



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-39A

Katherine Smith, State Administrator
Oklahoma Abstractors Board
421 N.W. 13th 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 case OAB-2018-W79. During an investigation, it was discovered that the licensee overcharged a consumer when the licensee performed both a partial and complete abstract on the same property and charged the consumer for both. The Board proposes to require the licensee to refund the customer for the partial abstract.

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 sets out certain requirements for providing abstracts to the public, including that the furnishing of the abstract must be for “reasonable compensation.” *Id.* § 32(A). 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 uphold statutory standards and not overcharge consumers.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL