

12/26/2023

Dear Members of the Rulemaking Committee at the Colorado Department of State,

My name is Sean Eckrich and I am a duly commissioned Colorado notary public, and a professional within the domain of loan signing services. My intent in addressing you today is to express my reservations concerning the recently tabled regulations: 2.4.1, 2.4.1(a), 2.4.1(b), and 2.4.2.

In my capacity as a Loan Signing Agent, I conscientiously adhere to the statutory obligations outlined by the CO Notary Public office in the execution of notarial duties. Nonetheless, it is pertinent to highlight that notarial functions constitute a fraction of the comprehensive responsibilities undertaken during loan signings. The volume of notarizations, relative to the myriad tasks performed, is, in fact, quite minimal.

That being the case I, as others have, formally ask you to add LTAC's 2.4.3 and Lindy Rich Services (LRS) 2.4.4 in order to make sure that the public is protected from the fees that might increase, the delays to their deals, and that the services we provide in the course of our profession are preserved and kept without obstruction.

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

24.4 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.

The procedures that we follow when we receive an invitation to do a service encompasses a meticulous series of steps, from confirming appointment times with signers, receiving and scrutinizing documents for errors, to printing multiple sets of documents and ensuring compliance with Colorado regulations. Our responsibilities extend to addressing changes in documents, comprehending their contents, and confirming the inclusion of all necessary CO-compliant certificates. Any uncertainties are promptly clarified with the client. The subsequent journey involves meeting with signers, administering identifications, presenting document sets, and notarizing where required. Post-signing, we scrutinize documents for errors, complete journals, and either conduct on-site scans or return to our offices for scanning. The process concludes with document delivery to the shipping company or the client. A mistake was made in the writing of this rule in that the financial industry that we all work for and in was not considered. If you listen to Mr. Robert Howe on the recording of the session, you will realize that title companies, lenders and even real estate agents have not been considered in this rule. Not to mention attorney deals, dealership deals, etc. These fields are too important to be disregarded. We need input from all of the fields that this would affect and honestly we all feel a little blindsided by this. When we asked about this rule, after the first notice, we were told it would only affect work where the notary was contracted directly by the consumer. Due to that information, most of us were in agreement with the rule as it was. However, when we heard the recording of the meeting and realized that that wasn't the case, we felt like we had been misled. Not to mention that over the week we had to get letters in, there were very few people we could reach to bring attention to this matter due to the holiday season. What poor timing!

Thank you for your time and we trust that you will protect the public, the notaries and the entities we have named in this letter, as well as any that would be affected and aren't mentioned in this letter, by adopting **both** of the above rule additions. The proposed rule 2.4 without these 2 additions would be irresponsible and show a careless disregard for many involved stakeholders.



Sean Eckrich