

Subject: Proposed Notary Draft Rule

I am Taffy Wagner, owner of Ninja Notary Signing Services, LLC. I am requesting a new hearing because of the following:

My understanding of what happened: Complaints about notaries. A specific complaint which this hearing focused on was a Loan Signing Agent who charged a certain amount, made some errors and required corrections which led to additional costs. Division of Real Estate (correct me if I am wrong) made a complaint and an investigation is underway.

Let me suggest several proactive ways the Complainant could have handled this:

- (1) From my experience and training, Signing Agents are required to have Errors and Omissions Insurance. Since the actions of the Signing Agent costs the Title company (or whomever) more money based on their improper handling of the closing, they could have filed a complaint (claim) against this specific notary's E and O policy. That is what it is for!
- (2) Whomever hired the signing agent could have not paid her or reduced the fees because of the errors. I have seen independent contractor agreements for signing agents that specify if there are errors, there may be a reduction in fees. The signing agent has to agree to this prior to receiving the closing.
- (3) The hiring company could have reduced the agreed upon fee due to the errors, given the signing agent the chance to correct said mistakes and then not use them again.

Based on the action being taken by the Secretary of State's Rulemaking Division, I would say none of the above was implemented. Instead a reactive investigation proceeded and here we are with a Draft Rule on the table that impacts the following:

- 78,000 notaries (which includes Signing Agents) in Colorado
- Hundreds of Title companies in Colorado
- Thousands of Mortgage Companies in Colorado
- Attorneys/Law Firms in Colorado
- Signing Services in and out of State
- Title Companies out of State
- Mortgage Companies out of State

When did it become acceptable to punish the masses for one person's mistake in addition to the person who made the mistake?

Six years ago when I became a Signing Agent, it was my understanding we are providing a service which is why we do not charge per notarization. We are notaries who specialize in real estate transactions, estate planning, and more. We do more than focus on wills, vehicle titles, powers of attorney and other basic documents that can be notarized at your local UPS locations.

Let me give you a glimpse of some of the things we do so our services are not mistaken for JUST showing up and stamping a document. Much more happens from the time we accept a closing, printing documents, driving to locations, dropping documents at FedEx/UPS for next day arrival, after hours closings, weekend closings, etc. Mind you, I didn't even talk about our certifications in order to perform the service we provide.

Have all the other industry professionals been notified by the Secretary of State of this Draft Rule regarding notaries (Signing Agents) on the table since it will IMPACT them? IF not, I recommend they be notified and given an opportunity to be heard PRIOR to a decision being made. This should require a new hearing in mid or late January 2024, if we are to be fair and let them express their opinions.

Respectfully,

A handwritten signature in black ink, appearing to read "Taffy Wilkins Wagner". The signature is written in a cursive, flowing style with some loops and flourishes.

Taffy Wilkins Wagner
Owner of Ninja Notary Signing Service, LLC
Notary since 1998
Veteran of the US Air Force