

Minutes

Proofed by Gerald Smith:

Board of Directors Meeting
Property Records Industry Association
11 a.m., ET, Wednesday, April 15, 2020
Via Conference Call

Present for the call:

Larry	Burtness	President	Yes
Jerry	Lewallen	Vice President	Yes
Annette	Hill	Treasurer	Yes
Gerald	Smith	Secretary	Yes
Joyce	Mascena	At-large Director	Yes
Sharon	Martin	Director - Government	Yes
Diane	Swoboda Peterson	Director - Government	Yes
Chris	Walker	Director - Government	Yes
Elizabeth	Blosser	Director - Business	Yes
Dan	Shmukler	Director - Business	Yes
Jana	Miyasaki	Director - Business	Yes
Penny	Reed	Director - Business	Yes
Brian	Ernissee	At-large Director	Yes
Mark	Ladd	Immediate Past President	Yes
Charlie	Epperson	Advisory Council	No
Carol	Foglesong	Advisory Council	Yes
Steve	McDonald	Advisory Council	No
Marc	Aronson	Advisory Council	Yes
Kelly	Romeo	Advisory Council	Yes
Brent	Blankenship	Education	No
Dan	Crank	Education	No
Liz	Kelly	Membership	Yes
John	Murphy	Membership	No
David	Rooney	Standards/Practices	No
Nakia	McFarland	Standards/Practices	Yes
Kyle	Quackenbush	Governance	Yes
Ryan	Crowley	Governance	No
Christi	Adams	Communications	Yes
Michael	Miller	Communications	No
Carolyn	Ableman	PRIA Local Coordinator	Yes
Stevie	Kernick	Chief Staff Officer	Yes

Call to Order

President Larry Burtness called the April 15, 2020, meeting of the PRIA Board of Directors to order at 11:02 a.m., ET, and declared a quorum present.

Consent Agenda

On a motion by Sharon Martin and a second by Elizabeth Blosser, the board approved both the March and April consent agenda items as distributed.

Old Business

Strategic Planning

Stevie Kernick reported that there are dates available at Sheraton Westgate for November 17-18, 2020, but because of the status of the COVID-19, it is questionable whether people will be willing to travel by November.

Jerry Lewallen recommended that the board planning be postponed until next year (2021). Carol Foglesong suggested that key topics slated for discussion during the planning meeting be addressed via conference call with one topic per session; sessions lasting 1-2 hours.

On a motion by Lewallen and a second by Martin, the board approved cancelling the in-person planning meeting for 2020 and rescheduling for April 2021. In addition, several group calls will be planned in October and November to discuss key topics.

Kernick will negotiate these changes with the hotel.

SECURE

Burtness said the SECURE Notarization Act is national legislation that PRIA has supported along with ALTA, MBA and other major real estate trade associations. He and Kernick received a request from Blosser asking if PRIA would sign on to a letter of support that would be sent to the leadership of the House and Senate. The commitment to support was needed in 24 hours. The officers were mobilized for their input and all agreed that PRIA should be part of this letter. Kernick then sent a memo to the board, council of advisors and committee co-chairs explaining this officer decision, including a copy of the letter.

Foglesong said she appreciated seeing a copy of the letter. Brian Ernissee concurred.

Burtness acknowledged some concerns with the verbiage of the bill. Blosser said that ALTA has taken the lead on this legislation. This bill will have a sunset clause although ALTA is pushing for an extended timeframe to accommodate the elderly or those whose health is compromised and don't want to engage in face-to-face meetings. She anticipates multiple changes to the bill before it comes to a vote.

Pro West Maps

With the completion of the new eRecording maps on the horizon, Pro West has recommended that PRIA purchase a bucket of hours, which could then be used for additional projects without requiring a new

agreement for each project. Pro-West can offer Federal GSA schedule pricing, which means PRIA is getting the lowest rates possible.

The hourly rate would be \$106.58. Pro West recommends \$1,500-\$2,500 (approx. 14-23 hours) total budget as a goal.

On a motion by Hill and a second by Diane Swoboda Peterson, the board approved a bucket of 15 hours for Pro West map updates for the remainder of calendar year 2019-20.

PRIA Communications Policy

Burtness said there has been significant discussion over the past few months about formalizing how PRIA communicates with its members.

There is no formal policy in place to define how requests for a PRIA membership list should be handled, although the current practice is that all communications to members and between members are distributed through the PRIA offices by the staff.

The Governance Committee was tasked during the January 15 board meeting with drafting a policy for review by the board. The committee met on January 30 to begin working on this draft.

On a motion by Swoboda Peterson and a second by Gerald Smith, the board approved the policy with an amendment to change “all” communications to “mass” communications.

It is not the board’s intention to prevent members from communicating with each other in the course of day-to-day business but to maintain controls over mass communications and protect PRIA’s brand.

This policy will be included in the PRIA Operating Rules, which are reviewed every other year, thus providing an opportunity to revise this and all other policies during the review period.

COVID-19

PRIA’s reaction to COVID-19 by the Coronavirus Taskforce was swift. The first communication from the Coronavirus Taskforce was delivered on March 26 focusing on the essential role of the recorder, communications tools and managing the queue when offices return to normal functioning. The second communications piece was distributed on April 14 congratulating recorders’ offices for remaining functional and a report on RON emergency authorizations by states across the country.

Kernick said that 147 people have already registered for the April 22 PRIA Fireside Chat on eNotarization and RON.

With the cancellations of the August Annual Conference, Burtness asked the board if they had any input on a virtual conference for later in the year. Lewallen and Ladd both said that a number of conferences they are involved in have gone to a virtual format. The board agreed that the Education and Conference Committees could take the lead on a virtual conference.

PRIA Learning Management System (LMS)

The Education Committee has revised its proposal on a fee structure for accessing the LMS:

- Complimentary access for all PRIA members and their staffs.
- Non-members of PRIA – recommendation will be made once additional modules have been added to the system and there is more to offer to non-members.

On a motion by Lewallen and a second by Jana Miyasaki, the board approved access to the LMS on a comp basis for all PRIA members and their staff members.

eNotary Tracking

During the February 24, 2020, board meeting the board voted to approve tracking state eNotary activities for the members-only side of the PRIA website. Subsequently, the PRIA officers recommended the following fields for tracking:

- In-person electronic notary – statutes hyperlink
- RON legislation – statutes hyperlink
- Are there administrative rules – yes, no, pending
- Is there Interstate notary recognition – statutes hyperlink

Penny Reed offered a fifth data point:

- Does a state have papering-out options – yes, no, reference to statutes

On a motion by Reed and a second by Miyasaki, the board voted to add the fifth data point on papering – out and approved the other four data points as presented.

Pennsylvania Predictable Recording Fees

The PRIA officers were contacted by a former government member of PRIA in Pennsylvania who is now working on the title side of the industry seeking support for pending predictable fees legislation. This title company is not a PRIA member.

The Chief Staff Officer of PRIA contacted the Pennsylvania recorders of deeds who are current PRIA members to determine their perspective on this legislation prior to stating any position. This outreach was sent on February 14 and there have been no response from the recorders contacted (seven counties), although there was some informal conversation during the recent Winter Symposium.

During the February 24, 2020, board meeting the board approved sending a response and attaching the published paper to that email without formally supporting any legislation.

This has been completed.

Kansas RON Bill

Ladd said that the RON Bill in Kansas is quite restrictive. They will recognize RON as long as it is done exactly how Kansas wants it done. Blosser said that the language in the Kansas RON has now been modified and is friendlier.

Interstate Recognition of Notarial Act

The initial Work Project Request to initiate the Interstate Recognition of Notarial Acts work project describes the project as follows:

How notaries are legally required to perform notarial acts varies substantially from state to state. Yet, all 50 states have legislation and long-standing practices that recognize common notarial acts performed in other states. Although ESIGN, UETA & URPERA all authorize notaries to use electronic means to perform notarial acts, there is still confusion in the recorder community as to how this impacts recordability -- both from a legal viewpoint and also a pragmatic perspective - if recorders do not yet have electronic systems in place. This project proposes to gather and publish information related to interstate recognition of notarial acts, especially electronic notarial acts (including the emerging technology known as remote notary).

As this project progressed from 2017-2019, the scope of the project gradually moved away from focus on interstate recognition and more towards electronic notarization and RON. As the project began to gear up again in January, the board (in February) indicated that an updated project description would be beneficial. The proposed new project definition follows:

Background: In every state, documents need to be notarized to be recorded (with a few exceptions, of course). The various forms of electronic notary have been gaining broader acceptance across the country in recent years. This raises the question of what is the recorder's responsibility when it comes to evaluating the notarial certificate that appears on documents submitted for recording. This project proposes to gather and publish information relating to reasons for requiring recordable documents to be notarized and determining what the recorder is responsible for when evaluating a notarial certificate.

On a motion by Swoboda Peterson and a second by Hill, the board accepted the changes submitted by the Standards & Best Practices Committee to changes the description of the project.

Proposed New Work Project

In July 2019, PRIA issued a survey to the membership to assess interest in a list of eight potential new projects, many of which then became topics for roundtable discussions at the 2019 Annual Conference.

Ultimately, two of the projects with significant interest were initiated: ransomware and redaction. Now that these two projects are underway, it is viable to gear up another project.

Following review with the co-chairs of the Standards & Best Practices Committee, the recommendation is to authorize a work project on eRecording best practices for submitters and, simultaneously, review the eRecording best practices for recorders (2016) making updates, as needed. The resulting publication would span eRecording best practices for both recorders and submitters.

Nakia McFarland said there are still no co-chairs confirmed for this project.

On a motion by Swoboda Peterson and a second, the board approved the new work project pending the confirmation of two co-chairs.

PRIA Advocacy Policy

PRIA's current policy is a "Third Party Support" policy. Foglesong said the current policy was created to address situations where support was solicited from PRIA, which needed immediate action and it has worked well.

A review of this policy, approved in 2015, will be an item for the deferred to board planning virtual meetings.

Papering-out

A discussion of a position paper on papering-out was deferred to the May 20 board meeting.

Webinars

Kernick said the recommendation from the Education Committee is to offer PRIA's webinar at no cost to the entire industry for the duration of the pandemic, generally April, May and June.

Because so many board members had to leave the call at the top of the hour, Burtness recommended an electronic vote to approve this recommendation.

Next Meeting

The next meeting of the Board of Directors will convene at 11 a.m., ET, Wednesday, May 20, 2020, via conference call.

Adjournment

The meeting adjourned at 12:20 p.m., ET.

Larry Burtness, president

Stevie Kernick, recording secretary