

Re: Proposed Notary Rule Draft

I have read the proposed draft, all the letters prior to the hearing and the ones afterwards. Indulge me a few as I believe this is important.

- 1) It is apparent from reading the letters prior to the hearing, in particular the National Notary Association letter, the committee members thought this was about General Notary Work because of how they explained ancillary charges.
- 2) When I read the initial email I received, I also thought it was about General Notary Work. Even though, I thought most notaries already explained to consumers what the fee entailed.

Once I listened to the hearing, I was immediately disgusted as to what I heard. Condensed version: Complaints about notaries. Primarily, this hearing focused on an individual Signing Agent who charged a certain amount, made some errors and required corrections which led to additional costs. The Division of Real Estate (correct me if I am wrong) made a complaint and an investigation is underway. This Notary is required to provide the Secretary of State (SOS) with proof of how she arrived at said charge when the existing invoice only stated Signing Charges.

The SOS doesn't feel her invoice explains enough when the Notarial Rule says a notary can charge up to \$15 per notarial act. The result? You have now proposed a Draft Rule wanting notaries, regardless of their clientele, to expend additional time outlining specific charges over the notarial acts PRIOR to performing a service and sending an invoice or receipt to the customer. Did I get that correct?

I consider myself to be somewhat well-rounded. I served in the US Air Force, was a practicing paralegal for 19 years working in a Medical Malpractice Defense Firm, worked on Environmental Cases and also was a Case Researcher for Judge Mathis, then went on to work in the Healthcare field and educate people on Obamacare for four plus years and have been a notary since 1998.

What frustrates me in the notary profession is the amount of decisions continuing to be made WITHOUT looking at the BIG picture. In my opinion, this proposed draft rule will Negatively impact THOUSANDS and more than likely will end up costing consumers and 3rd party vendors more if passed.

In this particular situation, why not discipline the notaries that the complaint(s) were made against without upending the entire Mortgage industry?

In the legal field, Attorneys have a Disciplinary Board for those attorneys who have received complaints. In the Medical field, there is a Disciplinary Board for Doctors and Medical Professionals. Why not for the Notary sector?

I propose a volunteer Notary Disciplinary Board as a solution. No more than seven representatives from each region of the state. (Metro Denver, Southern Colorado, Northern Colorado, Western Slope, Eastern Slope) The board should have a notary that performs one of the following type of notarial services regularly - Estate Planning, Loan Signings, General Notary Work, a Signing Service Owner, Escrow Officer.

They could meet via Zoom once a month or once a quarter for at least two hours to hear complaints sent to the Notary Division and provide recommendations on what disciplinary action should be taken. Decisions for example could include: Mandating the notary has to get additional training (approved by the Notary Disciplinary Board) and prove it was taken to continue with their commission, or in this particular example – the notary would provide the disciplinary board with invoices outlining their specific charges to include their clients contact information for six months. If random checks prove the Notary is compliant, his or her disciplinary action is lifted and said individual can continue their Notary practice as usual.

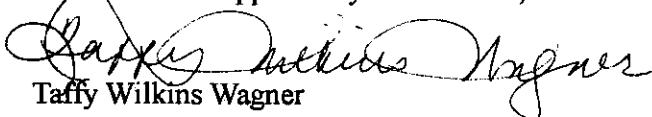
Any notary that has received a complaint will be placed on probation for a stipulated period of time. Depending on the complaint it could be – an initial warning, two complaints – additional training, three complaints – temporary suspension, five or more – can't perform notarizations for a year.

If the volunteer Notary Disciplinary Board is not an acceptable solution, I concur with Option 1 of Land Title Association's Letter.

I recommend another hearing take place in order to provide more industry professionals to speak on this matter. I do not believe Escrow Officers, Mortgage Lenders, Attorneys and even notaries recognized what this rule was clearly talking about. It was not presented in a manner of explaining upfront what happened in order for this to even occur.

It doesn't make sense that one bad "actor" as they used to say in the legal arena, gets to dictate what happens in an entire industry.

Thanks for the opportunity to comment,



Taffy Wilkins Wagner

Loan Signing Agent, Owner of Ninja Notary Signing Service, Colorado Ambassador of Colorado Notary Public and Loan Signing System Network
Notary Public since 1998