

What does DEI look like in the title industry?

Proper Title, LLC, a large Chicago title agency, has implemented a DEI strategy. COO Kathy J. Kwak, who will be presenting at ALTAONE on *DEI: The How's, What's, Where's and Why's* initiated the Proper Title DEI Committee in late 2021 to start the "thinking process". Since then, the committee has led activities including:

- During Black History Month, presenting to staff about local Black owned businesses, Black leaders who made a significant impact in Chicago, and the history and legacy of Martin Luther King, Jr.
- During Hispanic Heritage Month, organizing a potluck of favorite Hispanic foods and leading a discussion about Hispanic cultures and traditions.
- During Pride Month, the Committee provided volunteer opportunities for the staff and participated in Pride Parades in both Chicago and its suburbs.
- Sponsoring the CAR (Chicago Association of Realtors) DEI Summit, while participating in the panel discussion and providing the Committee members with the opportunity to attend the Summit to learn more about how DEI is impacting the real estate market and title industry and Chicago.

While it's still too early for Proper Title to measure the additional dollars hitting the bottom line as a result of its DEI initiative, the impact is apparent. The leadership team has seen a definite culture shift whereby staff members are much more curious and engaged with their co-workers from different backgrounds. Increased communication about their cultural history and experiences leads to increased empathy, and then trust, which results in a more cohesive team.

Proper Title's DEI strategy will be unique to them, as every company will have its own take on what DEI looks like. Initiatives from a DEI committee should reflect the experiences and culture of a company's employees and leadership team. Giving employees a "voice" through the committee creates a culture of belonging that reduces employee turnover. Research from Deloitte, Boston Consulting Group, the Harvard Business Review, Forbes and others are all consistent in their findings: more diverse and inclusive companies attract better employees, keep those employees longer, generate more innovation, and, as a result are more profitable. As Ohio's population becomes increasingly diverse, a significant opportunity exists for companies to utilize DEI as a tool to capture more talent, increase employee morale, expand innovation, and positively impact the bottom line.

TITLE *topics* SEPT 23



PRESIDENT'S MESSAGE

by Jeffery Gammell, Esq.

I want to start by thanking the membership of OLTA for the privilege of serving as your president this past year. It has been an honor to serve and to work with our fantastic board and wonderful staff. They all work very hard for this association and have helped the industry in countless ways. The year went by very fast with all the legislative initiatives, the office and board duties, and the committee matters.

In particular, both at the Federal and State level, the government affairs activity was very fast paced and busy. At the State level we worked on several pieces of legislation including passing positive changes to the notarization requirements, dealing with the unfair listing agreements, proposing changes to the Notice of Commencement of construction laws, power of attorneys, proposed legislation related to foreign advisories and prohibited parties owning agricultural real estate and property near government facilities. Also, at the State level we have been working with the Ohio Attorney General's office on how State liens are handled with regard to obtaining information and having releases filed. At the Federal level, the focus was strongly focused on the use of Attorney Opinion Letters and other alternatives to title insurance. The year truly flew by.

OLTA is an important part of our industry and the involvement we have with both volunteers and staff is what helps make it happen. I can't even imagine how much more difficult our jobs would be without this organization.

Thank you again for allowing me to serve. It has been a true honor.



Don't miss out – the OLTA Annual Convention is days away!



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OHIO LAND TITLE ASSOCIATION

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Announcements, including new hires and promotions, may be submitted to the OLTA office for publication in Title Topics. Announcements should include the name, his/her position, company and other relevant information. Items should not be self-promoting or commercial. Submissions are subject to acceptance and editing by the editor of *Title Topics*.

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DIRECTOR'S MESSAGE

by Mark Bennett, CAE, IOM

“ THE 114TH ANNUAL CONVENTION IS JUST DAYS AWAY ... IT PROMISES TO BE ANOTHER FANTASTIC GATHERING OF THE INDUSTRY. ”



Annual Convention Looks at Issues Affecting the Industry

The 114th Annual Convention is just days away at the Renaissance Hotel in Westerville. It promises to be another fantastic gathering of the industry and will kick off with a networking event at TopGolf to reconnect with your colleagues from all across the state.

This year's educational topics will revolve around a number of issues affecting the industry including a housing forecast outlook, advocacy update, hiring the next generation of title professionals, succession planning, artificial intelligence and automation and much more!

I hope to see you all next month at the Convention!

Make A Difference at the Statehouse: Get Involved with Advocacy

The Ohio General Assembly has finished the state biennial budget and has started focusing on a number of initiatives that are of interest to the title industry. We invite you to make a donation to OLTAPAC. You can quickly make a donation online at <https://www.olta.org/donations/fund.asp?id=4707> and add your name to the growing list of donors. The 2023 donors will be invited to a special OLTAPAC breakfast at the OLTA Convention with a speaker from the legislature.



Mourning the Passing of an OLTA President

Last month, we lost one of OLTA Presidents as Sam Halkias passed away on August 20. Sam served on the OLTA Board from 2011-2018 including serving as President in 2017. I have many fond memories of traveling to ALTA events with him including the photo below of him with Russ Kutell and myself at the Capitol in Washington DC for the Advocacy Summit. He was always willing to volunteer and help with an initiative or a continuing education presentation. I greatly appreciated the unwavering support he provided me as Offinger closed down its operations and

I started my own association management company at the end of his presidency. Although my favorite story of his was non-title industry related. About 10 years ago, he was attending a Cincinnati Bengals game and there was a baby racoon running amok underneath the seats in his section.

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OLTA LEGISLATIVE UPDATE

by Chad Hawley, The Batchelder Company

With the changing color of the leaves and football in the air, the legislature returns from summer recess to start their fall legislative priorities. After spending some time back in their home districts post-budget, policy makers will be back in Columbus for committee hearings and votes on bills. There are also some very big policy and political issues that will be taking up a lot of their time in these next few months. This includes redrawing of the legislative maps and approval by October. Additionally, there are two hotly debated items that will be on the ballot this November for Ohioans to decide on: 1. Abortion protections (issue 1) 2. Adult-use of cannabis (issue 2). As you can imagine, these are hot-button issues that will generate a lot of discussion.

After our great success in the budget, there are still a few issues we will be turning our attention on for OLTA this fall as well. As you may know, the budget included language to prohibit foreign ownership of farmland in Ohio, known as the "Save our Farmland and Protect our National Security Act". Legislators are growing increasingly concerned about China buying up US Agricultural land. While we understand their concerns, as you can imagine, this has opened up a whole new page of questions on how exactly this would work in real life from a title perspective. OLTA has provided recommendations on how to clean up this passed language, which would include adding definitions, in particular "Real Property" as well as some other technical related items to make the new language more understandable. We will seek a clarification amendment during this session.

Two additional legislative items will also be in focus for OLTA. Senate Bill 130 was introduced earlier this summer; this is another

piece of legislation to update Ohio's notary laws. OLTA has reviewed and has no concerns with this latest draft. OLTA has also been in conversations about updated Ohio's Notice of Commencement law. We are currently working with the Ohio Banker's League, Homebuilders and General Contractors to work out any concerns they may have.

Lastly, there are two issues OLTA has been in conversations with the Attorney General's office about, Attorney Opinion Letters and Lien Clearance. We are hoping to continue discussions on these and will have a more detailed report as the conversations continue.

We hope to see you all for our legislative update at this years convention where we will further discuss these issues and give a political update as well. In the meantime, if you would like to look up individual pieces of legislation or find your current State Representative or Senator, you can go here : www.legislature.ohio.gov/.



THE BOARDWALK

by Kelly Spengler OLTP NTP, Regional Underwriting Counsel Westcor Land Title Insurance Company

Autumn has brought the sounds of school activities in my neighborhood. I can hear the marching band practice from a few blocks away, and Friday football games at the local high school. Just down the road the college football season has started and I can hear "TBIDTL" take the field along with the roar that means Saturdays are in full swing at Ohio Stadium. What it also means for my family, is discussions with my granddaughter about her future. She started her senior year of high school this year. Yes, I typed that correctly, a granddaughter!

All of this, coupled with knowing we are just a few weeks away from our OLTA Annual Convention has me thinking about my own thought process and what led me to my career. What has led me to a career in title insurance?

After my graduation from Fairborn High School, I started at Wright State University with a goal of a Bachelor of Arts in Political Science. Seemed like a good idea – I was sure there would be lots of job opportunities with that degree. Maybe I would join the State Department, maybe Law School, or perhaps a Military Fighter Pilot, I wasn't sure, but title insurance hadn't yet made my list of career choices.

I finished my Bachelor's degree in March of 1996, and had been waiting tables of a national chain that served endless breadsticks and occasionally all you could eat pasta bowls. But, I knew I needed to get experience in an office environment. I still didn't know what was next for me, but I knew it wasn't at the bottom of a bowl of pasta. I mentioned my goal of an "office job" to a friend

from high school and she suggested I send my resume to where she worked, because they were hiring a receptionist. I didn't ask any questions, sent my resume and went to serve some folks a bottomless pit of breadsticks.

I got that job, and that was the beginning of my title insurance journey. So, my journey started because of a friend recommending to me that I come work for the title agency where she worked. Although, an introduction by a friend is a great way to learn about the industry, what are we doing to attract more talent to our industry? Are we still relying on referrals from friends in the industry?

Are there other avenues for people to learn about the title insurance industry and all the different career paths available? These are the questions and discussions that we've been having and trying to address. The OLTA Workforce Development Committee is exploring opportunities to partner with community colleges to create programs where students can be exposed to and learn about careers in our industry.

I remember the first days and weeks at the title agency, wondering what they were doing in the back. Slowly I started to learn the different roles of each of my co-workers, and they introduced me to new opportunities to take on new tasks and responsibilities. I started that job, not understanding all the steps involved in getting to the closing table. There were no courses to take to learn the basics of title insurance. I can't imagine how awesome it would have been to be able to take a Title 101 course when I was starting in the industry.

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The OLTA Academy committee has been working hard on launching yet another educational opportunity. A TITLE 101 course to enables people to learn about the basics from experts in our industry.

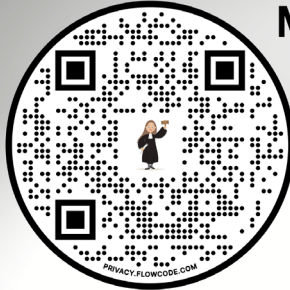
The Diversity, Equity and Inclusion Committee is working on creating connections to underrepresented parts of our communities to build bridges to attract them to our workforce. In addition to educating us on the needs of the communities we live and work. This process can and will take time, but it is an investment that I believe is well worth both the time and effort.

I am encouraged by the work being done by these three committees, and I know there are many others who are making efforts to "bring a friend" into our industry. I'm grateful I sent that resume, just looking for an office job all those years ago. My journey took me to stops at law school and a law firm along the way, but it has been a rewarding journey. I'm hopeful that our work on these committees are making the path to our industry a little easier to find.

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The ushers didn't seem to know what do, so Sam decided to carry the racoon out of the stadium only to have it bite him at the top of the stairs. It's a pretty amazing story and, as I pleasantly discovered recently, there is still a video of it on YouTube. Just search "Baby Raccoon Found in Stands During Bengals vs Cowboys Game". Sam was one of a kind and he will be greatly missed.

As always, feel free to contact me at 888-292-6582 or mark@bennett-management-llc.com.



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WIRE FRAUD

by Genady Vishnevetsky, Chief Information Security Officer, Stewart Title Guaranty Company

Part 1

Wire Fraud has dominated the real estate and financial services space for over a decade. It has exploded in the last five years. It's plaguing our industry with reputational risk and massive losses to consumers and businesses. This is the first of a three-part series explaining the fundamental pillars of these attacks and guiding individuals and companies to protect themselves.

You may ask, "Why is it so prevalent in a real estate transaction?" While there are arguably more sophisticated attack methods and potentially a higher reward (i.e., ransomware), wire fraud can net hackers thousands, if not millions, of dollars with minimal effort. I will also explain in this series why a hunt for a single fish often keeps the food supply for the hacker for a long time.

While there are several ways to get started, most attacks start with reconnaissance and phishing for a person's email credentials. One of many starting points can be an MLS (i.e., Zillow, Realtor, Redfin) listing. These and many other records about properties and ownership are publicly available. What else is publicly available is the listing agent/agency's phone and email. The next step is a phishing email purporting something that would resonate with the realtor. It can be transaction related or not. The adversary aims to lure the victim into entering the email credentials on some fake website staged by the attacker to portray a login portal the victim will recognize.

Sometimes, an adversary can start with a target's personal email and traverse to business. The most common phishing attack on

personal credentials is through OpenID. You have most likely seen it before. OpenID allows a person to use an existing account to sign into multiple websites without the need to create a new password. The most used OpenID providers are social networks (i.e., Facebook, Instagram, LinkedIn) and email platforms (i.e., Google, Microsoft, Yahoo). OpenID is lucrative to hackers because bait can be anything - any hacker's orchestrated and controlled website. If users are accustomed to using OpenID for their login, they won't think twice about typing it on a fabricated attacker's control landing page.

Once a hacker steals a victim's email credentials, they log in to the user's email system. Whether you know it, most email platforms are accessible from the internet via a browser. If the user does not have two-factor authentication protecting their email account, hackers become them and start monitoring all email flow. The first course of action for the adversary is frequently establishing a backchannel in case the user detects any suspicious activities and changes the email password. He will do it through mail rules manipulation. For example, the hacker will configure a rule to send a copy of every incoming and outgoing email to the email address he controls. We will talk more about mail rules manipulation in part two.

Another common way to get in is to find weaknesses in victims' computers, operating systems, browser, or auxiliary tools and install malware. The two most common types of malwares are key logger and (remote access) trojan. The keylogger collects any key strokes user types on their keyboard, including URLs, usernames, and passwords, and sends them to the attacker. Remote access trojan establishes a secure tunnel between the hacker and the victim's computer, allowing the adversary to monitor and control the target's computer.

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At this point, the groundwork is done; patient zero has been identified and secured. The adversary is actively monitoring the email stream.

Wire Fraud Part 2

In part one, we covered the basics of wire fraud, which starts with social engineering, a compelling phishing email, and credential harvesting through the website fabricated and controlled by the hacker. If successful, the attacker has the victim's email credentials. The actor surveys the victims' emails and learns what happens during observation. Depending on the victim, the attacker may access a trove of information and multiple real estate transactions. During this time, he identifies all parties to the targeted transaction and builds the runbook for his execution. Part of that exercise could be registering a look-alike domain he later diverts inconspicuous victim who does not pay attention to details. In this step, hackers check registrars for the available domain that may look similar to the target by dropping, adding, or substituting a single letter – for example, xyzcompany.com. He will likely go for a comparable domain if he can't find a suitable match. For instance, if xyzcompany.com is a target, he may look for xyzcompanyinc.com or xyzcompanyllc.com. Any of these steps will allow him to create an email address he controls that looks close to the original email he needs to replicate. If that is not an option, he will go for plan b and register an email address with an open platform (i.e., Gmail, Outlook, Yahoo, etc.) by creating a random email address under the target's display name. For example, Judy Realtor realtor_xyzcompanyinc@gmail.com. Where Judy Realtor is the name of a genuine realtor, loan officer, or escrow officer. The attacker will later use the fabricated email address to send "updated" wiring instructions.

One of the possible next steps is email manipulation. The attacker can actively be in the victim's mailbox or abuse mail rules. For example, during the transaction, emails are sent to a group of participants for various actions or informational purposes. If an attacker wants to inject himself into the string, they may create mail rules. For example, suppose the attacker wants to send new (fraudulent) wiring instructions to a seller from the email account he controls, portraying to be from an escrow officer. In that case, he needs to ensure that the correspondence does not go to the "real" escrow officer. So, he may set up a mail rule to manipulate recipients' addresses or intercept and delete the email an actual recipient should never see.

Remember, at this point, the attacker potentially reads every email in the victim's mailbox. So, he knows who each party is and their role in the transaction. He also can copy everyone's signature block so that when he is ready to send an email from the "fake" account, he inserts the authentic signature of the person he is trying to impersonate. Pay attention to the details in the signature. Sometimes, the criminal will replace a phone

number in the genuine signature with one he controls in case the victim calls for confirmation.

Remember, if a hacker penetrates a party that works on multiple transactions, he has access to different sets of buyers, sellers, brokers, attorneys, lenders, and closing and escrow companies. Now he can skip a social engineering step and go directly to the phishing credentials of new potential victims. I call it a vicious circle, where potential fraud is not limited to a single transaction. From here, everything is staged and ready for the last-minute wiring instructions change. Modern attackers are versed in the real estate transaction process. They learn all steps in our cycle and make their email very convincing, especially for inconspicuous buyers or sellers not versed in wire fraud attacks our industry faces daily.

In part three, we will talk about the basic steps each participant should take to protect the integrity of the transaction.

Wire Fraud Part 3

In the first two parts, I covered basic tactics and techniques hackers use in phishing attacks. I can't stress the importance of password hygiene enough. The reality of the modern world is most security incidents and breaches affected vendors do not publicize. So, if you are using the same or permutation of a password with multiple services, eventually, it will leak and end up for sale on the Darkweb. You are putting yourself at unnecessary risk. Password managers are a very mature market. They are relatively inexpensive and insurance that you will use a unique password for every website/service you use. The second most important item in 2022 is multifactor authentication (MFA). It is something you know (i.e., username and password) and something you have (i.e., keyfob, mobile phone), and/or something you are (i.e., biometric - finger or retina scan). Many services won't even ask you to set up MFA. Once you register an account and provide your mobile number, they will send you a code to your mobile phone every time you log in. It is the weakest type of MFA but still provides a level of protection in case your account credentials are stolen or compromised because an attacker will need that code that only you have. The next and recommended level of MFA is an application you install on your phone. Both Google and Microsoft have their version of the app. The most popular vendor-agnostic app on the market is Authy. All these apps are more resistant to SIM-swapping and other attacks than text. The last and most secure type of MFA is the FIDO2 security key.

Keeping your system updated is also very important—many malicious attachments and websites look for known vulnerabilities in unpatched operating systems and auxiliary tools. Adobe Acrobat and Java top the list and are widely exploited by hackers. When patching, remember your browser and any add-ons.

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BWC updates requirements for Drug-Free Safety Program training

The Ohio Bureau of Workers' Compensation (BWC) recently updated rule 4123-17-58 for their Drug Free Safety Program and Comparable program. The new rule became effective July 1, 2023. BWC emailed notifications to program participants in May regarding the following rule changes:

- Basic and Advanced Level participants must maintain all supporting documentation and be prepared to submit additional information upon request. Invoices and sign in sheets shall be included for *all* employees that have completed drug testing and training & educational requirements.
- Train-the-trainer materials need to be refreshed at least every five years. Employers are also asked to include the invoice or supporting documents with their supplemental information.
- Employers in the comparable program are now required to complete employee and supervisor refresher training annually. Previously, training was just required one time.
- Contractors must submit a DFSP testing and education plan for inclusion on the list of public improvement construction project contractors.
- For those employers that have worked on a state project during the program year, company records showing at least 5% random drug testing must be maintained or that they were included in a consortium while on the project.

For additional information regarding these changes, please visit the BWC's Drug-Free Safety Program page here: <https://info.bwc.ohio.gov/for-employers/workers-compensation-coverage/rates-and-bonuses/drug-free-safety-program>

If you have any questions regarding premium installments or the true-up process, contact our Sedgwick program manager, Cordell Walton at 614.827.0398.

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If you are using a default browser that came with your operating system, in most cases, it will be patched when you update your OS. You are responsible for patching all other browsers. Use browser add-ons sparingly. Remember, they can read and intercept the URL you are visiting and the data you are typing in the forms or fields on a website. Don't install add-ons unless you are confident you will use them, and they are from reputable sources. Some add-ons are designed to lure a user by sounding context but are used to spy or even deliver malware behind the scenes.

Maintaining good hygiene for your mobile phone or tablet is as important. Mobile devices are becoming primary targets for attacks. They are easier to circumvent with sender's address spoofing in phishing emails and caller ID spoofing in wire fraud and MFA attacks. URL shorteners are also dangerous because you never know the destination by looking at the URL.

Now you are versed in some tactics and techniques used in wire fraud. Be diligent when you receive an email portraying it to be from Stewart. Remember, the sender's email address can be

easily spoofed or replaced, signature and context of the email can be easily replicated, including pictures and links to authentic sources. We even see wire fraud disclaimers our escrow officers put in their signatures get added to fraudulent transactions with replaced wiring instructions.

If you are not expecting this email, cannot correlate it to a specific transaction, or don't do any business with this underwriter, delete it.

Be safe.



REGISTER NOW

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OLTA ANNUAL CONVENTION | OCTOBER 2-4, 2023

It's time to Tee Up for a Thriving Future at the 114th Annual Convention of the Ohio Land Title Association! Join us for the ultimate extravaganza where title professionals like you come together to ignite their knowledge, network like never before, and stay on top of the hottest industry trends!

Don't miss out on this epic opportunity to connect with your title industry colleagues, expand your horizons, and have a blast while doing it. Register now and get ready to unleash your full potential at the OLTA Annual Convention!

Scholar House 3 is Looking for Donations to Provide Personal Care Kits

Scholar House 3, Columbus Scholar House for Former Foster Youths, seeks to provide affordable housing to former foster youths (ages 18-24) who are pursuing higher education at an accredited institution. To further ensure the success of these students, the OLTA DEI Committee has partnered with The Mirth Project to fulfill other basic needs along their journey. As a special project, the Committee is collecting items for personal care kits from now through the OLTA Annual Convention. Drop off your complete kit or items to the DEI table at the OLTA Annual Convention either October 3 or 4. The DEI Committee will have an area for drop off.

You can also donate by visiting <https://www.olta.org/donations/donate.asp?id=23157>.

Donate Today!



INTRODUCING THE OHIO REALTORS® RESIDENTIAL REAL ESTATE PURCHASE CONTRACT

by Bill Fergus, General Counsel, Northwest Title

The Ohio Realtors® ("OR") Residential Real Estate Purchase Contract was introduced earlier this year. Since then, the new contract has been adopted by an increasing number of Multiple Listing Services and individual real estate brokers throughout the state. The contract is the culmination of a two-year effort by a committee composed of brokers and attorneys (including the author) to develop a contract that included the best practices found in form contracts around the state, as well as flexibility to deal with Ohio's unique variations in custom and practice for residential transactions.

DRAFTING PROCESS

In early 2022, Peg Ritenour, the now-retired OR's Vice President for Legal Affairs, assembled a team of four attorneys (including herself and fellow OR attorney Lori Garland, who is also since retired) and six brokers from around the state to draft the new contract. The committee met online on a regular basis for most of the next two years, with new OR attorneys Todd Book and Stephen McCoy joining the committee following Garland's and Ritenour's respective retirements. The participants collectively contributed over 1,000 hours of their time to draft the contract and supplemental forms.

BEST PRACTICES

The new contract adopts numerous best practices. Many of these are drawn from local form contracts, including form contracts from the major markets of Cleveland, Columbus and Cincinnati.

Each line in the contract is numbered for easy reference, and all important terms are defined at the beginning of the contract. Other best practice features include:

- Closing and Sale Contingency (Paragraph 4): This common contingency for the closing of the sale of the Buyer's current residence is handled in most local contracts through supplemental clauses (Columbus) or free form drafting by real estate agents.
- Seller's Cooperation (Paragraph 12): Clearly delineates the Seller's obligation to allow access to the premises at reasonable times to the Buyer, Buyer's broker, home inspectors and appraisers, while making it clear that the Buyer and Buyer's agents may not enter without express written authorization.
- Property Maintenance (Paragraph 22): Sets forth the Seller's responsibility to maintain the premises until possession is transferred to the Buyer.
- Special Flood Hazard Area (Paragraph 28): The Buyer is responsible for determining if the property is located in a Special Flood Hazard Area requiring the purchase of federal flood insurance. The Buyer has ten days from contract acceptance to terminate the contract if flood insurance is required and the Seller discloses the issue at the time of contract acceptance, or until the end of the period specified elsewhere in the contract for receipt and review of a lender loan commitment.
- Electronic/Wire Fraud (Paragraph 29): This fraud warning is helpful to our industry, even though it is located in the middle of the contract without highlighting.
- Release of Dower (Paragraph 41): This is particularly useful for title insurance agents. By signing the contract, the Seller's non-title holding spouse agrees to release dower as needed at closing. This should prove helpful to identify transactions where the spouse's refusal to release dower will be an issue.

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LOCAL CUSTOM AND PRACTICE ISSUES

It is common knowledge among real estate practitioners that Ohio has a unique variety of local customs and practices affecting residential real estate transactions. This has been the primary impediment to the development of a state-wide residential purchase contract. The Ohio Realtors' drafting committee managed this issue by drafting certain clauses that allow the parties to make choices based on local custom and practice. It is important for title agency escrow staff to pay attention to the following clauses in particular:

- Settlement Charges (Paragraph 5): Affects the distribution of settlement charges between Buyer and Seller.
- Earnest Money (Paragraph 6): Allows the parties to choose the holder of the earnest money deposit. Anyone who holds the deposit (including title agents) holds under the same terms and conditions as a real estate broker pursuant to ORC 4735.24.
- Taxes and Assessments (Paragraph 13): Allows the parties to choose tax proration methods. The "short" proration method is customary in Montgomery and Lucas Counties, as well as some areas adjacent to each.
- Title Search and Insurance (Paragraph 17): Allows the parties to choose whether title insurance will be issued to the Buyer.

If title insurance is purchased, it also allows the parties to choose the type of policy and the allocation of cost between the parties.

- Closing (Paragraph 20): The parties must specify the date of closing and choose the set of events that constitutes a "closed" transaction (either funding of the transaction or disbursement of the sale proceeds to the Seller).
- Possession (Paragraph 21): It is customary in some parts of the state for the Seller to retain possession for up to 30 days following closing. This paragraph allows the parties to choose the date and time of possession and encourages the parties to enter into a post-closing possession agreement which the OR provides as a supplemental form. That form provides for a security deposit, which in some parts of the state is customarily held by the title agent.

ADOPTION OF THE NEW CONTRACT

Ohio has over 30 separate Multiple Listing Services. The new contract is a decided improvement over some of the form contracts currently being used by brokers in smaller MLS markets. It is anticipated that the new contract will be quickly adopted in some of these smaller markets. In the larger markets it is unclear whether the new contract will be widely adopted or be influential, leading to changes in well-established, respected contract forms such as the form adopted by the Columbus and Cincinnati-Dayton Realtors.



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WHY IS DEI A NECESSARY STRATEGIC TOOL IN YOUR BUSINESS TOOLKIT?

by Dione Joseph, JD, NTP, OLTP, Old Republic National Title Insurance Company and Jeffrey Gross, Fidelity National Title, Columbus – National Commercial Services

Why is DEI a Necessary Strategic Tool in your Business Toolkit?

Ohio's population is becoming increasingly diverse. The 2023 population estimates released by the U.S. Census Bureau show that in Ohio the number of people who list their race as Black, American Indian, or Asian is on the rise. Also, estimates showed that the number of those who listed their race as "two or more" grew by about 17,000. Ohio's second-largest racial group, those who list themselves as "Black only," increased by around 12,600. As business leaders look to attract talent and increase profitability, ignoring these trends of increasing population diversity could leave businesses on the short end of innovation and failing to meet their growth goals.

Diversity, equity, and inclusion (DEI) is a term for programs, policies, strategies, and practices that businesses can implement to increase employee satisfaction, drive innovation, and positively impact their bottom line. This is accomplished by implementing a policy that creates and sustains a diverse, equitable, and inclusive environment. Studies have shown that such policies lead to increased profit and employee retention. DEI has become a relevant and necessary strategic tool for business leaders seeking to stay on the forefront of the competitive landscape, both in the title industry and elsewhere.

It's important to note that DEI policies support employees of all underrepresented classes, including those of a different race, physical ability, age, gender, religion, economic background, political view, sexual orientation, and cultural background. This key business strategy is not simply checking a box and hiring someone who looks different. According to research from the *Diversity Wins: How Inclusion Matters* report by McKinsey & Company, there are three fundamental indicators of inclusion in the workplace: equality, openness, and belonging.

- **Equality** refers to fairness and transparency in pay, recruitment, promotion, and access to resources.
- **Openness** refers to a workplace culture where people are treated with respect and without bias, discrimination, or microaggressions.
- **Belonging** refers to a sense of community that encourages people of all backgrounds to feel free to share their insights and talents—and to know that their input is valued by coworkers, managers, and their organization.

Vulnerability is Key to Creating Healthy Workplaces:

To create a healthy work environment company leaders must create a culture of belonging and trust among employees and this requires vulnerability. This is not easy, but leaders need to be willing to listen to people's personal experiences with racial injustice or other forms of discrimination and risk saying the wrong thing in response. Teams need to be open to hearing and adapting their words and actions in reacting to constructive criticism.

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Product Innovation is Driven by a Culture of Listening and Executing:

A DEI strategic program is mutually beneficial to both employees and employers when they listen to each other. Teams composed of different ages, genders, and backgrounds bring with them their unique human experiences, perspectives, and knowledge, which is key for company leaders looking to create innovative products and customer experiences. World Economic Forum research shows that companies with above-average diversity scores derive 45% of their average revenue from innovation, while companies with below-average diversity scores see revenue from innovation at merely 26%. A study by McKinsey & Co., found companies that had the most gender-diverse executive teams were 25% more likely to see above-average profitability than peer companies with the least gender-diverse management teams. In the case of ethnic and cultural diversity, companies in the top quartile outperformed those in the fourth quartile by 36%.

Reduces Employer Turnover:

High churn rate in a company is both costly and time-consuming. It's also bad for employee morale. According to the Deloitte Global 2022 Gen Z & Millennial Survey, along with pay, work/life balance, and development opportunities, this demographic also values the societal and environmental impact (including diversity and inclusion) of prospective employers. The Deloitte survey found that this key workforce demographic may be willing to turn down a job if it doesn't align with their sense of purpose and personal ethics. Employee retention can be improved with DEI programming as this strategy aligns a company's work culture to its purpose and values. The Deloitte survey found Gen Zs and Millennials would be willing to stay with an organization for more than five years when they felt satisfied with their employers' social and environmental impact—as well as the employers' attempts to create an environment that celebrates diversity and inclusivity.

Empower Employees:

Creating a DEI committee where all voices can be expressed and heard can be part of a solid strategic initiative. According to data from the Deloitte survey, Gen Zs want to work for companies with less rigid hierarchies, where they can voice their ideas openly and participate in shaping a more inclusive work environment. And of the workers surveyed who felt empowered by their organizations, close to 90% reported feeling a sense of belonging with their employers.

Measure your progress:

You can measure DEI success several ways. Qualitative measurements consider the everyday employee experience and can have a huge effect on retention. Sending short surveys are a great way to get employee opinion on the impact of DEI initiatives. Quantitative measurements analyze hiring outcomes,

pay equity, employee experience, and retention/attrition trends through demographics. As companies progress further down the path with their DEI strategies, the data driven results become more evident.

What does DEI look like in the title industry?

Proper Title, LLC, a large Chicago title agency, has implemented a DEI strategy. COO Kathy J. Kwak, who will be presenting at ALTAONE on *DEI: The How's, What's, Where's and Why's* initiated the Proper Title DEI Committee in late 2021 to start the "thinking process". Since then, the committee has led activities including:

- During Black History Month, presenting to staff about local Black owned businesses, Black leaders who made a significant impact in Chicago, and the history and legacy of Martin Luther King, Jr.
- During Hispanic Heritage Month, organizing a potluck of favorite Hispanic foods and leading a discussion about Hispanic cultures and traditions.
- During Pride Month, the Committee provided volunteer opportunities for the staff and participated in Pride Parades in both Chicago and its suburbs.
- Sponsoring the CAR (Chicago Association of Realtors) DEI Summit, while participating in the panel discussion and providing the Committee members with the opportunity to attend the Summit to learn more about how DEI is impacting the real estate market and title industry and Chicago.

While it's still too early for Proper Title to measure the additional dollars hitting the bottom line as a result of its DEI initiative, the impact is apparent. The leadership team has seen a definite culture shift whereby staff members are much more curious and engaged with their co-workers from different backgrounds. Increased communication about their cultural history and experiences leads to increased empathy, and then trust, which results in a more cohesive team.

Proper Title's DEI strategy will be unique to them, as every company will have its own take on what DEI looks like. Initiatives from a DEI committee should reflect the experiences and culture of a company's employees and leadership team. Giving employees a "voice" through the committee creates a culture of belonging that reduces employee turnover. Research from Deloitte, Boston Consulting Group, the Harvard Business Review, Forbes and others are all consistent in their findings: more diverse and inclusive companies attract better employees, keep those employees longer, generate more innovation, and, as a result are more profitable. As Ohio's population becomes increasingly diverse, a significant opportunity exists for companies to utilize DEI as a tool to capture more talent, increase employee morale, expand innovation, and positively impact the bottom line.

Stay Connected with the Central Ohio Land Title Association (COLTA)

By Jon Lindahl, President, Central Ohio Land Title Association

As the year begins to wind down, we are excited to share a recap of our association events so far and invite you to join us in promoting networking, education, and professionalism within the title insurance industry here in Central Ohio. We kicked off the year with a New Year Kickoff Happy Hour hosted at Pins Mechanical. It was a fantastic way for our members to meet for networking, setting the tone for the months ahead.

In February, A.J. Myers with Myers Surveying provided valuable insights on mortgage location surveys and ALTA surveys. This informative presentation shed light on the distinctions between these surveys, their requirements, and examples of each.

March brought us to Columbus REALTORS and a presentation by Brent Swander, CEO of Columbus REALTORS, to share insights about the local real estate market and their initiatives for 2023 and beyond. Members in attendance were given some valuable background into their local membership, statistics and trends in the local real estate market as well as insight into future development in Licking County. Maintaining ethical standards in the title insurance industry is at the core of our mission. In April, Jodi Diamond, ESQ., OLTP, CFE, led a Continuing Education course on ethics, addressing ethical obligations to prevent title insurance fraud in our industry. Navigating real estate contracts can often be difficult with multiple different forms used though out the State of Ohio. In May, William D. Fergus, Jr. went through the Ohio Realtors Ohio Statewide Purchase Contract, providing valuable insights to guide us through its nuances.

July marked a mid-year celebration at our Association Happy Hour, at the Roosevelt Room in Dublin. We had members from all over the state join us for a great discussion of industry trends and networking.

Our commitment to collaboration and promotion of our association with industry peers continued in August as we proudly sponsored two holes at the Columbus REALTORS CORPAC Golf Outing at Kinsale Golf Club and Scioto Reserve Country Club in Powell. It was a wonderful opportunity to promote our association in a relaxed environment while supporting advocacy in the real estate industry. As the year progresses, so does our commitment to giving back. In September, we are collecting donations for Scholar House 3 and the Mirth Project to assemble personal care packages in order to support our community as well as to further OLTA initiatives.

Looking Ahead: OLTA Fall Convention and our November meeting with Monica Russell's Insights

October will provide us with an opportunity to attend the OLTA Fall Convention. However, we eagerly anticipate the insights of Monica Russell, 2024 OLTA President, at our November 2023 meeting. Her perspective on the future of OLTA will be valuable to our membership as we move forward promoting our industry in 2024 and into the future.

Join Us and find out more at COLTA614.com!

Do not miss the chance to join us at our next meeting or happy hour. Explore more about our events, resources, and benefits by visiting our website at colta614.com or find us on Facebook.



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