



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-49A

Katherine Smith
State Administrator of Abstracting
Oklahoma Abstractors Board
421 NW 13th Street, Ste. 180
Oklahoma City, Oklahoma 73103

January 28, 2016

Dear Administrator Smith:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Abstractors Board intends to take pursuant to a consent agreement in Board case OAB 2015-W24. The proposed action is to impose fines of \$400 on a licensee who took some 24 business days to return a new abstract for unplatted land.

The Oklahoma Abstractors Act, 1 O.S.2011 & Supp.2015, §§ 20–43, requires licensees to complete abstracts “without unnecessary delay,” 1 O.S.2011, § 32(A). The statute defines “unnecessary delay” according to a schedule of statutory time frames under which new abstracts for unplatted land must be completed in 20 business days; new abstracts for platted land in 15 business days; extensions, supplements, or final title reports for unplatted land in 17 business days; and such reports for platted land in 12 business days. *Id.* § 32(B).

The action seeks to advance the clear statutory mandate that abstractors complete work in specific time frames. The Board’s chosen method for deterring future violations, a moderate fine, is reasonable in the context of this case.

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 of Oklahoma’s policy to ensure abstracts are completed competently and without unnecessary delay.

A handwritten signature in black ink that reads "Scott Pruitt". The signature is written in a cursive, flowing style.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA