

Revised Uniform Law on Notarial Acts Workgroup
Meeting Minutes
Tuesday, June 11, 2019

Members in Attendance:

Michael Schlein, Penny Reed, Denise Pope, Toby Musser, Ken Krach, Clare Schuller, Nick D'Ambrosia, Michael Kasnic, Ricky Adams, Frieda McWilliams, Kathie Connelly, Bill O'Connell, Josaphine Yuzuik, Marquita Lewis

Welcome:

Co-Chair, Michael Schlein, called the meeting to order at 1:05P.M. He welcomed everyone to the fourth meeting of the Revised Uniform Law on Notarial Acts (RULONA) Workgroup.

Introductions:

Attendance was taken by Michael Schlein. A quorum was established.

Approval of Minutes from April 9, 2019

Michael Schlein asked the Workgroup members if everyone reviewed the April 9, 2019 minutes. Members acknowledged they did. He asked if there were any edits. No edits were suggested. Michael Schlein asked if there was a motion to approve the minutes. Kathie Connelly made a motion to approve. Toby Muster seconded the motion. Michael Schlein asked the members to vote. The motion to approve the minutes passed unanimously.

Approval of Minutes from May 14, 2019

Michael Schlein asked the Workgroup members if everyone reviewed the May 14, 2019 minutes. Members acknowledged they did. He asked if there were any edits. No edits were suggested. Michael Schlein asked if there was a motion to approve the minutes. Toby Musser made a motion to approve. Denise Pope seconded the motion. Michael Schlein asked the members to vote. The motion to approve the minutes passed unanimously.

Subgroup 1 Report:

Subgroup 1 had no updates to their work since the last report provided.

Subgroup 2 Report:

Subgroup 2 Reporter, Michael Kasnic, summarized their work. This Subgroup discussed the 5 recommendations from the 2018 Work Group that needed further discussion. More time is needed to discuss recommendation 19. The subgroup discussed Work Group recommendations 5, 6, 15, and 16. Recommendation 5 from 2018 discusses the need for funding. RULONA and SB678 do not address funding. Funding is needed but not provided for in the law. Recommendation 6 from 2018 discusses the need to allow a notary to charge a greater fee. The subgroup believes that the fee a notary should charge should be greater than \$4. SB678 kept the fee a notary may charge at \$4 but the subgroup believes that the legislature should re-visit the \$25 amount in the original version of SB678. Recommendation 15 from 2018 discusses adjusting the application fee to become a notary. Maryland has one of, if not the lowest notary application fees in the country. The subgroup believes the fee

should be raised, that most states charge between \$20 and \$50 but that application fees can be as high as \$100. The subgroup believes that the State should raise the fee to become a notary or that the applicant must at least pay for the cost of education/testing. Recommendation 16 from 2018 states that one should apply separately to act as a remote notary if they already hold a standard notary license. The subgroup believes that there should not be a separate commission for being a remote notary but that the law does require that someone at least notify the Secretary of State prior to acting as a remote notary. What the notification includes would be dependent on the Secretary of State. The subgroup plans to discuss recommendation 19 from 2018, which discusses the need to prevent rogue notaries.

Michael Schlein asked the subgroup to discuss recommendations 6 and 16 in more depth. He asked for the subgroup to determine an appropriate fee and to offer suggestions on what notification to the Secretary of State to perform remote notarizations should include.

Nick D'Ambrosia: Part of notifying the Secretary of State should be that the person meets certain standards of technology.

Bill O'Connell: SB678 says that one must notify the Secretary of State of what technology is being used and allows the Secretary of State to approve technology and develop regulations to implement the law in this area.

Toby Musser: Cautioned that the State should be hesitant to get too specific in the law and regulations; instead keeping the law and regulations broadly worded.

Josaphine Yuzuik: In addition to the notice required to be a remote notary, we do not want to force regular notaries to learn how to do remote notarizations.

Bill O'Connell: Remote and paper notarizations are the same; with the only difference being technology. He agreed that one would need someone to show them how to use the technology.

Josaphine Yuzuik: Explained that remote notarizations require credential analysis and identity proofing to be conducted.

Bill O'Connell: Explained that a third part would do credential analysis and knowledge based questions. The notary would not do those things but would still be required to match the photo ID to the person before them and that the notary would still need to vet awareness.

Josaphine Yuzuik: A remote notary would still need to be aware of what credential analysis and identity proofing are.

Subgroup 3 Report:

Subgroup 3 Reporter, Toby Musser, summarized their work. This subgroup is continuing their work on recommendations 7, 9, 16, 17, 19, 21, and 23 from the 2018 Notary Work Group. At this time, the subgroup believes that the law will need to make an allowance for a notary to use an address other than the home address of a notary as the address of public record. The subgroup also believes that the law

should give the Secretary of State power to suspend the license of a notary within 10 days of the date of conviction or release from incarceration, as was discussed in recommendation 21 from 2018.

Subgroup 4:

Subgroup 4 Reporter, Kathie Connelly, reported that she did not receive any responses from the subgroup members this month so no work was completed.

Michael Schlein: Explained that this is the second month in a row that he has heard this expressed from subgroup 4 and that it has been mentioned by at least one other subgroup leader. We are all busy but need to put in the time to assist the subgroup leaders in their mission. He explained that it likely takes only an hour per month to review information and provide feedback to subgroup leaders. This is the workgroup's opportunity to provide insights and recommendations on the future of notary law and that is done by participating in the subgroups so that they can provide feedback to the workgroup as a whole.

Questions/Comments:

Michael Schlein asked for any questions or comments from the RULONA Workgroup. There were none.

Michael Schlein: The subgroups should continue to examine the 2018 recommendations that they do not believe are sufficiently covered, or may go too far, in RULONA and SB678. The goal is to make recommendations to either amend the law or create regulations or rules for the new law based on the Workgroup's input.

Adjournment:

Michael Schlein thanked everyone for their participation in the RULONA Workgroup.

The meeting adjourned at 1:41P.M.