



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-260A

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

July 13, 2018

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 consent agreements in cases OAB-2018-INS-03196 and OAB-2018-INS-03194. In both cases it was discovered, during the course of separate inspections, that each respective abstracting company committed indexing error(s) and unnecessary delay in the preparation of abstract(s). The Board proposes to impose a \$600 fine in case OAB-2018-INS-03196 and a \$200 fine in case OAB-2018-INS-03194.

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). It is a violation of the Act for an abstractor firm “to furnish an abstract, abstract extension, supplemental abstract or final title report” with “unnecessary delay[.]” *Id.* § 32(B). The Act also requires the maintenance 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[.]” *Id.* at §28. The Board may reasonably believe that the proposed actions are 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 these actions advance the State’s policy that abstractors provide abstracting documents without unnecessary delay and maintain accurate indexes.

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