

November 17, 2020

Jena Griswold
Colorado Secretary of State

Re: Comments on the Preliminary Draft of Proposed Notary Program Rules and Working Draft of Provider Protocols

Dear Ms Griswold,

Hello and thank you for your diligent efforts to bring RON to Colorado and providing the opportunity to weigh in on the rulemaking efforts. As a notary public in the real estate division, I am a mobile notary who spends most days driving from house to house completing notarizations and explaining real estate documents to homeowners. Under normal conditions, I would work with signers in person, in their home. Since March, I have worked with signers completing what we call "curbside closings" as well as in person; but outside on a patio or in the garage. I carry a portable table in order to be able to accommodate every circumstance I encounter due to the pandemic in an effort to keep my signers safe. I've worked inside garages with the door open to protect from rain and wind, on the tailgate of many a pickup truck and even once or twice on top of garbage can lids...whatever the signer wants. I do not; however, go into people's homes as I do not want to be a participant in community spread. I have been taking care of closings in this manner since March and it has been quite challenging at times but also quite successful. The winter will bring new challenges I'm sure.

I have been certified on multiple platforms for RON since March, patiently waiting for this moment in time. The emergency order has not worked well for my needs so I am grateful for this new ruling.

Below are my comments on the proposed rules.

Provider Protocols Working Draft

Since the state intends to regulate which providers will be considered approved to do business with remote notaries, it seems logical that some of the burden of proof of identity falls on the shoulders of those vetted companies or possibly even the state since they are doing the vetting. If the remote notary continues to have the full responsibility for proper identification, and the notary is limited to those approved vendors, they lose full control over the process. Just an observation. Not sure if a resolution is in order.

What is the purpose of these technologies if not to provide a level of security for the notary in properly identifying their signers? These platforms by definition have taken on some of the burden of proof of identification along with the notary. As a notary, we are partially relying on the technology to create a layered level of confidence in our visual inspection via video camera. It seems that in some ways, this technology actually creates a safer environment of proof for the notary than currently exists while in person. Identifying questions, scanning the id into an identifying system seem to give that extra layer of confidence needed when we are only able to

see the signer via video. Further proof could be retrieved even during the video call as the signer can gather other documents from home files at the notary's request.

Section 2.3.2

While I have not needed the use of a translator, it seems that removal of this provision would re-create a problem that had been previously solved.

3.3.2 and 3.3.3

Not sure what the purpose is for the change from the 6 months to the 90 day expiration of certificates. Notary essential courses (NNA) are typically good for a year. Maybe I am not clear as to what this " certification" really refers. Is it for notaries or the platforms? Platforms that offer a certification for their platform are a one time only certification. I have been certified on Pavaso for at least 9 months with no offer or ability to be recertified. Other platforms such as Sinex and Nexsys don't even offer a certification course that I am aware of; just a training video. Requesting more clarity please.

5.2 (E) There will be a need for notaries to be able to select multiple providers. It seems to me that as providers are vetted and approved by the state, they should not need to be "selected" by the notary. In the area of real estate transactions, typically the Lenders are dictating which providers they use. I work with many lenders which means they may all select a different provider. Sometimes title companies are selecting the providers; again multiple platforms would be selected. It seems to me that as providers are vetted and approved by the state, they should automatically be available to the notary without going through a selection procedure. Why not just be able to use any and all approved platforms on the list. For example, I am certified on Pavaso. All I should have to do is see if they are on the approved list.

5.2.4 (B) Depending on the platform, which I believe hosts the notary electronic journal, the notary will only have access to it as long as they have a current subscription? There may be multiple platforms used and therefore multiple journals? What if a notary subscription expires? This may need some clarification or at least be included in the training course.

5.2.9 (6) Again, alternative providers should be listed. Notaries should be able to use any approved provider at will. For example, if a lender asks for a specific provider for a same day notarization, the notary would not be able to accept the assignment without first having them added to their " list" with the state. This seems unnecessary.

Notaries should be able to use all state approved providers at will. This will alleviate bureaucratic delays and seems like more work for the state.

5.3.7 If a provider is terminated by the state, it would potentially save troubles caused by that termination if the state made remote notaries aware of such termination so that they are not unwittingly non compliant.

Final comment, I don't see where the rules address the physical location requirements of the notary and the signers. If they both need to be in Colorado maybe this should be itemized in the

rules so as not to create confusion for notaries. There are some platforms where a notary can sign on and work hourly or by piece such as Notarize. This would be an important component for those notaries who choose this type of work.

Thank you for all your hard work. Colorado is always a leader in creating a culture of innovation with a safety component so I applaud you for putting effort into this piece of legislation. Your due diligence will certainly pay off for all involved. It will likely take some time for notary fees to account for the added costs of platforms. There will be time and money lost with various issues that arise for signing agents...a new learning curve for every new signer we meet via video, software glitches and bugs, signers not being prepared at the appointment time by prepping their computer, pre identification questions not matching, being on hold with the help desk.... but on the flip side, we signing agents will all be staying safe during the pandemic, keeping our signers safe; safer due to less driving, less gas, less wear and tear on our vehicles, less paper, less ink, saving trees. With a broad stroke, I see it as a wash for now. Time will tell.

Best regards,

Patricia (Trish) Schultheis