



24 December 2023

Via Email

The Honorable Jena Griswold
Secretary of State
State of Colorado
1700 Broadway, Suite 550
Denver, CO 80206
C/O: Department of State Rulemaking Committee

RE: Rulemaking proposed revisions to Rule 2.4 to 8 CCR 1505-11

Dear Secretary Griswold and the Rulemaking Committee:

Greetings, my name is Patrick Romero-Aldaz, I'm the owner of PRA Professional Services and proud commissioned Notary Public for the State of Colorado. I've been a Notary Public for 18 Months and since receiving my commission have been working to build a business providing notary and related services to the citizens of Colorado. After reviewing the proposed revisions, listening to the recording of the hearing which took Place on December 19, 2023, and reviewing comments sent in from others, I wish to provide my comments for consideration as I have a few concerns.

To begin, I would posit that most, if not all notaries, agree that transparency in fees being charged is important customer service for constituents who hire a notary to perform general notary work on a one-to-one basis. In fact, in my trainings and conversations I've had with other notaries since beginning this work, almost every conversation I've had with long-time notaries has included the importance of making sure that notary law is being followed and the receipts are provided to individuals seeking out general notary work (i.e. an individual or group of notarial certificates to be completed for an individual customer). Based on my work this far, most would agree this is good, professional practice.

Where I have concerns regarding the proposed rules is that most notaries do not solely engage in one-to-one general notary work, rather they also engage in specialized notary work (as Loan signing Agents, Trust and Estate Delivery Agents, etc.) which requires additional investment and training. This specialized notary work employes commissioned notaries as trusted officers knowledgeable in state notary law often but does not always include only notarizing documents to fulfill the tasks that one is hired for. Rather, depending on the package one is hired to assist with completion of, some packages may have one or two notary certificates, while others could have 10 or more. Beyond that, the agent is often hired to perform administrative tasks which aid in facilitating signing such as: print documents, communicate with the client (s), identify documents that may have notary certificates that are not using approved verbiage for Colorado

notary law and ensure they are updated to do so, scanning documents to title offices or signing services, and ensuring document packages are delivered to offices, or mailing facilities by established deadlines to meet the requirements of the assignment. When a notary is hired to perform this type of work, they are generally hired by a third party (signing service, title office, trust attorney, etc.) and paid a set fee for the entire assignment. The notary is not in control of the fee that is set, and doesn't know how many, if any, notary certificates are included in the package they have been hired to complete.

Where the proposed rules become problematic, is that it would be nearly impossible for a notary to determine the number of notarizations required to perform the assignment beforehand as often documents are not ready when a notary is hired. Even if I was able to be aware of how many notary certificates are expected to complete a package, the cost of that package might exceed what the third party is offering for the assignment thus impacting my ability to build a thriving business. For example, if a real estate closing package I am assigned has 14 notary certificates, the base cost of that assignment for notarizations only would be \$210 at \$15 per notarization. This fee does not include any compensation for time, printing, travel, etc. However, the third party may only be willing to pay \$125-150 for that package based on going rate in a geographic area for the total services provided. Given this discrepancy, my business may be adversely impacted given that: 1) I am being hired and assigned by a third party, not the client who the law is seemingly designed to provide transparency for, 2) As a notary, I may be willing to accept a lower total fee (in the example above for instance) for an assignment, if I can build a relationship with a third party and be their notary of choice for similar assignments and these rules would impact my ability to do that., and 3) With specialized notary work, it is not uncommon for documents to be changed or added while at the signing table thus impacting any itemized fees that have previously communicated.

Given that there is a difference in the industry between general notary work and specialized notary work, I do believe that the law should reflect that in some way, while still providing for increased transparency and customer service for the public. Given this, I am in agreement with **OPTION 1** of the document from **Land Title of Colorado (LTAC Comments to SOS Proposed Rule 2.4 to 8 CCR 1505-11)** dated December 18, 2023 by Penny McKelroy, CTIS, CESS President.

In addition, given that the above (Fig. A) is directed at the business of title insurance specifically, I also agree that the **addition of 2.4.4 offered by Lindy Rich Services** should also be included as well given that this will encompass multiple types of specialized notary work whereby the notary is employed by a third party rather than an individual consumer. Given this, the additions would read as follows:

2.4.3 RULE 2.4 SHALL NOT APPLY TO SERVICES PROVIDED IN CONJUNCTION WITH THE BUSINESS OF TITLE INSURANCE, AS DEFINED IN C.R.S. 10-11-102(3), TO CLOSING AND SETTLEMENT SERVICES, AS DEFINED UNDER C.R.S. 10-11-102(3.5), OR TO SETTLEMENT SERVICES, AS DEFINED UNDER C.R.S. 10-11-102(6.7).

AND

2.4.4 RULE 2.4 SHALL NOT APPLY IN INSTANCES WHERE THE NOTARY IS ENGAGED IN A FLAT-RATE ARRANGEMENT. THESE CIRCUMSTANCES PERTAIN TO SITUATIONS WHEREIN THE NOTARY IS NOT DIRECTLY ENGAGED BY A CONSUMER. IN SUCH CASES, THE NOTARY PROVIDES SERVICES ENCOMPASSING NOTARIAL CERTIFICATES, WHERE THE FEE REMAINS

CONSTANT AND IS NOT CONTINGENT UPON THE NUMBER OF NOTARIAL CERTIFICATES BUT RATHER IS INCLUSIVE WITHIN THE PREDETERMINED FEE STRUCTURE.

Thank you for your time and consideration. I appreciate the work of this committee in working to protect the public and support notaries and I hope that this will help you to better understand the hardship and impact this will place on the consumer and the notary if it were to move forward a proposed without additions offered by those engaged in notary work daily.

With much appreciation,

A handwritten signature in blue ink, appearing to read "Patrick I. Romero-Aldaz". The signature is stylized with large loops and flourishes.

Patrick I. Romero-Aldaz, MA. Ed.

Owner, PRA Professional Services
Notary Public, State of Colorado
Loan Signing Agent
Trust & Estate Delivery Agent