

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA
BOARD OF ABSTRACTERS

In the Matter of the Proposed Adoption of Rules of the Board of Abstracters Governing Examinations, Meetings, and Discipline of Licensees.

STATEMENT OF NEED AND REASONABLENESS

1005.0200, subp. 1a. Annual Meeting.

This rule gives the Board flexibility in scheduling its annual meeting. This flexibility is needed because the Board's members live in various parts of the state, serve part-time, and are generally employed full-time elsewhere. Thus, in the past, the Board has been unable to hold its annual meeting on the day prescribed by the current rule because of the unavailability of one or more members.

This rule is reasonable because it provides the Board the flexibility it needs to schedule its annual meeting at a time when all members can be present and can participate in its deliberations. This rule recognizes the fact that its members are citizen-members while, at the same time, ensuring that its annual meeting is held on a regular basis.

1005.0200, subp. 1b. Examination.

This rule allows the Board members the ability to grade the examination at its annual meeting. Currently, Board members must make a separate trip to the Board's office after the annual meeting is held to grade the examination which, by rule, must be administered at that meeting. This change is needed to reduce the inconvenience for Board members, to reduce per diem costs for additional trips by Board members to the Board's office, and to

allow the Board flexibility in choosing a date on which to administer the examination.

This rule is reasonable because it still requires that the examination be administered annually, yet allows the Board to reduce the costs of its administration.

1005.0200, subp. 4. Call of Meetings.

This rule corrects the title of the Board's administrator. It is necessary because the Board employs an executive secretary instead of a secretary-treasurer. It is reasonable because it removes a reference to a position that no longer exists and avoids confusing the public.

1005.0600. Employing Licensed Abstracters.

This rule eliminates the implication that an abstracter or an abstracting firm may employ only one licensed abstracter. This rule is necessary to clarify that abstracters and abstracting firms may employ any number of licensed abstracters. It is reasonable because there is no prohibition against such employment.

1005.0700. Standards of Conduct;
1005.0800. Fraudulent, Deceptive or Dishonest Practices.

These rules give the Board the authority to refuse to renew licenses and to discipline licensees for certifying abstracts which include some work not their own (Minn. Rules pt. 1005.0700) and for fraudulent, deceptive, or dishonest practices currently specified in Minn. Rules pt. 1005.0800. These rules are needed to give the Board the authority to refuse to renew licenses. Without such authority, the Board is required to renew a license before suspending or revoking it. These rules

are reasonable because they eliminate the wastefulness of having to renew the license of a person whose license is subject to discipline before it can suspend or revoke it.

Minn Rules pt. 1005.0700 is needed to allow the Board to discipline licensees for certifying an abstract part of which is not their work. The present rule implies that such authority exits only where the entire abstract was plagiarized. Partial plagiarization is equally improper and, for that reason, this rule is reasonable.

These rules also remove several gender-specific references. In that the Board licenses women abstracters, this rule is needed to ensure that the statute also applies equally to female abstracters. It is reasonable because there is no intent by the legislature or the Board to exempt female abstracters from its regulation.

Minn. Rules pt. 1005.0800A. makes the making of material misrepresentations to the Attorney General an additional basis for discipline. This rule is necessary because the Attorney General investigates complaints against licensed abstracters pursuant to Minn. Stat. § 214.10 (1990). Without this rule, the making of a material misrepresentation to the Attorney General would not be a basis for discipline. This rule is reasonable because it encourages licensees to truthfully respond to the Attorney General and facilitates the provision of accurate information to the Attorney General.

Minn. Rules pt. 1005.0800H makes the endangerment of individual persons a basis for discipline. The current rule does

not so provide. This rule, is, thus, necessary to ensure that individuals relying on an accurate abstract are protected by the Board's disciplinary authority. It is reasonable because individuals relying on an abstract have the most at stake, often clear title to their property, and, therefore, need the protection now available only to the general public.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Many of the persons licensed by the Board are or are employed by small businesses as defined in Minn. Stat. § 14.115 (1990). The proposed rules do not create compliance or reporting requirements or design or operational standards. The proposed rules primarily affect the internal operations of the Board and clarify and expand its enforcement authority to better protect abstracters' customers and the public generally. Therefore, it is not possible or reasonable to exempt small businesses from the proposed rules.

H.sso

CH
9-12

RULE REVIEW CHECKLIST

File No. 1851
DATE RECEIVED 9-1-91
REVIEW DATE 9-20-91
DUE DATE 9-25-91
~~(DIS)~~APPROVED 9-23-91
WITHDRAWN _____

Docket No. 05.000.0122
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 9-13-91
REVISOR (DIS)APPROVED 9-20-91
FILED W/SEC. OF STATE 9-27-91
RETURNED TO AGENCY 9-27-91

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
_____ Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
Jan 28, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
386.63. subd 3 Statutory Authority
_____ Small Business Statement
NO Expenditure of public money statement
~~march~~ 26, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
April 25, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
April 22, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of ~~comment period~~ (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
August 14, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
July 25, 1991 Date

NA Written Requests, Submissions or Comments

✓ Declaration of Attorney
Louis Hoffman Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: September 27, 1991

TO: MARY BAKKEN
Board of Abstracters

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Abstractor Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on September 23, 1991.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

CH:sc
Enclosures
cc: Louis Hoffman
William Brown, Chief Judge
MaryAnn Hruby

Abstracters' Board of Examiners

Adopted Permanent Rules Relating to Abstractor Licensing

Rules as Adopted

1005.0200 BOARD MEETINGS.

Subpart 1. **Annual meeting.** The board shall hold its annual meeting in May of each year.

Subp. 1a. **Examination.** Examinations shall be conducted by the board or its authorized representatives prior to each annual meeting in April of each year and shall be graded at the annual meeting provided for in subpart 1.

Subp. 2. **Emergency meetings.** 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.

Subp. 3. **Special meetings.** The board may hold special meetings at such other times as may be necessary and as it may determine.

Subp. 4. **Call of meetings.** All meetings shall be called by the executive secretary.

1005.0600 EMPLOYING LICENSED ABSTRACTERS.

Every person, firm, or private corporation engaged in the business of abstracting in one county only shall have in its employ persons who are licensed abstracters. 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 part 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 part.

1005.0700 STANDARDS OF CONDUCT.

The methods, acts, or practices in this part are standards of conduct governing the activities of abstracters. The failure to comply with the standards shall constitute grounds for denial, refusal to renew, suspension, or revocation of the license of such person, or censure of the abstracter. An abstracter shall:

A. refrain from using the abstracter's name or certification on an abstract, the preparation of which or part of which the abstracter was not directly responsible for;

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

C. employ competent abstracters and employees;

D. provide proper training and instruction for all employees; and

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

1005.0800 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

The methods, acts, and practices contained in this part or similar thereto shall be presumed fraudulent, deceptive, or dishonest if engaged in by the abstracter or the abstracter's agent and shall constitute grounds for denial, refusal to renew, 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 or to the attorney general pursuant to Minnesota Statutes, chapter 214;

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 the abstracter or any other 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 board, or the United States government, or a United States agency 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 the abstracter has a license or bond or abstracter's liability insurance policy when the abstracter, in fact, does not;

G. falsifying an abstract of title, or any entry, or the certification of an abstract; and

H. engaging in any other conduct which constitutes dishonest actions in the abstracter's practice as a licensed abstracter which endangers the interest of the public or any person, firm, or private corporation in connection with the performance of an abstract.

Nothing in this part 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.

APPROVED AS TO FORM AND LEGALITY

September 23, 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 27 1991

Joan Anderson Growe
Secretary of State

11:21 am GAT

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Abstracters' Board of Examiners

Proposed Permanent Rules Relating to Abstractor Licensing

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Abstracters intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 386.63, subdivision 3.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Mary Bakken, Executive Secretary
Board of Abstracters
Suite 330
3200 Main Street
Coon Rapids, Minnesota 55433
(612) 296-0209

The rule proposed for adoption relates to the following matters:

1. Changing the dates for the administration of the abstracter examination;
2. Changing the dates for the Board's annual meeting;
3. Clarifying the grounds for which the Board may discipline licensees;
4. Clarifying the Board's authority with respect to non-renewal of licensees; and
5. Removing a number of gender-specific references.

A free copy of the rule is available upon request from Ms. Bakken.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ms. Bakken upon request.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ms. Bakken.

Dated: 26 March 1991

Mary Bakken
Executive Secretary

Rules as Proposed

1005.0200 BOARD MEETINGS.

Subpart 1. **Annual meeting.** The board shall hold its annual meeting ~~on the first Tuesday~~ in May of each year.

Subp. 1a. **Examination.** Examinations shall be conducted by the board or its authorized representatives ~~at~~ prior to each annual meeting in April of each year and shall be graded at the annual meeting provided for in subpart 1.

Subp. 2. **Emergency meetings.** 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.

Subp. 3. **Special meetings.** The board may hold special meetings at such other times as may be necessary and as it may determine.

Subp. 4. **Call of meetings.** All meetings shall be called by the ~~secretary-treasurer~~ executive secretary.

1005.0600 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~~ persons who ~~is a~~ are licensed ~~abstracter~~ abstracters. 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 part 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 part ~~by July 23, 1978~~.

1005.0700 STANDARDS OF CONDUCT.

The methods, acts, or practices ~~set forth herein shall be~~ in this part are standards of conduct governing the activities of abstracters ~~under this part~~. The failure to comply with ~~said~~ the standards shall constitute grounds for denial, refusal to renew, suspension, or revocation of the license of such person, or censure of ~~said~~ the abstracter. An abstracter shall:

A. refrain from using ~~his~~ the abstracter's name or certification on an abstract, the preparation of which ~~he~~ or part of which the abstracter 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; and

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

1005.0800 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

The methods, acts, and practices contained ~~herein~~ in this part or similar thereto shall be presumed fraudulent, deceptive, or dishonest if engaged in by the abstracter or ~~his~~ the abstracter's agent and shall constitute grounds for denial, refusal to renew, 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 or to the attorney general pursuant to *Minnesota Statutes*, chapter 214;

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 ~~himself~~ the abstracter or any other 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~~ a United States 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~~ the abstracter has a license or bond or abstracter's liability insurance policy when ~~he~~ the abstracter, in fact, does not;

G. falsifying an abstract of title, or any entry ~~therein~~, or the certification of an abstract; and

H. engaging in any other conduct which constitutes dishonest actions in ~~his~~ the abstracter's practice as a licensed abstracter which endangers the interest of the public or any person, firm, or private corporation in connection with the performance of an abstract.

Nothing ~~contained herein~~ in this part 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~~.

Department of Human Services

Proposed Permanent Rules Relating to Medical Assistance Mental Health Services

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is in *Minnesota Statutes*, section 256B.04, subdivision 2 and *Laws of Minnesota 1990*, Chapter 568, Article 3, Section 97.

All persons have 30 days or until 4:30 p.m. on May 23, 1991 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Eleanor Weber
Rules and Bulletins Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

Minnesota Rules, part 9505.0323 is a component of the entire set of rules, parts 9505.0170 to 9505.0491, which establish the standards for providers of health services to receive medical assistance payment for health services to a medical assistance recipient.

Minnesota Rules, part 9505.0323, subpart 31 authorizes medical assistance for mental health services provided by mental health practitioners to children under 15 years of age, under clinical supervision, if they are employed by a private nonprofit entity specializing in mental health services to low income children. Subpart 31 also establishes the payment rate for these services of the mental health practitioners.

A free copy of the rule is available upon request from:

Nancy Bishop
Rules and Bulletins Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816
(612) 296-7454

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

DEPARTMENT : ATTORNEY GENERAL-Bremer Tower

State of Minnesota

Office Memorandum

DATE : September 10, 1991

TO : **PATRICIA S. NOLTE**
Legal Assistant
525 Park, Suite 500

Rc 9-11-91

FROM : **LOUIS HOFFMAN**
Special Assistant
Attorney General
LH

PHONE : 296-9418

SUBJECT : **Adopted Permanent Rules Relating to Abstracter Licensing**

Enclosed please find the complete file in connection with the above-referenced rules for your review and approval.

Should you have questions concerning these rules, or should you wish to discuss this matter with me, please let me know.

LH:ew/.xc2
Enclosure(s)

cc: Mary Bakken (with enclosures)
Executive Secretary
Board of Abstracters

Abstracters' Board of Examiners

Proposed Permanent Rules Relating to Abstractor Licensing

Rules as Proposed

1005.0200 BOARD MEETINGS.

Subpart 1. **Annual meeting.** The board shall hold its annual meeting ~~on the first Tuesday~~ in May of each year.

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Approved by Revisor

1005.0700 STANDARDS OF CONDUCT.

The methods, acts, or practices ~~set forth herein shall be~~ in this part are standards of conduct governing the activities of abstracters ~~under this part~~. The failure to comply with ~~said~~ the standards shall constitute grounds for denial, refusal to renew, suspension, or revocation of the license of such person, or censure of ~~said~~ the abstracter. An abstracter shall:

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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; and

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

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A. making any material misstatement in the application for a license or in any information furnished to the board or to the attorney general pursuant to Minnesota Statutes, chapter 214;

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 ~~himself~~ the abstracter or any other

Approved by Revisor _____

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~~ a United States 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~~ the abstracter has a license or bond or abstracter's liability insurance policy when ~~he~~ the abstracter, in fact, does not;

G. falsifying an abstract of title, or any entry ~~therein~~, or the certification of an abstract; and

H. engaging in any other conduct which constitutes dishonest actions in ~~his~~ the abstracter's practice as a licensed abstracter which endangers the interest of the public or any person, firm, or private corporation in connection with the performance of an abstract.

Nothing ~~contained herein~~ in this part 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~~.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Abstractor Licensing

AGENCY: Abstracters' Board of Examiners

MINNESOTA RULES: Chapter 1005

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Office of the Revisor of Statutes
Administrative Rules

Carla M. Riehle
Assistant Revisor
297-2948

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

April 19, 1991

Mary Bakken
Abstracters' Board of Examiners
3200 Main Street, Suite 330
Coon Rapids, MN 55433

RE: File No. 1853

Dear Ms. Bakken:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

CMR/mm

Carla M. Riehle

STATE OF MINNESOTA
BOARD OF ABSTRACTERS

CERTIFICATE OF THE
BOARD OF ABSTRACTERS'
AUTHORIZING RESOLUTION

I, DALE KUTTER, do hereby certify that I am a member and the chairman of the Board of Abstracters ("Board"), a Board duly authorized under the laws of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 2nd day of May, 1990, that a quorum was present, and that a majority of those present voted for the resolution, which has not been rescinded or modified.

> RESOLVED, that Mary Bakken, the Board's Executive Secretary, and its attorney are hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a Rule Without a Public Hearing governing examinations, meetings, and discipline to all persons who have registered their names with the Board for that purpose, publish the notice and rule in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of January, 1991.

Dale Kutter

DALE KUTTER
Chairman
Board of Abstracters


16 6 2 NM
ATTORNEY GENERAL'S OFFICE
7TH PL

STATE OF MINNESOTA
BOARD OF ABSTRACTERS

In the Matter of the Proposed Adoption of Rules of the Board of Abstracters Governing Examinations, Meetings, and Discipline of Licensees

NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

(1) Notice is hereby given that the State Board of Abstracters intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 386.63, subdivision 3.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency

will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to:

Mary Bakken, Executive Secretary
Board of Abstracters
Suite 330
3200 Main Street
Coon Rapids, Minnesota 55433

The rule proposed for adoption relates to the following matters:

(11)

1. Changing the dates for the administration of the abstracter examination;
2. Changing the dates for the Board's annual meeting;
3. Clarifying the grounds for which the Board may discipline licensees;
4. Clarifying the Board's authority with respect to non-renewal of licensees; and
5. Removing a number of gender-specific references.

A free copy of the rule is available upon request from Ms. Bakken.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ms. Bakken upon request.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the

extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ms. Bakken.

Date March 26, 1991

Mary Bakken

MARY BAKKEN
Executive Secretary

H.st8

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing Abstracters

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT (A RULE WITHOUT A PUBLIC HEARING) (AN EMERGENY RULE) AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) SS
COUNTY OF ANOKA)

Mary Bakken, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state abstracting rulemaking mailing list is accurate, complete, and current as of this 9th day of August, 1991.

That on the 25th day of April, 1991, at the City of Coon Rapids, County of Anoka, State of Minnesota, I mailed the attached Notice of Intent to Adopt (A Rule Without a Public Hearing) (an Emergency Rule) by depositing in the (State of Minnesota Central Mail System for United States mailing) (United States mail), a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Mary Bakken

Mary Bakken, Executive Secretary

Subscribed and sworn to before me
this 19th day of Aug, 1991.

Kathleen F. Nestrud

KATHLEEN F. NESTRUD
NOTARY PUBLIC - MINNESOTA
ANOKA COUNTY
My Commission Expires Oct. 3, 1996

Minnesota Land Title Association
2740 80th Street West
Bloomington, Mn. 55431
ATTENTION: Tony Winczewski,
Secretary

RESOLUTION ADOPTING THE RULE

I, Jeffrey Danielson, do hereby certify that I am a member and the Chairperson of the Board of Abstracters, 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 Board of Abstracters, duly and properly called and held on the 25th day of July, 1991, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to amendments to permanent rules is approved and adopted, pursuant to authority vested in the board by Minnesota Statutes 386.61 to 386.76. Jeffrey Danielson, the Chairperson of the Board of Abstracters, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of August, 1991.

Jeffrey Danielson, Chairperson

Board Member

STATE OF MINNESOTA
BOARD OF ABSTRACTERS

In the Matter of the Proposed Adoption of Rules of the Board of Abstracters Governing Examinations, Meetings, and Discipline of Licensees

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on 4-19-91, 1991 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on 4-25, 1991.

(2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. (7) No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency I find the following:

The above-captioned rule is needed and reasonable. (8)

(9)

NOW, THEREFORE, IT IS ORDERED that the rule identified as Rules of the Board of Abstracters Governing Examinations, Meetings, and Discipline of Licensees is adopted this 25th day of July, 1991, pursuant to authority vested in me and the Board by Minnesota Statutes, section 386.63, subdivision 1.

Jeffrey Danielson
Chairman

H.su0

STATE OF MINNESOTA
MINNESOTA ABSTRACTERS' BOARD OF EXAMINERS
3200 MAIN ST., SUITE 330
COON RAPIDS, MINNESOTA 55433

August 9, 1991

TO WHOM IT MAY CONCERN:

The Board of Abstracters has received no written request, submissions or comments on the rule were received by the agency except for requests solely for copies of the rule or of the Statement of Need and Reasonableness, as implied by Minn. Rules 2010.0300L(1991)

Yours truly,

Mary Bakken

Mary Bakken
Executive Secretary

MB

RECEIVED
SEPT 0 9 91
ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST
ST. PAUL, MN 55101

Stat Authority 386.63 sub 3
The board shall establish & keep
an office in St Paul make rules as
necessary to carry out the purpose.

Notice of Intent
missing 2010.0300 E 8 - A Statement
that the proposed rule may be modified
if the modifications etc.

Findings of Fact
wrong date for publication in State
Register - should be April 22 instead
of April 19

STATE OF MINNESOTA
BOARD OF ABSTRACTERS

In the Matter of the
Proposed Adoption of
Rules of the Board of
Abstracters Governing
Examinations, Meetings,
and Discipline of Licensees

DECLARATION OF COUNSEL

I, LOUIS HOFFMAN, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0122.

LOUIS HOFFMAN
Special Assistant
Attorney General

Dated: July 26, 1991

H.sul