



December 22, 2023

VIA EMAIL

The Honorable Jena Griswold
Secretary of State
State of Colorado

Re: Proposed Changes to Rule 2.4

Dear Secretary Griswold:

My name is Tonya Boykins, I am the owner of ABA Notary Services providing notarial services here in Colorado. I have been a notary public, in various states, for over 15 years. Typically, my notarial work fell under my scope of employment and charging for my services was not required. However, for the past year, I have been conducting services, including notarial, as a mobile signing agent assisting in the facilitation of real estate closings.

I have had the privilege of listening to the hearing conducted on December 19, 2023, and have read the various letters/emails regarding the proposed pending changes. First, I would like to point out my support for the pending rule change for general notarial work, wherein we, as notary publics, are contacted by the general public to provide general notarial services. I agree with this change requiring us, notary publics, to itemize the specific services we are providing to the general public. We, as notary publics, provide a specific service and should disclose the fees prior to the services being provided and then provide an itemized receipt outlining the services that we quoted/provided, just as we expect from other service industries.

However, as a loan signing agent, I work as an independent contractor for various signing services and/or title companies throughout the United States assisting in the closing of various real estate transactions. In reality, I do not work directly for the signer, nor do I ever collect payment from the signer for assisting in these real estate transactions. Upon my acceptance of an assignment, from the signing service or title company, the fee for my portion of the closing is already set. These fees (paid directly to me from the signing agency/title company) encompass all the various services I will provide, such as, printing, mileage to/from the location for the closing, presenting of the package and all notarial acts included in the closing. Initially, we, as independent contractors, do not know how big the printing job is, the mileage needed to travel to the signer nor how many notarial acts will be included in any given real estate package, the notarial acts alone could range from 1 to 10.

The State of Colorado graciously allows us to charge \$15.00 per notarial act or in the case of a RON \$25.00; however, if we were to charge the fees we typically charge the general public for general notary services, some of these fees paid to us, as independent contractors, for these assignments would not cover all of the notarial acts alone nor the other various aspects of the services we provided for these closing/signings. Our fees are paid by the agencies we are contracted to work for and encompass the entirety of our part in the closing. The need to provide a receipt directly to the signer could create confusion and an unjust burden, not only to the signer but also on the signing services and/or title companies, as there, more often than not, would be a need to modify documents to reflect these various components: printing, mileage, presentation, and notarial acts for each signing/closing. This could also put an additional financial burden upon our signing services/title companies and ultimately on our signers as changes could delay or increase the costs of the closing of these real estate transactions.

Respectfully, I would suggest the following considerations to the proposed rule 2.4.

1. Clarification that all fees are required to be disclosed to the customer (general public) prior and upon completion of services, an itemized receipt will need to be presented showing all fees quoted (notarial and ancillary fees) and charged for general notarization work to the general public.
2. Clarification that rules 2.4.1 and 2.4.2 does not apply to services provided in conjunction with signing services and/or title companies in regard to closing and settlement services; or
3. Clarification that signing agents, employed as an independent contractor, in conjunction are required to provide and itemized receipt for all services provided, such as, notarial acts, mileage, presentation and/or printing fees to the companies the signing agent is contracted through (signing services/title companies, etc).

Respectfully,



Tonya M. Boykins
ABA Notary Services, LLC