



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

TRICIA L. FOSTER
DIRECTOR

MINUTES

Electronic Recording Commission

June 18, 2019

Vehicle and Travel Services Building
6951 Crowner Dr., Lansing, Michigan, 48821.

Commission Members Present: Brandon Denby, Christian Meyer, Patricia Niepoth, Thomas Richardson, Chair Justin Roebuck, and Teresa Walker.

Excused: Sherri Irwin (Tricia Foster's designee), Donna Krall

Also in attendance: Jerome Czaja, Chief Deputy Register, Kent County; Rachel Sanchez, Chief Deputy Register, Ottawa County; and Deborah Stevens, Recording Secretary.

I. CALL TO ORDER. The meeting was called to order by the Chair J. Roebuck at 11:00 a.m. A quorum was present.

II. APPROVAL OF MINUTES.

Motion: to approve the minutes of March 22, 2019 as corrected.

Moved: T. Walker

Second: P. Niepoth

Passed: Unanimously

III. RE-WRITE OF CURRENT E-RECORDING STANDARDS INCLUDING E-NOTARIZATION

C. Meyer and J. Czaja presented proposed updates to the standards, updating sections mentioning e-recording models, formats, and security.

B. Denby and T. Richardson discussed options for defining a verified transactional relationship. Option 1 would be open ended but have minimum standards, Option 2 could be very detailed, and Option 3 could offer a template, although the consensus was that counties should be able to determine their own terms within the statute. Any options should protect both integrity of the record and privacy. Some concern was expressed by registers that large national firms would move to take over the role of registers of deeds.

Patty Niepoth, Justin Roebuck, and Teresa Walker reported on standards for e-notarization and physical recording of electronic documents. In general, they recommended adopting the standards and guidelines adopted by the Michigan Secretary of State for electronic and remote online notary vendors. The group believed that the Notarial Statement should indicate where the principal executed the document as well as where the notary executed. Further discussion is

needed on guidelines for accepting an "out of state" document where Michigan recording requirements do not apply. In cases where the notarization was entirely electronic, the group recommended the requirements of a certification before allowing the paper copy to be recorded. J. Roebuck will draft revised language of these issues.

The meeting recessed at 12:04 p.m. and resumed at 12:36 p.m.

VI. NEXT MEETING DATE

In order to finalize a draft for distribution to affected parties and a public hearing in the fall, a meeting was scheduled for Monday, August 19 at 11:00 a.m. and will include a working lunch. The remaining 2019 meetings are scheduled for October 1 and December 3, 2019 .

VII. ADJOURNMENT.

The Chair adjourned the meeting at 1:43 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Deborah A. Stevens".

Deborah A. Stevens
Recording Secretary