



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-5A

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

January 16, 2017

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-2017-W40 and OAB-2017-W41. Two separate complaints were lodged against the abstracting firm for unnecessary delay of abstract. The Board proposes to fine an abstracting firm \$1,000 for each occurrence, totaling \$2,000.

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 Board may reasonably believe that the fine 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 that abstractors provide abstracting documents without unnecessary delay.

MIKE HUNTER
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