

Pennsylvania Electronic Recording Commission

Meeting Minutes

Omni Bedford Springs Resort
2138 Business 220
Bedford, Pennsylvania
June 10, 2013

The first scheduled meeting of the Pennsylvania Electronic Recording Commission was called to order at 2:01 p.m. by Ian Harlow, Deputy Commissioner of the Bureau of Commissions, Elections and Legislation of the Pennsylvania Department of State. Members and attendees introduced themselves. The following individuals were present:

Commission members:

Nancy J. Becker, Montgomery Co. Recorder of Deeds
Shirley Rockefeller, Bradford Co. Recorder of Deeds
Frederick C. Sheeler, Berks Co. Recorder of Deeds
Pete W. Weidenboerner, Elk Co. Register and Recorder
Joe Szafran, Bucks Co. Recorder of Deeds
Patricia Streams-Warman, Indiana Co. Recorder of Deeds
Evie Rafalko-McNulty, Lackawanna Co. Recorder of Deeds
Janet L. Kalajainen, Lawrence Co. Recorder of Deeds
David A. Haury, Pennsylvania Historical and Museum Commission
Megan P. Sweeney, Department of State
Marc L. Aronson, Pennsylvania Association of Notaries
Phillip S. Janny, Pennsylvania Land Title Association
Megan Sweeney, Special Assistant to the Secretary of the Commonwealth
Susan Hartman, Pennsylvania Historical and Museum Commission (for David A. Haury)
Cindy Bendroth, Pennsylvania Historical and Museum Commission (for David A. Haury)

Department of State staff:

Ian Harlow, Deputy Commissioner of the Bureau of Commissions, Elections and Legislation
Martha Brown, Assistant Counsel
Dave McCarthy, Intern

Not in Attendance:

Carol Dubie, Pennsylvania Bankers Association
David A. Haury, Pennsylvania Historical and Museum Commission

Other:

Joseph L. Davidson, Centre Co. Recorder of Deeds and incoming PRODA president

An overview of the purpose and duties of the Commission was provided by Martha Brown. She noted that, due to the passage of the Uniform Real Property Electronic Recording Act (Act 100 of 2012) on July 5, 2012, the Electronic Recording Commission was established to adopt standards for electronic recording. The ultimate goal is for the Commission to promulgate regulations and standards for electronic recording in the Commonwealth.

Ian Harlow and Martha Brown described the role of the Department of State:

1. To provide administrative support and assist in promulgation of regulations
2. Help arrange and oversee meetings (in person and virtual)

Because funding for the Commission is tight, it is anticipated that many of the meetings will take place via conference call and in conjunction with PRODA meetings.

Election of Commission Chair

Nominees: Nancy Becker and Janet Kalajainen

With Kalajainen - 5 votes, Becker - 3 and 4 abstentions, Janet Kalajainen was elected Chair

Selection of Other Officers

Vice Chair

Nominee: Patty Streams-Warman

Patty Streams-Warman was elected Vice Chair by acclamation

Secretary

It was determined no Secretary would be needed, as the Department of State would take the minutes of the meetings.

Materials for Consideration

Regulations and Policies from Other States

Review of Connecticut Regulations

1. There was discussion and debate about the delivery agent.
2. The Commission decided to revise the language of "town clerk" to "recording of deeds or a county official responsible for the recordation of documents in counties without recorders of deeds."
3. There was discussion about removing the regulation for microfilm.
4. The Commission discussed adopting Property Records Industry Association (PRIA) standards rather than electronic recording models.
5. In reference to 7-35ee-7(c), Martha needs PRODA solicitor Jack Smith to send citations.
6. In reference to 7-35ee-9(a), Martha needs Susan Hartman (PHMC) to fill in the relevant language. The Commission also agreed to refer and conform to the previous language.
7. In reference to 7-35ee-10, there were inquiries regarding what types of documents should be specified. Joe Szafran led a discussion about why document codes weren't used instead of document types.

Most Recent Standards of Property Records Industry

1. There was discussion regarding the delivery agents and their funding. Apparently each county needs to have their funds in a general bank account.
2. Joe Szafran brought up the issue of land title standards. Phillip Janny pointed out that federal regulations in further implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act are expected in September, which may affect education, licensure and certification of land title professionals
3. There was discussion about recording issues regarding how documents are reviewed and whether most counties review for all errors before rejecting a document.

Future Meetings/Progress

1. Marc Aronson asked if there could be input from an individual he knows who is knowledgeable about recording issues. The Commission was advised by Ms. Brown that the Act requires that the Commission must consider the views of interested persons for the purposes of obtaining guidance and assuring uniformity. The Commission could schedule such testimony for future meetings or solicit input in writing. The Commission also discussed inviting Lancaster Recorder of Deeds Bonnie Bowman to speak at the next meeting, as Lancaster County is the only county doing truly electronic recording of land records.
2. The next possible meeting of the Commission will take place at the next regional PRODA meeting (either October 8-9 or October 9-10) in State College at the Nittany Lion Inn. The Department of State will set up a planning call for September. Draft minutes and draft regulations will be circulated to Commission members by the end of July.
3. A list of all Commission members and contact information will be circulated to all members.

Meeting called to a close at 3:34 p.m. by Chairwoman Janet Kalajainen

