Enforcement Committee did not assess a penalty, but required the company to absorb the loss and provide proof of policy updates that would help the company avoid undercharging again. The company agreed and signed off on the order. Ms. Collins asked if there were any questions and if there were none, for a motion to approve the consent order, authorize the Chairperson's signature on the order, and closure of the matter. A motion was made by Mr. Coffman. Second by Mr. Lower. Motion passed.

Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, 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 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 Mr. Mapes. Motion passed.

Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

Abstention: Darla Ringo, Jason Waldroup, and Rex Koller abstained from voting on those licenses pertaining to their employer's business holdings.

Renewal of Certificate of Authority (With No Rate Changes): Presented to the Board for approval were applications for renewal of Certificate of Authority with their rate sheet with no fee changes by Cochran Abstract Company, SCA Title, LLC dba Haskell County Abstract & Title, Great Plains Investments dba Bailey's Abstract & Title (Jackson), and Smith Brothers Abstract & Title Co., LLC (Texas). A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the applications. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

Abstention: Darla Ringo and Rex Koller abstained from voting on those licenses pertaining to their employer's business holdings.

Renewal of Certificate of Authority (WITH Rate Changes): Presented to the Board for approval was an application for renewal of Certificate of Authority with their rate sheet with fee changes by American Abstract Company of McClain County, Inc. A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the application. Second by Mr. Waldroup. Motion passed.

Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

Renewal of Permit to Build: Presented to the Board for approval was an application for renewal of Permit to Build an Abstract Plant by Stewart Title Oklahoma in Canadian County. A motion was made by Mr. Lower on behalf of the Enforcement Committee to approve the applications. Second by Ms. Ringo. Motion passed.

Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.

Multiple Abstracts New Subdivision/New Construction: An issue has come up regarding how the portion of the rate sheet listed as Multiple Abstracts New Subdivision/New Construction should be interpreted. Some feel it should be limited to multiple new abstracts from a builder in one subdivision only. Others feel that if there are multiple abstracts from a builder, regardless of subdivision/legal, they should still qualify.

The situation which instigated the question of interpretation stems from Tulsa Abstract giving a Multiple Abstract rate to Habitat for Humanity. The organization frequently builds new homes, but not always in the same subdivision.

They view the rate sheet as two separate items – 1. new base abstracts for a subdivision both residential and/or commercial (at least 4) and 2. New construction which is for updating a base abstract for a builder doing multiple abstracts regardless of subdivision.

After discussion, the consensus was that the way Tulsa Abstract was approaching the rate was acceptable.

7. Attorney General Opinion Request – Internal Tracking No. AG025-04 Discussion

A request was received from Mr. Phillip Wilson to include an item on the agenda for the discussion of the Attorney General Opinion requested by Senator Rader. He asked that Item C of the response be open for discussion in the meeting.

That item is as follows and was read into the minutes by Mr. Koller.

Dear Senator Rader:

I am responding to your letter requesting an official Attorney General Opinion in which you ask, in effect, the following questions:

1. Is the requirement found in title 1, section 28 of the Oklahoma Statutes that the holder of a Certificate of Authority (CoA), or an applicant therefore, “shall have for use in such business an independent set of abstract books or other system of indexes compiled from the instruments of record affecting real estate in the office of the county clerk, and not copied from the indexes in said office” satisfied if the holder or applicant has, by purchase, cost-sharing contract, or lease from the holder of another CoA for the same county, a complete copy of such an independent set of abstract books or other system of indexes (an “abstract plant”), which abstract plant has been approved by the Oklahoma Abstractors Board (OAB), without the applicant’s separately constructing a new plant from the County offices?
2. If so, is an entity having such access to such an existing abstract plant required to first obtain a permit to develop an abstract plant pursuant to title 1, section 34 of the Oklahoma Statutes as a precondition of applying for a CoA?
3. Is the OAB’s prohibition against the use of “[i]mates obtained in any form from any source other than a county office” within the scope of the OAB’s authority?

Because the Oklahoma Supreme Court has sufficiently answered the questions presented, I am responding to your request by letter of counsel in lieu of an official Attorney General Opinion.

The Oklahoma Supreme Court has held that “[t]he business of abstracting titles to real estate is one which is affected with a public interest.” *T.I.M. Co v. Okla. Land Title Ass’n*, 1984 OK 66, ¶ 17, 698 P.2d 915, 919. Thus, “[t]he Legislature, in order to protect the public, may require those desiring to engage in the business of abstracting to meet certain minimum requirements and have adequate equipment to issue accurate abstracts.” *Id.*

To that end, the Legislature promulgated the Oklahoma Abstractors Act (“Act”). The Act authorizes the Oklahoma Abstractors Board (“OAB”) to regulate and issue certificates of authority, permits, and abstract licenses in this state. 1 O.S.2021, § 24. The OAB’s authority is broad; it has “total responsibility of administering and enforcing the

Oklahoma Abstractors Act” and “the power and duty to prescribe, promulgate, and implement rules as deemed necessary to implement all the provision of the Oklahoma Abstractors Act.” *Id.* § 22(A-B).

Mr. Koller moved to the item desired to be discussed. Item C: The OAB’s Prohibition on the use of Unauthorized Images is Within the Scope of the OAB’s Authority.

“[A]n agency may have implied powers not granted by statute. The authority will be implied if necessary for the due and efficient exercise of power expressly granted or if it may be fairly implied from the statutory language.” *City of Hugo v. State ex rel. Public Employees Relations Bd.*, 1994 OK 134, ¶ 15, 866 P.2d 485, 492.

Here, the Act expressly authorizes OAB to establish rules “necessary to implement all of the provisions of the Act.” 1 O.S.2021 § 22(B). This includes rules that implement the Act’s requirement that abstract plants to be “***compiled from the instruments of record*** affecting real estate in the office of the county clerk.” *See* 1 O.S.2021, § 28 (emphasis added). The OAB implements this statutory requirement in part by prohibiting “[i]mages obtained in any form from any source other than a county office.” *See* Oklahoma Abstractors Board Guidelines for Developing a New Abstract Plant, Section 5, (A)(2).3 Because this prohibition is reasonable in light of the Legislature’s intent and consistent with the Act’s requirement that abstract plant be compiled from the instruments of record, the prohibition is a lawful exercise of the OAB’s authority.

The courts have not directly evaluated OAB’s prohibition on the use of images from unauthorized sources. But Oklahoma Supreme Court has held that it is “the intention of the Legislature that a prospective abstractor have ***developed its own system of abstracting***, or, more properly, indexing the voluminous information affecting real property filed in the offices of the county clerk.” *T.I.M. Co.*, ¶ 23, 698 P.2d at 920 (emphasis added). The court found this requirement “entirely reasonable to the purposes of insuring the preparation of ***accurate*** abstracts.” *Id.* ¶ 24, 698 P.2d at 920 (emphasis added).

Here, the prohibition on the use of unauthorized images is both entirely reasonable to the Act’s purpose of ensuring the preparation of accurate abstracts and consistent with the Legislature’s intent that a prospective abstractor have developed its own system of abstracting. Without prohibiting unauthorized images, the county clerk would be required to scrutinize and compare every single image used in an abstract plant and against images held by the county. This would constitute a significant burden on county clerks and would inevitably lead to the proliferation of error. Further, absent the prohibition, abstract plants could be duplicated and shared among abstractors.

In the end, the OAB's prohibition against the use of images from unauthorized sources is reasonable in light of the Act's purpose and the Legislature's grant of authority to the OAB. Thus, neither I nor this office is in a position to determine that the prohibition should be relaxed or dispensed with. The Oklahoma Supreme Court has determined that such issues are "a matter for the determination of the Legislature." *In re Application of Richardson*, 1947 OK 347, ¶ 17, 184 P.2d 642, 646.

Finally, the views and analysis set forth in this letter are my own. And since this is a letter of counsel, it should not be construed as an official Attorney General Opinion and is thus advisory only. If you have any follow-up questions, please contact me by or by email.

Sincerely, Sam Black, Assistant Solicitor General.

Mr. Koller turned the floor over to Mr. Wilson. He thanked the Board for allowing him to address them and thanked Mr. Koller for reading the letter. He stated that he wanted to talk about paragraph three that addresses the prohibition on the use of unauthorized images and that abstractors develop their own system of abstracting.

He stated that his question is that if the prohibition of images other than the County Clerk is reasonable and necessary, an abstractor should develop their own system for abstracting, their own abstracting plants digitally or manual for other ones out there – What policies and procedures are in place currently for evaluating if the images used for a digital plant were obtained from the clerk's office?

He stated that he appreciated what Mr. Koller said and he agrees that it's 2025, almost 2026 and he thinks that we need to quickly figure out ways, because of the technology advancements that are happening so quickly now, we need to find ways to ensure that these digital plants are not copies, but they are, in fact, actually from the clerk's office. He thinks we currently have digital plants that are out there that haven't been evaluated for that. There are vendors out there that have created multiple iterations of these plants in counties. Is there an evaluation method that this board uses or has in place to make that determination.

Ms. Scimeca asserted that this is a requested agenda item but they are not required to answer any questions, discuss, or anything of that nature.

Mr. Koller asked for clarification in that is he asking that the board have more stringent guides for determining where the plant came from.

Mr. Wilson gave an example of him being a vendor that goes around making abstracting plants in Oklahoma. He makes one in Texas County, Oklahoma. Potentially, he has a digital copy of it even if he was hired by an abstractor to build that plant. Perhaps he is approached by another company to build a second plant in Texas County. He could do the right thing and build the plant the right way. Or he could potentially have a copy of

the original plant which he uses to create the new plant from and just brings it forward to cut his time to market down.

Mr. Koller said he had discussed it with their IT person. With bots and AI, it's potentially possible to gather a bunch of information and dump it in there. He agrees that there needs to be some way to verify that data collection beyond a few reports. However, how that gets done will require some thought.

Mr. Wilson said that he thinks we should rely on OLTA to assist with that instead of just comping up with rules and regulations. He then stated that American Eagle already has something in place to help with that. He does think that there are people, American Eagle, and others, as well, who are interested in protecting their assets as plant owners so they're interested in helping with that.

Ms. Loggains stated that she thinks the Board needs to hire an IT guy. Mr. Koller said he had the same idea. Ms. Smith stated that she didn't feel an additional staff person needed to be added since we only get a half dozen plants per year. However, the idea of having contracted technical person who has no ties to any of the companies and could analyze the data would be a good idea but that they should not have ties to any existing COA holder because of the conflict of interest. Mr. Wilson asked whether that was true even if there was the capability and they gave it to the Board to use. Ms. Smith replied that it would be up to the Board.

Mr. Coffman said that part of the plant building process is for the builder to go to the County offices and request their records. He feels it should be part of the process to inquire with the Clerk's offices as to whether the builder actually acquired their records. Ms. Smith stated that there is always a conversation with the Clerk's as part of the inspection process. However, there is a broad variety of how closely those builders are monitored. Some keep a close eye on them and what they do, but most clerks don't.

Mr. Koller stated that more investigation needs to be done to see what the Board can do because he agrees that we have to protect the integrity of the plant.

Ms. Scimeca added that any contemplations for purchasing software has to follow the State Purchasing act guidelines. She also said she agrees that any potential conflicts of interest need to be avoided.

Mr. Koller asked the board members to reach out to him with input.

Mr. Wilson then attempted to bring up another item, but Ms. Scimeca interrupted and asked if it was directly related to the letter requested for the agenda item. He asked a question related to an advertisement they had received from a company and then forwarded to the OAB office.

Ms. Scimeca asked him to stop because it was a specific thing not related directly to the letter of counsel. That would be a violation of the Open Meetings Act.

8. **New Business:** Ms. Loggains said that she wants items to come before the entire board rather than just being discussed by a committee because she feels that no committee has the authority to make decisions on their own. It should always be brought to the board so they can vote on it.
9. **Report Legal Counsel-Whitney Herzog-Scimeca:** Ms. Scimeca updated that we still haven't had a response on the Attorney General opinion request.
10. **Visitor's Comments:** There were none.
11. **Announcement of next meeting:** Tuesday, November 18, 2025, at 10:00 a.m., 421 NW 13th Street, Suite 100 (OLERS) Conference Room, Oklahoma City, Oklahoma.
12. **Adjournment:** Mr. Koller made motion to adjourn the meeting. Second by Ms. Ringo. Motion passed.
Yeas: Darla Ringo, Jason Waldroup, Jeff Lower, Jeff Mapes, Randy Coffman, Rex Koller, and Sue Ann Loggains. Nos: None.