

**From:** [Trish Rompies](#)  
**To:** [SoS Rulemaking](#)  
**Subject:** [EXTERNAL] Colorado Department of State Notary Program Rules (8 CCR 1505-11) Testimony  
**Date:** Tuesday, December 26, 2023 2:42:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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I am an Escrow Officer. I coordinate the closing of residential real estate transactions. I have been doing this work for 5 years. Prior to that, I was in leadership in a Fortune 50 corporate organization. This role is very demanding and has multiple aspects to it that are a job within a job. One part is the knowledge of how to close real estate transactions and the other is know how to complete notarizations per state requirements. The notarizations are a small part of the process.

General notary work is ensuring the person signing is the person on the document and they are signing the document willingly. The notary needs to know how to do the notarial portion and verify identity of the willing signing party and act according to state laws and Secretary of State guidelines. General Notary Work is typically signing a few requested documents provided by the signer. Transparency in pricing for General Notary Work should be disclosed prior to performing the work. This bill is focused on notaries who do General Notary work. The cost they charge to travel and any other fees should be broken down so there is awareness of all associated costs. Real estate closings are not the same as General Notary work.

Both Title Insurance/Settlement Agents and Lenders have a published fees that are required by regulatory agencies. Title and lender closing fees are disclosed by regulatory requirements and are outlined in quite a few of the required disclosure documents. Neither lender fees nor title fees are broken down by the number of notarization stamps; the signer is provided the costs required to close the transaction and notarizations are a part of the fees. There is no difference in the closing fee if we have 2 stamps in a package or 200; our closing fee remains the same. We are not being paid to notarize, we are being paid to complete the transaction as required in the Title Commitment and lender requirements. Some of the required documents need notarization so that is included in the closing fee.

Loan document presentations are quite involved. Each document is presented and described to the buyer. Some of the documents require notarization which we then have to know and follow state guidelines to perform. Some of the loan documents do not have notarization and we present those to the buyer as well. When the buyer or seller is not able to attend closing, we hire Notary Signing Agents. This way we are sure the notary not only knows their state requirements for notarization but understands the documents, processes, procedures and requirements of closing a real estate transaction. The cost of the notary signing agent is disclosed on the settlement statement/closing disclosure or the buyer/seller isn't charged the fee. There are no surprise costs when a notary signing agent is used.

The lenders processes may not support the ability to accurately disclose this information. Many times we do not have loan documents in hand until minutes before closing. The lenders would need to provide a count of these documents and the number of people being notarized for each document. These details will be difficult to obtain. We have difficulty getting them to disclose the correct Deed of Trust count for recording fees before closing. As a result, we are regularly required to refund overpayment of recording fees because an accurate count was not available while figures were being completed. If the notary signing agent has to know the number of stamps they will perform and invoice ahead of time, this will cause significant problems to remote closing resulting in problems with signing people who are unable to attend closing for any reason. If this rule is approved as it is written now, this will be an issue for Notary Signing Agents and may prevent them from working in Colorado. I can also see how this would impact notaries that do work for attorney's who face the same challenges within their organizational processes. Most states don't have similar rules as those proposed under Colorado Department of State Notary Program Rules (8 CCR 1505-11). I understand the states that do

have trouble finding qualified Notary Signing Agents to complete the work.

My suggestion is very much in line with the comments left by the Land Title Association of Colorado however I believe it needs to be adjusted further.

If there are notarizations that are required in documents that are created as a part of a real estate transaction or created by an attorney in association with the laws of the State of Colorado, the disclosed fees are to include any notarizations that are required with no change to the cost of service and no documentation to the signing party is necessary so long as the industry professionals are following regulatory guidelines for fee disclosure in accordance to the laws of the State of Colorado.

Thank you for taking this under consideration and providing an opportunity to respond.



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