

RULE NO. 9–Complaints and Disciplinary Action

001. Investigation.

The Board may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any Registered Abstracter or holder of a Certificate of Authority.

Source: Section 76-552

002. Subpoena.

The Board may, in the performance of its investigation, compel by subpoena the appearance of the abstracter or holder of a Certificate of Authority to appear before the Board to aid in the investigation.

Source: Section 76-541, 76-552, 84-914

003. Authority to Retain Investigative Aid.

The Board may retain any persons it deems appropriate to aid in its investigation of any registered abstracter or holder of a Certificate of Authority. The Chair may appoint a committee to investigate the registered abstracter or the holder of a Certificate of Authority upon a motion of the Board.

Source: Section 76-541

004. Compliance.

Hearings on all complaints regarding abstracters or holders of Certificates of Authority shall be in compliance with Rule No. 10.

Source: Section 76-541 and 84-901 - 84-920

005. Discipline and Powers.

The Board shall have the power to impose discipline, including sanctions, license suspension, or license revocation, after a hearing, upon a complaint against a registered abstracter or holder of a Certificate of Authority, for unfair practices, as provided in the Abstracters Act.

Source: Section 76-545 and, 76-552

006. Unfair Practices.

Unfair practices which are a violation of the Abstracters Act shall include:

Failure to disclose an agency relationship to or an interest in any title insurance business, law firm, real estate or insurance business or any other business or enterprise, to a customer, in the event that the holder of the Certificate of Registration or the holder of the Certificate of Authority would receive a fee, directly or indirectly, from such a relationship or interest during a transaction involving real estate in which the holder is retained to provide abstracting services for such customer;

Paying or allowing a rebate of fees for abstracting services, including but not limited to, rendering a statement to be passed on to third parties, which does not reflect the true amount actually charged for such services, or charging an amount from which a rebate is to be paid to any person or entity;

Failure by any person or business entity to be, have or employ a Registered Abstracter, (1) if such person or entity offer, directly or indirectly, to furnish abstracting services; or (2) by the use of a business or trade name, letterhead advertisement, or public announcement appearing to be authorized to furnish abstracting services;

Signing and furnishing any abstract certificate or title search report, or certificate, in blank, to be completed by a non-registered person, prior to the completion of the research, record search, and review of the public records relating to the real estate which is the subject of the abstract or title certificate;

Signing or furnishing an abstract or title search report certificate, other than upon a personal review of such completed certificate and/or without personal knowledge and review of the experience, capability, and search methods of the employee, associate, or other person actually performing the record search to be executed by the Registered Abstracter;

Operating a place of business offering abstracting services, at a location or in a county remote from the principal place of business of the Registered Abstracter, without regular, reasonable, and adequate control and supervision of the work product of such employees and/or associates, and of the adequacy and accuracy of the record search practices of such employees and/or associates;

Signing in blank and furnishing to any person or entity, an abstract certificate or title search report to be used or completed by such other person or entity in the absence of the Registered Abstracter;

Other violations of the Abstracters Act.