



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-261A

Katherine Smith, State Administrator
Oklahoma Abstractors Board
421 N.W. 13th 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-04191 and OAB-2018-INS-04255. In both cases it was discovered, during the course of separate inspections, that each respective abstracting company committed indexing error(s). The Board proposes to impose a \$100 fine in each case.

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 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 maintain accurate indexes.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL