



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-40A

Katherine Smith, State Administrator  
Oklahoma Abstractors Board  
421 N.W. 13<sup>th</sup> Street, Suite 180  
Oklahoma City, OK 73103

February 4, 2019

Dear Administrator Smith:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Abstractors Board intends to take pursuant to a consent order in cases OAB-2018-INS-10255 and OAB-2018-INS-112802. In both cases during an inspection, it was discovered that one of the licensee's records was incorrectly represented in the company's index. The Board proposes to fine each abstracting firm \$100.

The Oklahoma Abstractors Act allows the Board to "prescribe and impose such administrative penalties and fines as deemed proper to be assessed against licensees and certificate holders . . . for the violation or noncompliance with any provision of the Oklahoma Abstractors Act or rule or order of the Oklahoma Abstractors Board." 1 O.S.2011, § 25(8). The Act requires licensees to have and use "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 . . . showing in a sufficiently comprehensive form all instruments affecting the title to real property on file." *Id.* § 28. The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Abstractors Board has adequate support for the conclusion that this action advances the State's policy of requiring abstractors to keep proper records.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL