

Revised Uniform Law on Notarial Acts Workgroup
Meeting Minutes
Tuesday, May 14, 2019

Members in Attendance:

Michael Schlein, Toby Musser, Ken Krach, Lydia Williams, Jean Quattlebaum, Michael Kasnic, Kathie Connelly, Bill O'Connell, Michael Chodos, Rick Triola, Josaphine Yuzuik, Marquita Lewis

Welcome:

Co-Chair, Michael Schlein, called the meeting to order at 1:13P.M. He welcomed everyone to the third meeting of the Revised Uniform Law on Notarial Acts (RULONA) Workgroup.

Introductions:

Attendance was taken by Michael Schlein. A quorum was not established.

Approval of Minutes from April 9, 2019

The minutes from the April 9, 2019 meeting of the RULONA Workgroup could not be approved because a quorum was not established.

Subgroup 1 Report:

Subgroup 1 did not meet since the last meeting. There was no information to report.

Subgroup 2 Report:

Subgroup 2 Reporter, Michael Kasnic, summarized their work. RULONA and SB678 cover three of the eight recommendations from the 2018 Work Group that the subgroup is reviewing. Those recommendations include better requirements for identifying signers, increase recordkeeping requirements, and increased data handling requirements for notaries. Two of the 2018 recommendations are covered to some degree by RULONA and SB678. Those two recommendations are requiring an additional license to become a remote notary and preventing rogue notaries from doing bad things. The bill does require identity proofing, record keeping, allows for disciplinary action, deals with wills/estates/trusts for remote notaries, and does not require one to use remote notarizations however there was some discussion if the bill goes far enough to prevent rogue notaries. Three of the 2018 items that were not covered by RULONA or SB678 were testing, raising the fee for a notary to charge, and adjusting the fee to become a notary public.

Michael Chodos: SB678 gives the Secretary of State wide latitude to create rules and regulations to cover certain topics that RULONA and SB678 do not directly cover.

Subgroup 3 Report:

Subgroup 3 Reporter, Toby Musser, summarized their work. RULONA and SB678 cover eight of the twenty recommendations from the 2018 Work Group that the subgroup is reviewing. Recommendations number 2, 11, 12, 14, 18, 24, 26, and 27 are discussed by RULONA and SB678. Of these, items 12 and 14 need to be completed by regulation or process. Recommendations 7, 8, 9, 16, 17, 19, 20, 21, 22, 23, 25, 28 are not discussed by RULONA and SB678.

The Subgroup report was forwarded to the entire RULONA Workgroup.

Michael Schlein: Asked Toby Musser if Subgroup 3 has decided whether it would be best to split the work into two separate groups.

Toby Musser: Subgroup 3 is not large enough to split and the participation by members was not great enough to split into two groups. The Subgroup can cover all topics as it keeps proceeding.

Subgroup 4:

Subgroup 4 Reporter, Kathie Connelly, summarized their work. Of the twelve items that 2018 Work Group recommended, five are not discussed by RULONA or SB678. Those five items are all related to the staffing and technology needs of the Secretary of State which are not resolved by legislation. The other seven items to be discussed by this subgroup are found within RULONA and SB678. Some of these seven items will need regulations or changes to the law to assist in their implementation. A notary being allowed to charge a higher fee is one example of something that should be changed in SB678. More input from the subgroup members is needed to better resolve these issues.

Questions/Comments:

Michael Schlein asked for any questions or comments from the RULONA Workgroup.

Kathie Connelly: Asked what the Subgroups should focus on this month.

Michael Schlein: The subgroups should focus on the recommendations from 2018 that are not thoroughly covered in RULONA and SB678. If a 2018 recommendation is not satisfactorily addressed by RULONA and SB678 then the subgroup should focus its time discussing those recommendations and how RULONA and SB678 can be made to address those recommendations, either by rule or regulation.

Josie Yuzuik: Pointed out that regulations cannot conflict with the statute; and suggested subgroups consider whether the statute needs to be changed to implement workgroup recommendations; that not all workgroup regulations may be implemented by regulations.

Michael Schlein: Agreed that the subgroups should focus not just on adding regulations to address recommendations but that it could also consider changes that should be made to SB678 itself.

Ken Krach: Wants to ensure that the workgroup considers topics specific to at-risk adults and the elderly. Protections for that group of people should be considered.

Michael Schlein: Asked Ken Krach to think about what subgroup is best equipped to address that topic and where changes would fit into SB678. We will discuss further.

Adjournment:

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

The meeting adjourned at 1:40P.M.