

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RECEIVED
OCT 7 1977
OFFICE OF HEARING
EXAMINERS

RULES AS ADOPTED

Abs. 1 remains unchanged.

Abs. 2 Change of name on license. A change of name on a license must be accompanied by payment of $50.00 even though an examination may be waived.

Abs. 3 Definitions. For the purposes of these rules and regulations, the terms:

A. "Abstract of title" shall mean a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained.

B. "Abstract office" shall mean a place of business wherein abstracts of title are made and compiled.

C. "Board" shall mean the Minnesota Abstracters' Board of Examiners.

D. "Licensed abstracter" means any official, person, firm or corporation obtaining licenses pursuant to the terms of Minn. Stat. §§386.61 to 387.76 (1976); and includes (1) present duly qualified and acting county recorders not now prohibited by law from the business of making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not.

Abs. 4 Meetings. The board shall hold its annual meeting on the 1st Tuesday in May of each year. Examinations shall be conducted by the board or its authorized representatives at each annual meeting. The board may schedule an emergency meeting and conduct an examination for good cause shown for any applicant upon 30 days written notice to the applicant and board members. The board may hold special meetings at such other times as may be necessary and as it may determine. All meetings shall be called by the secretary-treasurer.

Abs. 5 Employing licensed abstracters. Every person, firm or private corporation engaged in the business of abstracting in one county only shall have in its employ a person who is a licensed abstracter. Every person, firm or private corporation engaged in the business of abstracting in more than one county in this state shall have at least one person who is a licensed abstracter for each county in which it maintains an abstract office, provided that no person may satisfy this requirement for more than one abstract office. No licensed abstracter may fulfill the requirements of this section for more than one company at any one time. Every person, firm or private corporation engaged in the business of abstracting shall comply with the requirements of this section within six months after the effective date of these regulations.

Abs. 6 Temporary license. The board may, upon application to it by any person succeeding to the ownership of any abstract business by any means other than by purchase, or any person, who by reason of the incapacity of any licensed abstracter owner of any abstract business, is required to assume the operation of such abstract business, grant to such person, without examination, a temporary license. Each application for a temporary license shall be accompanied by an affidavit setting forth the applicant's name, address, occupation, length of and place of employment, and his experience in preparing, compiling, and selling abstracts of title. The fee for such temporary license shall be $25.00. Such license shall expire six months after its date or upon the expiration of 60 days after the next regularly scheduled examination which could be taken by the applicant, whichever period is longer. The board shall notify such applicant by mail of the time and place of such examination.

Abs. 7 License required. No person, firm or private corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not, without first obtaining a license and a bond or abstracter's liability insurance policy pursuant to Minn. Stat. §§386.61 to 386.76 (1976) for each county in which he is doing business as an abstracter.

Abs. 8 Disclosure. Every abstract of title to real property in the State of Minnesota shall contain the following disclosure affixed to or stamped on a prominent place on the abstract of title:

"This abstract of title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

Abs. 9 Fraudulent, deceptive or dishonest practices. The methods, acts and practices contained herein or similar thereto shall be presumed fraudulent, deceptive or dishonest if engaged in by the abstracter or his agent and shall constitute grounds for denial, suspension or revocation of the license of the abstracter:

A. Making any material misstatement in the application for a license or in any information furnished to the board;

B. Causing to be published advertising, whether written or printed communication or any communication by recorded telephone message, radio, television, picture or similar means, which is misleading or inaccurate in any material manner;

C. Procuring, or attempting to procure, an abstracter's license for themselves or any person by fraud, misrepresentation or deceit;

D. Violating any law, rule, regulation or ordinance of this state or any of its political subdivisions, including the State Board of Abstracters, or the United States Government, or any agency thereof relating to the practice of abstracters;

E. Making a false statement as to the existence or amount of the bond or abstracter's liability insurance policy filed with the board;

F. Representing that he has a license or bond or abstracter's liability insurance policy when he, in fact, does not;

G. Falsifying an abstract of title, or any entry therein, or the certification of an abstract;

H. Engaging in any other conduct which constitutes dishonest actions in his practice as a licensed abstracter which endangers the interest of the public;

I. Nothing contained herein shall limit the authority of the board to take formal action against an abstracter for the use of fraudulent, deceptive or dishonest activities of a type not specifically described herein.

Abs. 10 Standards of conduct. The methods, acts, or practices set forth herein shall be standards of conduct governing the activities of abstracters under this section. The failure to comply with said standards shall constitute grounds for denial, suspension or revocation of the license of such person, or censure of said abstracter. Abstracters shall:

A. Refrain from using his name or certification on an abstract, the preparation of which he was not directly responsible for;

B. Refrain from engaging in any discriminatory practices prohibited by law in the conduct of his business;

C. Employ competent abstracters and employees;

D. Provide proper training and instruction for all employees;

E. Refrain from splitting fees, accepting or paying referral fees for abstracting services.

APPROVED AS TO FORM AND LEGALITY

NOV 16 1977 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 17 1977

Joan Anderson Growe
Secretary of State

3:25 PM

LAW OFFICES

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FRIDLEY, MINNESOTA 55432
571-3850

October 25, 1977

Mr. Michael B. Miller
Special Assistant Attorney General
Room G19K
State Administration Building
St. Paul, Minnesota 55155

Re: Proposed Adoption of Rules of the Minnesota Abstracters' Board of Examiners Governing Meetings; Employing Licensed Abstracters; Temporary Licenses; License Requirements; Disclosures; Fraudulent, Deceptive, or Dishonest Practices; and Standards of Conduct

Dear Mr. Miller:

Enclosed please find rules adopted by the Minnesota Abstracters' Board of Examiners in the above entitled matter submitted to the attorney general for approval as to form and legality. Also enclosed please find the following documents: Rules as proposed, order of hearing, notice of hearing, secretary of state's list, affidavit of mailing, statement of need, report of the hearing examiner, order adopting report of the hearing examiner, statement of compliance, and the complete hearing transcript together with all exhibits.

If you have any questions, please contact me.

Very truly yours,

Douglas E. Klint

DEK:JLH

Enclosures

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Douglas E. Klint, attorney for the Minnesota Abstracters' Board of Examiners, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Attorney for the Minnesota
Abstracters' Board of Examiners

Dated: October 18, 1977

Abs 1

PROPOSED RULES

RECEIVED
MAR 18 1977
OFFICE OF HEARING EXAMINERS

Department of Commerce
Board of Abstracters
Licensing Requirements and Code of Ethics for Abstracters

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Department of Commerce Hearing Room, Fifth Floor, Metro Square Building, St. Paul, Minnesota on April 12, 1977 commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota, Phone 296-8118, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would define abstract of title, abstract office, board, licensed abstracter, established meetings; require the employment of licensed abstracters' establish a temporary license; require a license for each county in which an abstracter does business; define deceptive, fraudulent or dishonest practices; and establish standards of conduct. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Abstracters' Board of Examiners, Fifth Floor, Metro Square Building, St. Paul, Minnesota. Additional copies will be available at the door on the date of the hearing. The board's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 386.63 and 388.70. A "statement of need" explaining why the board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

K. Benjamin Skurdal, Secretary-Treasurer

Rules as Proposed

Abs. 1 remains unchanged.

Abs. 2 [Certificates of registration] Change of name on license. A change of name on a [certificate] license must be accompanied by payment of $50.00 even though an examination may be waived.

Abs. 3 Definitions. For the purposes of these rules and regulations, the terms:

A. "Abstract of title" shall mean a compilation in ordering arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained.

B. "Abstract office" shall mean a place of business wherein abstracts of title are made, compiled or sold.

C. "Board" shall mean the Minnesota Abstracters' Board of Examiners.

D. "Licensed abstracter" means any official, person, firm or corporation obtaining licenses pursuant to the terms of Minn. Stat. §§386.61 to 386.76 (1976); and includes (1) present duly qualified and acting county recorders not now prohibited by law from the business of making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not.

Abs. 4. Meetings. The board shall hold its annual meeting on the 1st Tuesday in May of each year. Examinations shall be conducted by the board or its authorized representatives at each annual meeting. The board may schedule an emergency meeting and conduct an examination for good cause shown for any applicant upon 30 days written notice to the applicant and board members. The board may hold special meetings at such other times as may be necessary and as it may determine. All meetings shall be called by the secretary-treasurer.

Abs. 5 Employing licensed abstracters. Every person, firm or private corporation engaged in the business of abstracting in one county only shall have in its employ a person who is a licensed abstracter. Every person, firm or private corporation engaged in the business of abstracting in more than one county in this state shall have at least one person who is a licensed abstracter for each county in which it maintains an abstract office, provided that no person may satisfy this requirement for more than one abstract office. No licensed abstracter may fulfill the requirements of this section for more than one company at any one time. Every person, firm or private corporation engaged in the business of abstracting shall comply with the requirements of this section within six months after the effective date of these regulations.

Abs 2

RECEIVED
FEB 15 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT OR DISHONEST PRACTICES; STANDARDS OF CONDUCT; AND CONTESTED CASES.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the Department of Commerce Hearing Room, Fifth Floor, Metro Square Building, St. Paul, Minnesota on March 22, 1977 commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

K. Benjamin Skurdahl, Secretary-Treasurer
Minnesota Abstracters' Board of Examiners

Date: February 14, 1977

Abs 3

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FEB 15 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT OR DISHONEST PRACTICES; STANDARDS OF CONDUCT; AND CONTESTED CASES.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Department of Commerce Hearing Room, Fifth Floor, Metro Square Building, St. Paul, Minnesota on March 22, 1977 commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota, Phone 296-8118, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would define abstract of title, abstract office, board, licensed abstracter; establish meetings; require the employment of licensed abstracters; establish a temporary license; require a license for each county in which an abstracter does business; define deceptive, fraudulent or dishonest practices; establish standards of conduct; and establish rules for contested cases. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Abstracters' Board of Examiners, Fifth Floor, Metro Square Building, St. Paul, Minnesota. Additional copies will be available at the door on the date of the hearing. The board's authority to promulgate the proposed rules is contained in Minn. Stat. §386.63 and §386.70. A "statement of need" explaining why the board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. §10A.01, Subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

K. Benjamin Skurdahl

K. Benjamin Skurdahl, Secretary-Treasurer
Minnesota Abstracters' Board of Examiners

Date: February 14th 1977

Abs 5

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

BOARD OF ABSTRACTERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF ABSTRACTERS GOVERNING THE LICENSING REQUIREMENTS AND CODE OF ETHICS FOR ABSTRACTERS	AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Francis W. Singer, being duly sworn on oath deposes and says:

1) That he is the liaison person between the Department of Commerce and the Board of Abstracters, Divisions of the State of Minnesota.

2) That on the 9th day of March, 1977, he went to the Secretary of State's Office and requested a current list of all representatives of associations and other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 9th, day of March, 1977, in response to the above request the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Francis W. Singer

Francis W. Singer, Adm. Mangt. Dir.
Liaison between Dept of Commerce
and Board of Abstracters

Sally O'Brien
Subscribed and sworn to before me
this 9th day of March
1977. Notary Public, Hennepin
County, Minnesota

My Commission expires 4-10-82

SALLY O'BRIEN
Notary Public, Hennepin Co., Minn.
My Commission Expires
April 10, 1982

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

BOARD OF ABSTRACTERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF ABSTRACTERS GOVERNING THE LICENSING REQUIREMENTS AND CODE OF ETHICS FOR ABSTRACTERS	CERTIFICATE OF DELIVERY SECRETARY OF STATE LIST

I hereby certify that the attached 507 Labels constitute the complete list of persons, associations, and other interested groups who as of 10:30 o'clock A M., this 9th day of March, 19 77 have requested pursuant to M.S. Sec. 15.0412 that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

BY Cecil Dion

Abs 7

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

BOARD OF ABSTRACTERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF ABSTRACTERS GOVERNING THE LICENSING REQUIREMENTS AND CODE OF ETHICS FOR ABSTRACTERS	AFFIDAVIT OF MAILING

Francis W. Singer liaison between the Department of Commerce and the Board of Abstracters, being duly sworn, deposes and says:

That on the 9th day of March, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached certificate of the Secretary of State as well as to all persons on the attached sheets as presently being members of the Minnesota Legislature and the currently licensed abstracters.

839

Francis W. Singer
Admin. Mangt. Director
Liaison between the Dept.
of Commerce and Board of
Abstracters

NORENE M. CARR
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
February 25, 1981

Subscribed and sworn to before me this 9th day of March, 1977.

Notary Public Ramsey

County, Minnesota.

Norene M Carr

Abs 8

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES; AND STANDARDS OF CONDUCT.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota Abstracters' Board of Examiners. The last time the above captioned rules were amended was August 12, 1960.

The need to adopt these rules arises as follows:

I.

Authority of the Minnesota Abstracters' Board of Examiners to Promulgate and Adopt Rules

Minn. Stat. §386.63 empowers the Minnesota Abstracters' Board of Examiners to make such rules as shall be necessary to carry out the purpose of sections 386.61 to 386.76.

Minn. Stat. §386.70 further empowers the Minnesota Abstracters' Board of Examiners to promulgate rules and regulations specifying and defining those actions and omissions which constitute fraudulent, deceptive, or dishonest practices and establishing standards of conduct for abstracters.

II.

Amendment to Change Certificate of Registration to License

Laws 1976 c.222 revised Minn. Stat §386.61 to 386.73 by changing the term "certificate or registration" to "license". The proposed amendment to Abs. rule 2 is needed to bring the board's rule into conformance with the new statutory language.

III.

Proposed Rule to Adopt Certain Definitions

The Board of Abstracters proposes to adopt Abs. rule 3 which establishes definitions for abstract of title, abstract office, board, and licensed abstracter. The definitions of "board" and "licensed abstracter"

are identical to their statutory definitions contained in Minn. Stat. §386.61. The definitions of "abstract of title" and "abstract office" are based on their meanings in common usage. The need to adopt these definitions arises from the use of these terms throughout the proposed rules and the need to establish a uniform meaning for these terms to avoid confusion with the public.

IV.

Proposed Rule to Establish Meetings

The Board of Abstracters proposes to adopt Abs. rule 4 which establishes a meeting and examination schedule and the procedure for holding such meetings and examinations. The need for this rule is to inform the public of the date of the annual meeting and examination and provide a procedure to schedule a special or emergency meeting and a special examination.

V.

Proposed Rule to Require the
Employment of Licensed Abstracters

The Board of Abstracters proposes to adopt Abs. rule 5 which requires the employment of a licensed abstracter in each county in which an abstracter maintains an abstract office. However, a licensed abstracter cannot satisfy this requirement for more than one abstract company or more than one abstract office. The rule allows a grace period of six months for compliance.

The need for this rule is to ensure the public that an abstract of title was made, compiled, or sold by an individual who has met the licensing and bonding requirements of the State of Minnesota. The rule is needed to ensure the integrity and confidence of the public in abstracts of title to Minnesota property.

VI.

Proposed Rule to Allow the
Issuance of a Temporary License

The Board of Abstracters proposes to adopt Abs. rule 6 which allows the Board of Abstracters to grant a temporary license to those persons who succeed to the ownership of an abstracting business by gift, death, or guardianship or conservatorship of the owner of the abstracting business, or by any other means other than purchase. The rule requires such person to establish his experience in abstracting and sets forth the fee and duration of said temporary license.

The need for this rule arises from the fact that the furnishing of abstracts of title is an essential service in Minnesota and the death

or incapacity of the sole abstracter in a county would restrict the sale of real estate in that county. This rule is necessary to ensure the continuance of providing abstracts of title under the regulation of the Board of Abstracters in the above situations.

VII.

Proposed Rule to Require the Licensing and Bonding of an Abstracter in Each County in Which He is Doing Business

The Board of Abstracters propose to adopt Abs. rule 7 which requires a person, firm or private corporation who is engaged in the business of making abstracts of title to be licensed and bonded in each county in which he is doing business as an abstracter.

The need for this rule arises from the ambiguity of Minn. Stat. §§386.61 to 386.76 (1976) as to whether a license is statewide or for a particular county only and whether a bond must be procurred for each county in which he is doing business as an abstracter. This rule is needed to ensure the public that an abstracter is licensed and bonded for each county in which he is doing business as an abstracter.

VIII.

Proposed Rule to Require a Disclosure on Each Abstract of Title

The Board of Abstracters proposes to adopt Abs. rule 8 which requires every abstract of title to real property in Minnesota to disclose the fact that the abstract of title itself does not necessarily represent that title to the property is good and marketable.

The need for the rule arises from the fact that the public is confused as to the legal significance of an abstract of title and many are under the impression that an abstract of title ensures the holder that he has marketable title. This rule is necessary to avoid this confusion and to educate the public as to the legal significance of an abstract of title.

IX.

Proposed Rule Defining Fraudulent, Deceptive or Dishonest Practices

The Board of Abstracters proposes to adopt Abs. rule 9 which defines fraudulent, deceptive or dishonest practices and which makes such practices grounds for denial, suspension or revocation of the license of the abstracter.

This rule is specifically authorized by Minn. Stat. §386.70 and is needed to further define those acts and practices which may be grounds for the denial, suspension, or revocation of the license of the abstracter.

X.

Proposed Rule Establishing Standards of Conduct

The Board of Abstracters proposes to adopt Abs. rule 10 which establishes standards of conduct for abstracters and further provides that a violation thereof may be grounds for denial, suspension or revocation of the license of the abstracter.

The need for adoption of the rule is to facilitate a uniform set of ethical standards and conduct which will be applicable on a standard basis to abstracters in Minnesota.

Minnesota Abstracters' Board of Examiners

By K. Benjamin Skurdal
K. Benjamin Skurdal, Secretary-Treasurer

Abs 10

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EXAMINERS

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, K. Benjamin Skurdahl, do hereby certify that I am secretary of the Minnesota Abstracters' Board of Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Abstracters' Board of Examiners duly and properly called and held on the 18th day of January, 1977; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that K. Benjamin Skurdahl, one of the members of the Minnesota Abstracters' Board of Examiners, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Minnesota Abstracters' Board of Examiners as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of February, 1977.

K. Benjamin Skurdahl
Secretary-Treasurer

Attest

Abs 11

RECEIVED
FEB 15 1977
OFFICE OF HEARING
EXAMINERS

RESOLUTION

RESOLVED, that K. Benjamin Skurdahl, one of the members of the Minnesota Abstracters' Board of Examiners, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Minnesota Abstracters' Board of Examiners as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing.

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BERGUSON & LOFGREN
MN GAS 700 LINCOLN W
MPLS MN
55403

BLADIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BOWMAN & BRUNS ATTN P MAS
1616 PIONEER BLDG
ST PAUL MN
55101

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRIGHAM E M III
PO BOX 237
RED WING MN
55066

BROWN D M GOODRIDGE PUB SCH
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GOODRIDGE MN
56725

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

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MPLS MN
55402

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

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1231 25TH ST NW
WASHINGTON DC
20037

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARTER LOCEY & ASSOC
2353 N RIDE ST
ST PAUL MN
55113

CENTRAL MN REG DEV COMM
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55422

CLAWSON CONNIE
HELP CT 317-17TH AV SE
MPLS MN

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT CO
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DANKERS, KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

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2400 1ST NATL BANK BLDG
MPLS MN
55402

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2212 AM. NATL BK BLDG
ST PAUL MN
55102

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

DZUGAN KEN ST PAUL PLANNI
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ST PAUL MN
55102

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PERHAM MN
56573

EICHTEN DANIEL
3794 HAZEL
WHITE BEAR LK MN
55110

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EVANS CHAS.L. PRENTICE-H
ENGELWOOD CLIFFS
NEW JERSEY

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FILTER LOREN
BOX 36
BRITT MN
55701

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

DAHLKE LOIS M
118 S EAGLE ST
BELLE PLAINE MN
56011

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ENGELBRECHT DOUGLAS
809 RANGE ST
NO MANKATO MN
56001

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOW AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

GUSTAFSON DAN-LABOR TEMPL
312 CENTRAL
MPLS MN
55414

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAFNER DR A J
BOX393 MAYO U OF M
MPLS MN
55455

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HEINTZ MARY ELLE
PO BOX 599
CINCINNATI OH
45201

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HENDRICKSON MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUMAN SERVICES
414 LAFFAYETTE RD 5THFL
ST PAUL MN
55101

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYDROLOGIST
CHIPPEWA NATL FOREST
CASS LAKE MN
56633

ILLINGWORTH ROBERT C
6750 FRANCE AVE S RM290
MPLS MN

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH, BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & CAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MADSON HUGH
AETNA 212 S 6TH ST
MPLS MN
55402

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNAPP J A
RM 3 CAPITOL
ST PAUL MN
55155

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENA
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANSFIELD LARRY HCARC
1800 CHICAGO AVE S
MPLS MN
55404

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MECCA
867 GRAND AVE
ST PAUL MN
55105

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MARRINAN MARGARET M
1117 COMMERCE BLDG
ST PAUL MN
55101

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MET TFR MEN ASSN A ROSENT
1821 UNIV AVE
ST PAUL MN
55104

MEYERLE KATHLEEN
1528 GRAND AVE APT 4
ST PAUL MN
55105

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN CHAP ASSOC BLDRS-CON
7204 W 27TH ST
MPLS MN
55426

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT AS
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYS
529 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIC L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NELSON JOHN
4809 180TH ST N
HUGO MN
55038

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC [illegible]SN
PO BOX 202
BATTLE LAKE MN
56515

NUGENT, CY[illegible]IA L.
3581 OWASSO ST #209
ST PAUL MN
55112

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NYQUIST DEAN A
3707 53RD PL N
BROCKLYN CTR MN
55429

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBC & MAINC
927 SOO LINE BLDG
MPLS MN
55402

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PORTER LYLE O

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THECHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

RAUENHORST CORP-C ANDERSCN
7900 XERXES S. S-2200
MPLS MN
55431

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS M
55414

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER DAVID
5217 27TH AVE S
MPLS MN
55417

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER #S101
MPLS MN
55435

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

REIERSON G
1335 WHITE BEAR AVE
ST PAUL MN
55106

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RICHARDSON THCS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT WARREN WELLCOME MH5
GARDEN CITY
MN
56034

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SELECTVISION INC FR VALENTIN
245 PARK AVE
NEW YORK NY
10017

SEMHSA R C MELIN
1903 S BDWY
ROCHESTER MN
55901

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RIEKE DAVID R
P O BX 509
THIEF RIV FLS MN
56701

RIERSON G
1335 WHITE BEAR AVE
ST PAUL MN
55106

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BOX 297 MAYO U OF M
MPLS MN
55455

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SIX W REG. DEV. COMM
128 W SORENSON
APPLETON MN
56208

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
318 HARVARD ST SE
MPLS MN
55414

SODERBERG HARCLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
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MPLS MN
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ST PAUL MN
55101

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SUMMIT NATL BANK D L MORRILL
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ST PAUL MN
55103

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITIES PIPING IND ASSN
5304 UNIV AVE SE
MPLS MN
55414

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON C
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALTERS THOS H
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MPLS MN
55435

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RM 252 FEDERAL BLDG
ST PAUL MN
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MIDTOWN BLDG
AUSTIN MN
55912

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SWANSON MORTIMER C
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EDINA MN
55410

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
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TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

STATE BD VETERINARY EXAMI
C/O DR A C SPANNAUS DVM
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W-2162 1ST NATL BK BLDG
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MPLS MN
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56572

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
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5746 SANDER DR
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Hon. Marion (Mike) Menning
State Senator, District 26
100 E. Central
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State Senator, District 53
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Hon. Jack I. Kleinbaum
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STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE ABSTRACTERS' BOARD OF EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Abstracters' Board of Examiners Governing Meetings; employing licensed abstracters; temporary licenses; license requirements; disclosures; fraudulent, deceptive, or dishonest practices; and standards of conduct.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 10:00 a.m. on Tuesday, April 12, 1977 in the Metro Square Building, St. Paul, Minnesota.

Douglas Klint, Attorney at Law, 6279 University Avenue N.E., Fridley, Minnesota - 55432, appeared as counsel for the Minnesota Abstracters' Board. Mr. Anthony L. Winczewski, Chairman of the Board, testified in support of the proposed rules. Four other members of the Board were also present. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), this Report shall be available for review to all affected individuals upon request for at least ten days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On February 15, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On February 28, 1977, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 1268.

3. On March 9, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On March 18, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of Agency personnel who will represent the Agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through May 2, 1977 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 386.63 and 388.70.

7. The proposed amendments to Abs.2 change the term "certificate of registration" to license in compliance with Chapter 222, Laws 1976.

8. Proposed Abs.3 establishes definitions for "abstract of title", "abstract office", "board" and "licensed abstracter". The definitions of "board" and "licensed abstracter" are identical to their statutory definitions contained in Minn. Stat. §

386.61. The definitions of "abstract of title" and "abstract office" are based on their meanings in common usage. The need to adopt these definitions arises from the use of these terms throughout the proposed rules and the need to establish a uniform meaning for these terms to avoid confusion with the public.

At the hearing, the Board proposed to amend the definition of "abstract office" to read ". . . abstracts of title are made and compiled." This amendment was made to alleviate the confusion as to whether a licensed abstracter is required in a county wherein the abstract of title is merely sold and distributed and not compiled. The Examiner concludes that the rule as amended is both reasonable and necessary.

9. Proposed Abs. 4 establishes a meeting and examination schedule and the procedure for holding such meetings and examinations. The need for this rule is to inform the public of the date of the annual meeting and examination and provide a procedure to schedule a special or emergency meeting and a special examination.

10. Proposed Abs. 5 requires the employment of a licensed abstracter in each county in which an abstracter maintains an abstract office. However, a licensed abstracter cannot satisfy this requirement for more than one abstract company or more than one abstract office. The rule allows a grace period of six months for compliance. The need for this rule is to assure the public that an abstract of title was made, compiled, or sold by an individual who has met the licensing and bonding requirements of the State of Minnesota. The rule is needed to ensure the integrity and confidence of the public in abstracts of title to Minnesota property.

The Chicago Title Insurance Company and the St. Paul Title Insurance Corporation contend that the regulation of title insurance companies is governed by Minn. Stat. Chapters 60A and 68A and is beyond the authority of the Board of Abstracters. Their argument is as follows:

> Minnesota Statutes § 68A.01, subd. 5, specifically authorizes title insurance companies to "make abstracts of title to real property for compensation." Insurance companies in general, and title insurance

companies in particular, are very closely regulated to protect the public by Minnesota Statutes Chapters 60A and 68A. The Minnesota legislature has established the Insurance Division within the Department of Commerce to provide for oversight and regulation of insurance companies just as it has established the Board of Abstracters to perform a similar function for abstracters. Both are within the Department of Commerce.

Title insurance companies are closely controlled and strictly regulated by the Insurance Division and the Commissioner of Insurance of the State of Minnesota. The statutes together with the rules promulgated by the Commissioner of Insurance place stringent requirements upon title insurance companies to insure their financial responsibility, business integrity and ability to capably perform the services which they are authorized by statute to perform.

The above cited statute leaves no doubt that title insurance companies have been expressly authorized to make, compile and sell abstracts of title to real estate by the legislature.

* * *

Therefore, it would seem clear that the Rules as proposed by the Board of Abstracters should contain an exemption for title insurance companies to carry out the legislative intent as discussed above and avoid conflict and confusion with Minnesota Statutes § 68A.01, subd. 5. If no such exemption is provided, the proposed rules would make Minnesota Statutes § 68A.01, subd. 5, meaningless.

Minnesota Statutes, § 386.62 reads as follows:

386.62 LICENSE. No official, person, firm, association or corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, without first obtaining a license pursuant to the provisions of sections 386.61 to 386.76.

This section was initially enacted in 1957. Real estate title insurance companies were given authority to "make abstracts of title to real property for compensation" in 1915. See Chapter 68, 1965 Statutes. If this is an irreconcilable conflict, as the title insurance companies suggest, "the law latest in date of final enactment shall prevail." See Minn. Stat. § 645.26, subd. 4. If the legislature had intended that title insurance companies be exempt from the licensing provisions of Minn. Stat. §§ 386.61 - 386.76, it should have been spelled out in those sections. See Minn. Stat. §§ 386.74 and 386.75. The Examiner concludes that the Board of Abstracters does have statutory authority to regulate the abstract business of title insurance

11. The title insurance companies and Vern Molstad, member of the Abstracters' Board, contend that there is no statutory authority to require that corporations employ a licensed abstracter in every county in which they have an office. Also, that no need has been shown for the enactment of that "public safeguard."

Minn. Stat. § 386.63, subd. 3, states that the Board shall "make rules as shall be necessary to carry out the purpose of sections 386.61 to 386.76." As stated in § 386.65, an enumerated purpose is to protect the public by assuring that qualified abstracters perform abstracting work. The Board does not have to show that a real problem exists in order to establish need. In the absence of arguments that the rule would place an undue burden on those being regulated, the Board's determination that the rule is necessary will be given great weight. The Examiner concludes that the Board does have statutory authority to require that there be a licensed abstracter in every county in which a company has an abstract office and that need for that provision has been demonstrated.

12. Proposed ABS. 6 allows the Board of Abstracters to grant a temporary license to those persons who succeed to the ownership of an abstracting business by gift, death, or guardianship or conservatoryship of the owner of the abstracting business, or by any other means other than purchase. The rule requires such person to establish his experience in abstracting and sets forth the fee and duration of said temporary license.

The need for this rule arises from the fact that the furnishing of abstracts of title is an essential service in Minnesota and the death or incapacity of the sole abstracter in a county would restrict the sale of real estate in that county. This rule is necessary to ensure the continuance of providing abstracts of title under the regulation of the Board of Abstracters in the above situations.

13. Proposed Abs. 7 requires a person, firm or private corporation who is engaged in the business of making abstracts of

title to be licensed and bonded in each county in which he is doing business as an abstracter. The need for this rule arises from the ambiguity of Minn. Stat. §§ 386.61 to 386.76 (1976) as to whether a license is statewide or for a particular county only and whether a bond must be procured for each county in which he is doing business as an abstracter. This rule is needed to assure the public that an abstracter is licensed and bonded for each county in which he is doing business as an abstracter.

The title insurance companies contend that:

> There is no provision in §§ 386.61 to 386.77 which requires that abstracters be licensed in each county in which they do business as opposed to on a statewide basis. The legislature intended that the Board of Abstracters insure that a person "is qualified by experience, education or training to qualify as being capable of performing the duties of an abstracter" as expressed in Minnesota Statutes § 386.65. It is in this section that the legislature establishes the basis by which licenses should be granted to protect the public from those persons lacking experience, education or training to compile abstracts. Nowhere in that section is there indication that persons qualify or be licensed in each county within the state.
>
> The language in Minnesota Statutes § 386.66 makes it clear that a bond or insurance protection must protect against any error, deficiency or mistake arising wrongfully or negligently in the preparation of continuation of an abstract "upon <u>any</u> lands in the State of Minnesota". This language certainly must intend that the bond or insurance protection would cover abstracts made anywhere in the State of Minnesota by the abstracter, and not in one particular county.
>
> Minnesota Statutes § 386.69 is the section which the Board of Abstracters believes authorizes it to require licensing in each county of the State as opposed to a statewide license. Taken in context, this section is not a substantive provision giving the Board its direction as to what the public is protected against; but instead, it is merely a procedural or administrative section. The section is captioned "Licenses", and it relates to what is physically to be recited upon the license itself, not what the legislature is protecting against. It most reasonably can be read to identify the business address of the abstracter not to limit his business to a single county. There is no direct statement in any of the statutory language to the effect that abstracters must be licensed in each of the 87 counties of Minnesota in order to compile abstracts on a statewide basis. On the contrary, the bond or insurance requirement is clearly intended to apply to "<u>any</u> lands in the State of Minnesota".

The Board argues that:

> Minn. Stat. § 386.63, subd. 3, requires the board to make rules as may be necessary to carry out the

purpose of § 386.61 xo § 386.76. While Minn. Stat. § 386.62 requires a license to issue an abstract for "any lands in the State of Minnesota", Minn. Stat. § 386.69 authorizes the holder of the license to issue an abstract only in the "county" so authorized. Furthermore, Minn. Stat. § 386.66 requires the bond or insurance policy requirement to be determined on a county basis.

The board has interpreted the legislative intent of Minn. Stat. § 386.61 to § 386.76 as requiring a license for each county in which the abstracter does business, as well as a bond or insurance policy for each such county. The bonding requirement of § 386.66 would have little effect if the abstracter was operating out of five different counties and yet was only required to be bonded in one. The protection of the bond would be seriously diluted. Abs 7 is merely a codification of the legislative intent of these statutes.

Minn. Stat. § 386.66 states that, "Before a license shall be issued, the applicant shall file with the board a bond or abstracter's liability insurance policy . . . in the penal sum of at least $20,000. . . ." For counties having more than 200,000 inhabitants, the bond must be for at least $50,000. This section implies that bonds be furnished for every county in which an abstracter works and that abstracters do not, in the natural course of business, work in more than one or a very few counties. The Examiner is of the opinion that the statute is susceptible to more than one interpretation, however, proposed Abs. 7 is based on a logical reading of the section. Clarification of this matter rests with the legislature.

14. Proposed Abs. 8 requires every abstract of title to real property in Minnesota to disclose the fact that the abstract of title, itself, does not necessarily represent that title to the property is good and marketable. The need for the rule arises from the fact that the public is confused as to the legal significance of an abstract of title and many are under the impression that an abstract of title ensures the holder that he has marketable title. This rule is necessary to avoid this confusion and to educate the public as to the legal significance of an abstract of title.

It was suggested at hearing that the words "accurate" and "necessarily" be deleted from the proposed rule for the purpose of clarity. The Examiner concludes that this amendment is appro-

priate. Harry Newby proposed that a much longer disclosure statement be used; however, the Examiner concludes that the proposed rule, as amended above, is reasonable.

15. Proposed Abs. 9 defines fraudulent, deceptive or dishonest practices and makes such practices grounds for denial, suspension or revocation of the license of the abstracter. This rule is specifically authorized by Minn. Stat. § 386.70 and is needed to further define those acts and practices which may be grounds for the denial, suspension, or revocation of the license of the abstracter.

Martin Sathre, president of Sathre Abstracters, Incorporated, proposed that the word "shall" in Abs. 9 be changed to the word may so that the Board could base its decision upon the facts of each individual case and not delegate its discretion to an absolute rule.

Proposed Abs. 9 does not mandate discipline for any of the practices set out in the rule. It merely states which practices are proscribed and that disciplinary action can be taken if it is found that an abstracter has committed those practices. Naturally, any proposed disciplinary action is subject to the safeguards of the administrative procedures act, Chapter 15. The Examiner concludes that the proposed rule is reasonble.

16. Proposed Abs. 10 establishes standards of conduct for abstracters and further provides that a violation thereof may be grounds for denial, suspension or revocation of the license of the abstracter.

The need for adoption of the rule is to facilitate a uniform set of ethical standards and conduct which will be applicable on a standard basis to abstracters in Minnesota.

The Chicago Title Insurance Company contends that:

> A standard of conduct should not be promulgated which is not susceptible of compliance. A licensed abstracter necessarily will utilize in part the work product of his trained employees and should not be so restricted; Abs. 10C contemplates such a work force. Further, the standard may be construed to infringe upon recognized practices with regard to certifications upon existing abstracts. The responsibility assumed in certifications by a licensed abstracter, backed by bond or deposit supports the apparent intent of Abs. 10A,

hence the rule, otherwise confusing, should be omitted.

The Board argues that:

> An objection has been received to Abs 10A which requires abstracters to refrain from using their name or certification on an abstract, the preparation of which he was not directly responsible for. Minn. Stat. § 386.61 - § 386.76 requires that all abstracts be made by individuals who are licensed and have proved their qualifications by passing an examination. The legislative intent of these statutes is that abstracts should only be made by qualified licensed individuals. Abs 10A was adopted to carry out this legislative intent and prevent the rubber stamping by a licensed abstracter of someone else's work. It is expected that a licensed abstracter will utilize in part the work product of his employees, but the actual making of the abstract should be under his control.

Not enough evidence was submitted to show that proposed Abs. 10A is unreasonable, however, the Board should bear in mind the practical aspects of the business.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Abstracters' Board. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1976), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action. . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. The Examiner concludes that the Board has documented its statutory authority to take the proposed action.

4. The Examiner concludes that the Board has demonstrated the need for and reasonableness of the proposed rules, as amended in the Findings of Fact, by an affirmative presentation of facts.

5. The Examiner concludes that the amendments suggested in the Findings of Fact make the rules more reasonable and do not constitute a substantial change.

Based upon the foregoing Conclusions, the Examiner makes the following:

RECOMMENDATION

That the Abstracters' Board adopt the proposed rules as recommended to be amended in this Report.

Dated this 24th day of May, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES; AND STANDARDS OF CONDUCT.

ORDER ADOPTING REPORT OF HEARING EXAMINER

Upon motion duly made, seconded and passed at a meeting of the Minnesota Abstracters' Board of Examiners on August 9, 1977:

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions and Recommendation of Peter C. Erickson, Hearing Examiner, contained in his Report of the Hearing Examiner dated May 24, 1977 in the above entitled matter be incorporated herein by reference and adopted by the board;

IT IS FURTHER ORDERED that rules Abs. 1, Abs. 2, Abs. 3 A, C, D, Abs. 4, Abs. 5, Abs. 6, Abs. 7, Abs. 9, and Abs. 10 be adopted as proposed;

IT IS FURTHER ORDERED that rules Abs. 3 B and Abs. 8 be adopted as amended in the Report of the Hearing Examiner;

IT IS FURTHER ORDERED that K. Benjamin Skurdal, Secretary-Treasurer of the Minnesota Abstracters' Board of Examiners is hereby authorized to sign on behalf of the board any necessary findings or orders.

Minnesota Abstracters' Board of Examiners

By _____
K. Benjamin Skurdal, Secretary-Treasurer

Dated: September 19, 1977

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE ABSTRACTERS' BOARD OF EXAMINERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES; AND STANDARDS OF CONDUCT.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on April 12, 1977, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Abstracters' Board of Examiners on May 24, 1977; and

WHEREAS, the Abstracters' Board of Examiners has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Abstracters' Board of Examiners has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Abstracters' Board of Examiners has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Abstracters' Board of Examiners has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 11th day
of October, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

RECEIVED
OCT 7 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS GOVERNING MEETINGS; EMPLOYING LICENSED ABSTRACTERS; TEMPORARY LICENSES; LICENSE REQUIREMENTS; DISCLOSURES; FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES; AND STANDARDS OF CONDUCT.

ORDER ADOPTING REPORT OF HEARING EXAMINER

Upon motion duly made, seconded and passed at a meeting of the Minnesota Abstracters' Board of Examiners on August 9, 1977:

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions and Recommendation of Peter C. Erickson, Hearing Examiner, contained in his Report of the Hearing Examiner dated May 24, 1977 in the above entitled matter be incorporated herein by reference and adopted by the board;

IT IS FURTHER ORDERED that rules Abs. 1, Abs. 2, Abs. 3 A, C, D, Abs. 4, Abs. 5, Abs. 6, Abs. 7, Abs. 9, and Abs. 10 be adopted as proposed;

IT IS FURTHER ORDERED that rules Abs. 3 B and Abs. 8 be adopted as amended in the Report of the Hearing Examiner;

IT IS FURTHER ORDERED that K. Benjamin Skurdal, Secretary-Treasurer of the Minnesota Abstracters' Board of Examiners is hereby authorized to sign on behalf of the board any necessary findings or orders.

Minnesota Abstracters' Board of Examiners

By _____
K. Benjamin Skurdal, Secretary-Treasurer

Dated: September 19, 1977

CHICAGO TITLE INSURANCE COMPANY

4820 WEST 77TH STREET, SUITE 100, EDINA, MINNESOTA 55435/(612) 835-3100

April 25, 1977

EDINA OFFICE

Peter Erickson
Room 300
1745 University Avenue
St. Paul, Minnesota

Re: Board of Abstracters
Proposed Rules

Dear Mr. Erickson:

Chicago Title Insurance Company, a Missouri corporation, authorized to transact business in the State of Minnesota under Certificate of Authority issued by the Commissioner of Insurance, submits the following comments with regard to Proposed Rules of Board of Abstracters following public hearing on the matter held April 12, 1977:

(1) Recognition should be made of MSA 68A.01 Subd. 5 providing that Real estate title insurance companies "in addition to the powers now possessed, are authorized to make abstracts of title to real property for compensation".

Recognition should also be made of MSA 68A.01 Subd. 2 and 3 relating to a guaranty fund. Under the provisions thereof this Company maintains a security deposit of $380,000.00.

By reason of the foregoing legislation it is the contention of this Company that neither MSA 386.61-386.76 nor the Proposed Rules, if adopted, applies to or affects Real estate title insurance companies in the business of making abstracts of title.

The special provisions in MSA 68A.01 Subd. 5 must prevail and be construed as an exception to the general provision of MSA 386.22. See MSA 645.26 Subd. 1 (Interpretation of Statutes)

This Company does recognize that in certificates on abstracts issued it could not represent itself as a "Licensed abstracter", unless it should elect to apply for and obtain such a license.

To avoid any possibility of misinterpretation by the Board, a clear recitation should be made of exclusions applicable to Real Estate Title Insurance Companies, MSA 68A.01 Subd. 5; Registers of Deeds, MSA 386.74, and Attorneys at Law, MSA 386.75.

The Rules should, however, provide for an election by any of the foregoing to make application for and secure a license. In this connection the Rules should allow for the exemption as to furnishing bond or insurance policy that is afforded to real estate title insurance companies by MSA 386.66.

(2) Adoption of the Proposed Rules and an election by this Company to apply for a license gives rise to these concerns:

A. Proposed Abs. 5 and Abs. 7.

1) Questions of need and authority:

While the Board has the statutory authority to make rules as shall be necessary to carry out the purposes of the sections, proposed Abs. 5 and 7 are promulgated as necessary to correct alleged ambiguities in the Act which we contend is not fully accurate. A fair statement of our Court is that where the meaning of a statute is apparent from its language, no further statutory construction is permitted--and while courts are required to discover and effectuate legislative intent and to consider objects to be accomplished and mischief remedied, they must avoid a result which would do violence to the language of the statute---a rule making body could not exceed the restraints by which the court itself is bound.

2) Conflict with existing law in regard to Licensing and Bonding Requirements:

The existing statute seems fairly clear that an applicant for a license need only take an examination and upon successful passage is to be issued a license which can only be construed as authorizing it to engage in the business of making abstracts in any county of the state. The bond or liability insurance requirements indicate that the amount must be at least $20,000 except the amount shall be at least $50,000 if business is done in Hennepin, Ramsey, and St. Louis County. It would appear that any rule attempting to limit licenses to and requiring bonding or liability policy for each county in which the person, firm or corporation chooses to do business, and thus preventing an abstracter qualified under the statute from engaging in business in more than one county, seriously conflicts with the statute and would be a severe departure therefrom.

3) General:

In any event, Abs. 5 and 7 would appear to be unnecessary as abstracts prepared by or under the supervision of a licensed abstracter adequately protects the public. Arguably, the Board may require separate licenses and fees for each county in which business is done by an applicant as a means of control and regulation of conduct, but this could not extend to requiring separate individuals and separate bonds for each such county.

At the hearing it was evident some confusion existed with regard to the definition of "Abstract Office" and Abs. 3B was amended to read "a place of business wherein abstracts of title are made and compiled", admittedly has no purpose in the rules except for its use in Abs. 5. Testimony of the Board revealed that Abs. 5 would apply if business is done in a county and an office is maintained. While contesting the concept of Abs. 5 the definition should at the least allow for the possibility of other offices of an applicant in which the compilation of abstracts is not the principal activity of such office; ie., a real estate title insurance company (used primarily as a facility for real estate closings or for the retrieval of information from the public records) or attorney at law.

B. Abs. 8

Such a warning, though commendable in purposes, is too difficult to compose to adequately inform the user of the abstract of all the ramifications thereof. At the very least the word "necessarily" should be dropped.

C. Abs. 10A

A standard of conduct should not be promulgated which is not susceptible of compliance. A licensed abstracter necessarily will utilize in part the work product of his trained employees, and should not be so restricted; Abs. 10C contemplates such a work force. Further, the standard may be construed to infringe upon recognized practices with regard to certifications upon existing abstracts. The responsibility assumed in certifications by a licensed abstracter, backed by bond or deposit supports the apparent intent of Abs. 10A, hence the rule, otherwise confusing, should be omitted.

Chicago Title Insurance Company submits the foregoing and requests your consideration and that of the Board in evaluating both the need and content of the Proposed Rules.

CHICAGO TITLE INSURANCE COMPANY

By: _____
Kenneth J. Judge
Divisional Counsel

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* NOT MEMBER OF MINNESOTA BAR

June 7, 1977

Mr. Michael Miller
Assistant Attorney General
Room G19K,
State Administration Building
St. Paul, Minnesota 55155

Re: Our File No. 11,411-009

Dear Mr. Miller:

This will confirm our phone conversation of Monday, June 6, 1977 relating to the Proposed Rules by the Abstracters' Board of Examiners. I indicated to you that our client, St. Paul Title Insurance Corporation, has asked that we assist them in making objection to the Proposed Rules of the Abstracters' Board of Examiners.

I am aware that under Rules and Regulations of the Attorney General No. 305 that any questions as to the legality of the Proposed Rules must be made within 10 days of the receipt of the Attorney General of said Rules. I am further aware that on May 24, 1977 the Hearing Examiner, Peter Erickson, filed his report approving the Proposed Rules and returning them to the Abstracters' Board of Examiners for the proceedings under Section 15.0412.

Since you indicated that the Proposed Rules and proceedings would in all likelihood come to your attention upon filing with the Attorney General, I would appreciate your advising me when the record has been received by you. We would wish to advise you that we do wish to register our objection and further request

an oral hearing pursuant to Atty. Gen. 305.

Thank you for your cooperation in this matter.

Yours very truly,

Charles D. Reite

CDR/lnh

cc: Mr. Melville R. Bois

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November 4, 1977

Mr. Douglas E. Klint
WEAVER, TALLE & HERRICK
Attorneys at Law
6279 University Avenue N.E.
Fridley, Minnesota 55432

RE: Board of Abstracters' Proposed Rules
Our File Number: 11,411-009

Dear Doug:

I am enclosing a copy of the Statement which our client is filing with the Attorney General in opposition to the Proposed Rules. I understand that you have been advised of the meeting with Mike Miller in the Attorney General's Office on Monday, November 7th.

Yours very truly,

/S/ CHARLES D. REITE

Charles D. Reite

CDR:kh

Enclosure

✓cc: Mr. Michael Miller

STATEMENT OF ST. PAUL TITLE INSURANCE CORPORATION

I.

INTRODUCTION

St. Paul Title Insurance Corporation ("St. Paul Title") objects to the proposed Rules of the Board of Abstracters adopted on April 12, 1977 and August 9, 1977. The proposed Rules were the subject of a hearing before the Hearing Examiner on April 12, 1977 who at the conclusion of his report dated May 24, 1977, recommended that the proposed Rules be adopted as amended in his report.

The Rules as adopted in their final form seem to require title insurance companies, both domestic and foreign, doing business in Minnesota to be licensed to prepare abstracts of title to real estate. For the reasons stated below this requirement is objected to by St. Paul Title which, incidentally, does not object to the Rules to the extent that they require licensing of persons other than title insurance companies preparing or compiling abstracts of title.

St. Paul Title recognizes that some form of licensing and regulation of persons preparing abstracts of title to land in the State of Minnesota is desirable to provide uniform professional standards and to protect the public from incompetent, fraudulent or financially irresponsible abstracters, but contends that to subject duly licensed title

insurance companies to the proposed Rules would impose an unauthorized, unnecessary and undue burden on such companies and be against the public interest.

II.

LEGAL ARGUMENT

A. Title Insurance Companies Are Under The Exclusive Jurisdiction And Control Of The Commissioner Of Insurance And When Duly Licensed Have Specific Statutory Authority To Make And Sell Abstracts Of Title To The Public.

St. Paul Title's principal objection to the proposed Rules relates to the premise underlying the Rules that title insurance companies are subject to the jurisdiction and regulation of the Board of Abstracters which premise is directly contrary to the legislative intent and the language of the laws of the State. Insurance companies generally and title insurance companies specifically, are clearly placed under the exclusive jurisdiction and control of the Insurance Division of the Department of Commerce by the legislature. M.S. Ch. 45, 60A and 68A (1976). The licensure and regulation of title insurance companies is totally within the province of the Commissioner of Insurance, there is no indication that the Board of Abstracters is to have any jurisdiction over them.

1. Title Insurance Companies Are Statutorily Granted The Power As Part Of Their License To Make And Sell Abstracts Of Title To The Public.

Chapters 60A and 68A, Minnesota Statutes, establish

a comprehensive and complete regulation of title insurance companies under the supervision of the Commissioner of Insurance. Under these statutes the Commissioner has exclusive jurisdiction to regulate the operations of title insurance companies in Minnesota. In order to be licensed to do business in Minnesota, title insurance companies must comply with the stringent requirements of Chapter 60A Minnesota Statutes and the Rules of the Commissioner of Insurance promulgated thereunder. They are subject to periodic examination and supervision by the Commissioner of Insurance.

Section 68A.01, subdivision 5 Minnesota Statutes explicity confers upon title insurance companies the power to make and sell abstracts of title:

> "Other Powers. In addition to the powers now possessed, these companies are authorized to make abstracts of title to real property for compensation."

Such express grant of authority to prepare and sell abstracts of title when taken together with the licensing, regulation and supervision of title insurance companies by the Commissioner of Insurance eliminates any possibility of need for regulation of title insurance companies by the Board of Abstracters with respect to the preparation and sale of abstracts of title. It should not be presumed that the legislature would by implication impose a requirement of additional regulation of title insurance companies by the Board of Abstracters.

A brief perusal of the statutes reveals the stringent requirements for financial responsibility placed upon title insurance companies before they may be licensed within the State. A company must have a paid up capital of $500,000.00 and a surplus of $500,000.00 together with a separate guarantee fund of $100,000.00 or two-fifths (2/5) of its capital stock whichever is greater. M.S. §60A.07 Subd. 5a and §68A.01 Subd. 2 (1976). The high degree of supervision and regulation of the title insurance companies by the Commissioner is very apparent from the periodic statutorily mandatory examinations of insurance companies, not only as to financial responsibility, but also as to all their affairs and their ability to perform the services which they have undertaken to provide the public. M.S. §60A.031 Subd. 3 (1976).

The legislature was undoubtedly aware of the stringent financial requirements and operational controls of title insurance companies when it expressly authorized them to make and sell abstracts to the public in addition to the other powers granted to them under their license. M.S. §68A.01 has been reviewed and revised by the legislature as recently as 1974 without any deletion or limitation in the power granted to licensed title insurance companies to make and sell abstracts of title.

To understand yet another rational basis for the statutory exemption of title insurance companies from licensing by the Board of Abstracters, it is important to be aware

of the practical function of abstracting as to contrasted to issuance of policies of title insurance. Abstracting consists of merely setting forth in one document the history of the public land records effecting title to a particular piece of land. As the language proposed to be required on each abstract and proposed Abs. 8 indicates an "abstract of title is an accurate history of the record of the title of the property described therein and does not necessarily respresent that the title is good and marketable".

The title insurance policy, on the other hand, goes far beyond a recitation of the history of recorded public documents related to particular real estate, and insures the person purchasing the policy that the title is good and marketable and free from title defects which could cause financial loss to such person. In the event that there is a defect in the title to the property, a title insurance company is liable to its insured. Before issuing a title insurance policy, the company generally prepares an abstract or equivalent internal work paper to be informed as to the state of title on the given property. However, a title insurance company must, based upon such preliminary information and other professional considerations, determine the actual ownership of the property and insure the interest of the party purchasing the policy from loss due to title defect.

Certainly, a title insurance company must have enough competence to produce its own internal abstracts accurately on which to base its insurance policies. It must possess substantially more competence to determine whether the title is insurable once the title history and other considerations are before it.

It is the legislative recognition of this greater level of experience, training and professional competence which must exist within a title insurance company that created the special statutory authorization within the license granted to title insurance companies to make and sell abstracts of title coincidently with their primary business of insuring title to real property. While the following analogy is not entirely perfect it is illustrative: since a dentist is not required to be licensed as a dental hygienist in order to clean teeth; neither should a duly licensed title insurance company be required to be further licensed as an abstracter in order to sell abstracts.

Both the financial responsibility and professional competence required to issue title insurance policies is greater than that needed to prepare an abstract. The public's interests are adequately safeguarded without requiring licensed title insurance companies to maintain an abstracter's license as well. It should also be noted that the bonding requirements for obtaining an abstracter's license even in the metropolitan area is only $50,000.00 compared with

the $100,000.00 minimum guaranty fund and the other capital requirements applicable to title insurance companies. Further note must be taken of the fact that there is no evidence in the record of the hearing on the proposed Rules indicating even one single instance of problem with abstracts sold by title insurance companies. This clearly justifies the legislature's statutory exemption of title insurance companies from licensing and/or regulation by the Board of Abstracters.

2. The Hearing Examiner Failed To Properly Apply The Rules Of Statutory Construction In Arriving At His Finding That Licensed Title Insurance Companies Are Required To Be Licensed As Abstracters By The Board of Abstracters.

There is an apparent conflict between M.S. §68A.01 Subd. 5 and M.S. §386.61 through .76. However, the proper application of the Rules of statutory construction to be applied in Minnesota make it obvious that the Hearing Examiner reached the wrong result in concluding that title insurance companies must be licensed by the Board of Abstracters in addition to the Commissioner of Insurance.

Minnesota's rules of statutory construction, codified in M.S. Ch. 645, are available as aids in ascertaining legislative intent, which in turn is the guide to resolution of statutory conflicts. Nordling v. Ford Motor Co., 231 Minn. 68, 42 N.W.2d 576 (1950); Romanchuk v. Plotkin, 215 Minn. 156, 9 N.W.2d 421 (1943). The chronology of statutory

enactment, relied upon by the Hearing Examiner, is by no means the only or best guide available.

M.S. §645.26 Subd. 1 calls for an initial attempt to harmonize conflicts between specific and general provisions:

> Particular controls general. When a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions be irreconcilable, the special provision shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be enacted at a later session and it shall be the manifest intention of the legislature that such general provision shall prevail.

Several Minnesota decisions have construed the specific statute as an exception to the general enactment, thus giving each its maximum allowable range of application.

In Nathan v. St. Paul Mut. Ins. Co., 243 Minn. 430, 68 N.W.2d 385 (1955), the admissibility of evidence as to misrepresentation in procurement of an insurance policy hinged on whether a general statute governing all types of insurance or a specific statute governing only fire insurance policies would control. Opting for the latter, the Supreme Court stated that

> where, as here, two statutes contain general and special provisions which seemingly are in conflict, the general provision will be taken to affect only such situations within its general language as are not within the language of the special provision.

Id. at 243 Minn. 438-9, 68 N.W.2d 391, cases cited. The Court recently followed Nathan in another fire insurance

case, where a statute dealing with "every company" insuring buildings against loss by fire was reconciled with one specifically governing township mutual fire insurance companies. Ehlert v. Graue, 292 Minn. 393, 195 N.W.2d 823 (1972).

In the present case, it is clear that the language of M.S. §68A.01 Subd. 5 deals more specifically with the precise question whether licensed title insurance companies are authorized to compile and sell abstracts without the necessity of a license from the Board of Abstracters to compile abstracts. This specific enactment expresses more accurately the legislature's views on the subject than §386.62, which refers generally to officials, persons, firms, associations and corporations.

Nor is this construction defeated solely by the observation that M.S. §386.62 postdates the enactment of M.S. §68A.01. M.S. §645.26 Subd. 1, quoted earlier, imposes two conditions on implied repeals of earlier, specific provisions by later, general enactments. The general provision must not only have been enacted at a later session, but it must also "be the manifest intention of the legislature that such general provision shall prevail." (Emph. added)

No such manifest intention is evidenced in M.S. §386.62. The two provisions involved here have been recodified and amended from time to time in seeming indifference to the conflict thus perpetuated. Title insurance companies were

first given authority to make abstracts by Laws 1915 c. 196 §1. The predecessor of M.S. §386.62 was first enacted in 1957. Ten years later, the specific provision for title insurance companies was recodified as M.S. §68A.01. The legislature again reviewed and modified M.S. §68A.01 in 1974, without eliminating or qualifying Subd. 5 which empowers title insurance companies to make and sell abstracts of title without reference to licensing by any other body. In view of this legislative history, it seems to be of no particular significance that M.S. §386.62 happened to appear in its latest form in 1976; at no time has it been clear that the legislature meant to revoke or modify title insurers' authority to make abstracts.

If M.S. §386.62 is construed to apply to title insurance companies, M.S. §68A.01 Subd. 5 will be rendered meaningless. They will be on the same footing with all other parties in seeking permission to make abstracts, notwithstanding M.S. §68A.01 Subd. 5. It is axiomatic that constructions thus leading to absurd results are to be avoided. Smith v. Barry, 219 Minn. 182, 17 N.W.2d 324 (1945), and cases there cited. In particular, legislative policy is generally best served where statutes are read so as to avoid emasculation or deletion of a provision which might be preserved by another interpretation. Lowry v. City of Mankato, 231 Minn. 108, 42 N.W.2d 553 (1950).

To construe M.S. §386.62 as having repealed or amended

M.S. §68A.01 Subd. 5 would be contrary to the rule that implied repeals are not favored and will be recognized only where the implication is necessary. State v. City of Duluth, 238 Minn. 128, 56 N.W.2d 416 (1953); Op.AttyGen. 441B, April 1, 1949. There is no necessary implication here, since it is fully consistent with Minnesota rules of construction to view M.S. §68A.01 as an exception to M.S. §386.62, thus giving substantial effect to each. Moreover, since the guaranties of responsibility demanded of title insurance companies in M.S. Ch. 68A exceed those required of abstracters in M.S. Ch. 386, public policy does not demand that the abstracting authority conferred on the former be deemed revoked.

M.S. §68A.01 Subd. 5 is in pari materia with the other provisions of Ch. 68A which, taken together, form a unified statutory framework of rights and responsibilities for title insurance companies doing business in Minnesota under the jurisdiction and control of the Commissioner of Insurance. Where the legislature has created such a framework, the courts construe its components harmoniously and with reference to one another. Hahn v. City of Ortonville, 238 Minn. 428, 57 N.W.2d 254 (1953); State ex. rel. Bergin v. Fitzsimmons, 226 Minn. 557, 33 N.W.2d 854 (1948).

As suggested earlier, the surrounding regulatory framework of M.S. Ch. 68A provides its own safeguards for reliable title insurance company services, obviating the need

for regulation by the Board of Abstracters. The 1915 version of what is now M.S. §68A.01 made it clear that the right to compile abstracts follows from compliance with standards. Sess. Laws 1915 c. 196. It stated that after meeting substantial capital stock and guarantee fund requirements and complying all other licensing requirements of insurance companies, title insurance firms could "... make abstracts of title to real property for compensation."

For all of the foregoing reasons, it appears that the Board's claim of authority to regulate title insurance companies is ill-founded as a matter of statutory construction and legislative history.

3. The Legislature's Most Recent Statement Policy On Licensure Of Occupations Also Is Contrary To The Hearing Examiner's Conclusion That Title Insurance Companies Are Subject To The Jurisdiction Of The Board of Abstracters.

The policy statement adopted by the Minnesota Legislature in 1976 when it revamped M.S. Chapter 214 dealing with examining and licensing boards is persuasive in demonstrating that title insurance companies are not within the jurisdiction of the Board of Abstracters. That policy statement in part is set forth below:

> The legislature declares that no regulation shall hereafter be imposed upon any occupation unless required for the safety and well being of the citizens of the state. In evaluating whether an occupation shall hereafter be regulated, the following factors shall be considered:

(a) Whether the unregulated practice of an occupation may harm or endanger the health, safety and welfare of citizens of the state and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; and

(c) Whether the citizens of this state are or may be effectively protected by other means.

M.S. §214.001 Subd. 2.

The import of that statement stands for the proposition that over-regulation and multiple regulation of occupations and activities is not favored. It has been shown by the above discussion that since title insurance companies are licensed by the Commissioner of Insurance and subject to financial and other controls of that office, the citizens of the State are effectively protected. The protection of citizens of the State would not be increased by requiring title insurance companies to be licensed by the Board of Abstracters to produce and sell abstracts, and, in fact, as discussed below their interest would be adversely affected.

B. <u>If The Proposed Rules Are Applied To Title Insurance Companies, The Public Interest Would Be Adversely Affected By The Unnecessary Restriction Of Competition</u>.

The effect of the proposed Rules if applied to title insurance companies would limit the operations of such companies in the preparation and sale of abstracts of title

or greatly increase their costs of doing business particularly in the outlying counties. It would make it more difficult for title insurance companies to compete with local abstracters who in many counties in the State would have a virtual monopoly in the preparation, extension and sale of abstracts. Both in terms of service and cost, the consumers would have no choice available for abstracting services; and the lack of competition would have obvious potential for allowing high prices and less enthusiastic service to the public.

Because of the county by county licensing requirement, the obvious intent of the proposed Rules is to restrict competition in the business of abstracts of title; such intent is contrary to the policy expressed by legislative enactments and by public pronouncements of State officials that restraints on competition should be avoided. This is particularly true where, as in this case, the public's interest in dealing with competent financially responsible entities for abstracting services is well protected by the license requirements and control of title insurance companies as set forth at length above.

III.

CONCLUSION

In summary, the application of the proposed Rules to title insurance companies to require licensing by the Board of Abstracters is neither lawful under existing statutes

nor necessary to protect the public. The legislative grant to licensed title insurance companies to make and sell abstracts is explicit in M.S. §68A.01 subd. 5. Of course, this grant of authority allows only title insurance companies which are properly licensed by meeting the requirements for financial responsibility and competence described above to make and sell abstracts thereby adequately protecting the public. The extension of authority and jurisdiction of the Board of Abstracters over title insurance companies is thus unnecessary. The fact that the county by county licensing procedures in the proposed Rules would discourage competition for abstracting services in outlying counties of the State by increasing costs to title insurance companies is a further strong reason to prevent the imposition of this unwarranted burden on duly licensed title insurance companies.

CHICAGO TITLE INSURANCE COMPANY

4820 WEST 77TH STREET, SUITE 100, EDINA, MINNESOTA 55435/(612) 835-3100

EDINA OFFICE

November 7, 1977

Attorney General
State of Minnesota
Room G 19-K
State Administration Building
50 Sherburne Street
St. Paul, Minnesota 55155

ATTN: Michael B. Miller,
Special Assistant
Attorney General

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Abstracters' Board

Gentlemen:

Chicago Title Insurance Company reiterates its objections to the rules as adopted by the Board of Abstracters and encloses copy of our April 25, 1977 statement in regard thereto.

We believe those rules identified as Abs. 5 and Abs. 7 exceed the power of the Board and represent an excess of statutory construction.

The title insurance company special provisions as to abstracts in MSA 68A.01 Subd. 5 should not be diluted by administrative functions of the Board, being a legislative decision.

Notably, the hearing examiner report ignores the title insurance company exemption as to bond or liability policy provided in MSA 386.66 which remains unaffected by any legislative amendment or any construction thereof, and, in any event, Abs. 7 must be clarified to provide for Board recognition of said exemption.

Your review and modification of the rules in accord with our objections is respectfully requested.

Very truly yours,

Kenneth J. Judge
Divisional Counsel

KJJ/jml

Enclosure

RECEIVED
OCT 7 1977
OFFICE OF HEARING
EXAMINERS

RULES AS ADOPTED

Abs. 1 remains unchanged.

Abs. 2 Change of name on license. A change of name on a license must be accompanied by payment of $50.00 even though an examination may be waived.

Abs. 3 Definitions. For the purposes of these rules and regulations, the terms:

A. "Abstract of title" shall mean a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained.

B. "Abstract office" shall mean a place of business wherein abstracts of title are made and compiled.

C. "Board" shall mean the Minnesota Abstracters' Board of Examiners.

D. "Licensed abstracter" means any official, person, firm or corporation obtaining licenses pursuant to the terms of Minn. Stat. §§386.61 to 387.76 (1976); and includes (1) present duly qualified and acting county recorders not now prohibited by law from the business of making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not.

Abs. 4 Meetings. The board shall hold its annual meeting on the 1st Tuesday in May of each year. Examinations shall be conducted by the board or its authorized representatives at each annual meeting. The board may schedule an emergency meeting and conduct an examination for good cause shown for any applicant upon 30 days written notice to the applicant and board members. The board may hold special meetings at such other times as may be necessary and as it may determine. All meetings shall be called by the secretary-treasurer.

Abs. 5 Employing licensed abstracters. Every person, firm or private corporation engaged in the business of abstracting in one county only shall have in its employ a person who is a licensed abstracter. Every person, firm or private corporation engaged in the business of abstracting in more than one county in this state shall have at least one person who is a licensed abstracter for each county in which it maintains an abstract office, provided that no person may satisfy this requirement for more than one abstract office. No licensed abstracter may fulfill the requirements of this section for more than one company at any one time. Every person, firm or private corporation engaged in the business of abstracting shall comply with the requirements of this section within six months after the effective date of these regulations.

Abs. 6 Temporary license. The board may, upon application to it by any person succeeding to the ownership of any abstract business by any means other than by purchase, or any person, who by reason of the incapacity of any licensed abstracter owner of any abstract business, is required to assume the operation of such abstract business, grant to such person, without examination, a temporary license. Each application for a temporary license shall be accompanied by an affidavit setting forth the applicant's name, address, occupation, length of and place of employment, and his experience in preparing, compiling, and selling abstracts of title. The fee for such temporary license shall be $25.00. Such license shall expire six months after its date or upon the expiration of 60 days after the next regularly scheduled examination which could be taken by the applicant, whichever period is longer. The board shall notify such applicant by mail of the time and place of such examination.

Abs. 7 License required. No person, firm or private corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not, without first obtaining a license and a bond or abstracter's liability insurance policy pursuant to Minn. Stat. §§386.61 to 386.76 (1976) for each county in which he is doing business as an abstracter.

Abs. 8 Disclosure. Every abstract of title to real property in the State of Minnesota shall contain the following disclosure affixed to or stamped on a prominent place on the abstract of title:

"This abstract of title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

Abs. 9 Fraudulent, deceptive or dishonest practices. The methods, acts and practices contained herein or similar thereto shall be presumed fraudulent, deceptive or dishonest if engaged in by the abstracter or his agent and shall constitute grounds for denial, suspension or revocation of the license of the abstracter:

A. Making any material misstatement in the application for a license or in any information furnished to the board;

B. Causing to be published advertising, whether written or printed communication or any communication by recorded telephone message, radio, television, picture or similar means, which is misleading or inaccurate in any material manner;

C. Procuring, or attempting to procure, an abstracter's license for themselves or any person by fraud, misrepresentation or deceit;

D. Violating any law, rule, regulation or ordinance of this state or any of its political subdivisions, including the State Board of Abstracters, or the United States Government, or any agency thereof relating to the practice of abstracters;

E. Making a false statement as to the existence or amount of the bond or abstracter's liability insurance policy filed with the board;

F. Representing that he has a license or bond or abstracter's liability insurance policy when he, in fact, does not;

G. Falsifying an abstract of title, or any entry therein, or the certification of an abstract;

H. Engaging in any other conduct which constitutes dishonest actions in his practice as a licensed abstracter which endangers the interest of the public;

I. Nothing contained herein shall limit the authority of the board to take formal action against an abstracter for the use of fraudulent, deceptive or dishonest activities of a type not specifically described herein.

Abs. 10 Standards of conduct. The methods, acts, or practices set forth herein shall be standards of conduct governing the activities of abstracters under this section. The failure to comply with said standards shall constitute grounds for denial, suspension or revocation of the license of such person, or censure of said abstracter. Abstracters shall:

A. Refrain from using his name or certification on an abstract, the preparation of which he was not directly responsible for;

B. Refrain from engaging in any discriminatory practices prohibited by law in the conduct of his business;

C. Employ competent abstracters and employees;

D. Provide proper training and instruction for all employees;

E. Refrain from splitting fees, accepting or paying referral fees for abstracting services.

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November 15, 1977

Mr. Michael B. Miller
Special Assistant Attorney General
Room G19K
State Administration Building
St. Paul, Minnesota 55155

Re: Proposed Adoption of Rules of the Minnesota Abstracters' Board of Examiners Governing Meetings; Employing Licensed Abstracters; Temporary Licenses; License Requirements; Disclosures; Fraudulent, Deceptive, or Dishonest Practices; and Standards of Conduct

Dear Mr. Miller:

This letter is written in response to the issues raised at the conference held in your office on November 7, 1977.

The question was raised as to whether the Commissioner of Insurance has authority to regulate the abstracting business of title insurance companies. Minn. Stat. §60A.03 subd. 2(1), which sets forth the powers of the Commissioner of Insurance, states in pertinent part:

> "The commissioner shall have and exercise the power to enforce all the laws of this state relating to insurance, and it shall be his duty to enforce all the provisions of the laws of this state relating to insurance."

The above statutory provision makes it clear that the Commissioner of Insurance does not have authority to regulate the abstract business of title insurance companies, since it does not relate to insurance. However, Minn. Stat. §386.62 makes it clear that the Board of Abstracters has the power to regulate the abstracting business of title insurance companies by licensing them. Minn. Stat. §386.62 provides:

> "No official, person, firm, association or corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the State of Minnesota, whether registered or not, without first obtaining a license pursuant to the provisions of sections 386.61 to 386.76."

There is no dispute that title insurance companies are authorized by statute "to make abstracts of title to real property for compensation". However,

the question is who is to regulate them. The Commissioner of Insurance doesn't have authority to do so. That authority is vested in the Minnesota Abstracters' Board of Examiners.

If the legislature intended to exempt title insurance companies from the licensing requirements of Minn. Stat. §386.61 et. seq., it could have done so. Under Minn. Stat. §386.37, registers of deeds are authorized to make abstracts of title. Minn. Stat. §386.73 specifically exempts registers of deeds from the provisions of Minn. Stat. §386.61 to 386.76. Similar treatment could have been given to title insurance companies if the legislature so intended.

The legislature apparently had title insurance companies in mind when it passed §386.66, which exempts applicants having securities on deposit with the state from furnishing a bond for the abstracters' board.

If title insurance companies were to be exempted from Minn. Stat. §386.61 et. seq. and the rules and regulations of the State Board of Abstracters, it would place the abstracting industry in the anomalous position of some abstracters being licensed and regulated and others not. Title insurance companies account for a substantial portion of abstract sales to the consumer and, as indicated at the meeting on November 7, 1977, approximately 70% of the sales volume for St. Paul Title Insurance Company's Anoka branch is attributed to abstract sales. It is submitted that a law which is construed to regulate some, but not all, abstracters in this state would be unconstitutional, a result obviously not intended by the legislature.

While title insurance companies are licensed and regulated in the insurance aspect of their business, there is no similar regulation in the abstract aspect of their business, absent that of the State Board of Abstracters. What this means, as a practical matter, is that their is no assurance that title insurance abstracters are properly trained, can pass the stringent standards of the abstracters' licensing test, or will conduct themselves along the high standards set forth in Minn. Stat. §386.70 and the rules and regulations. If a consumer is injured from an abstract issued by a title insurance company, he would have no recourse through the State Board of Abstracters, its rules or statutes, and it is unlikely that the Commissioner of Insurance would release its securities he holds to pay its claims. A title insurance company's securities would be meaningless for claims incurred by its abstracting business. It would be difficult for the State Board of Abstracters to tell an injured consumer that if he had bought an abstract from a licensed abstracter, they could help him, but since he bought it from a title insurance company, they have no jurisdiction.

The obvious intent of Minn. Stat. §386.61 et. seq. is to bring all abstracting business under the jurisdiction of the State Board of Abstracters to insure uniform licensing standards and regulation.

Very truly yours,

Douglas E. Klint

DEK:JLH
cc: Charles D. Reite

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Douglas E. Klint, attorney for the Minnesota Abstracters' Board of Examiners, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Attorney for the Minnesota
Abstracters' Board of Examiners

Dated: October 18, 1977