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To: North Carolina Secretary of State <anpr@sosnc.gov>
CC: Jay Teeter <Jay.Teeter@sas.com>
Date: 11/30/2022 7:19 PM
Subject: [Caution: External Mail] RENA ANPR #1

RENA ANPR #1

November 30, 2022

Via Email (anpr@sosnc.gov)

To: Ann B. Wall, Esq.
General Counsel and Rulemaking Coordinator
N.C. Department of the Secretary Of State

From: Dwight U. Thompson (dwight.thompson@sas.com)
Donald R. Teeter, Jr. (jay.teeter@sas.com)

Question A.1 – To avoid confusion, there should be two types of notary: (1) Notaries Public; and (2) eNotaries, all of whom are RENPs.

Question B.1 – The inclusion of U.S. territories and military bases was partly intended (i) as a compromise between those who believed the RENA should be limited to North Carolina and those who believed it should be without geographic restriction; and (ii) to recognize that many individuals, including United States and North Carolina citizens and servicemembers, reside and serve in these territories and need the benefits of RENs. Therefore, the RENA's territoriality should not be further limited absent statutory amendment.

Question D.1 – The answer depends on the situation of the RENP. If the RENP is with a firm or a company, for example, then the firm or company should be able to contract with the platform vendor to have a centralized account with the platform vendor and each RENP can be a registered, individual account user on that centralized account. This is commonly done. The firm or company can contract with the platform vendor for security, storage, and centralized payments for all of the employed, registered RENPs at the firm or company that use the platform vendor's REN services.

Questions D.2-3 – To accommodate both RENPs who conduct RENs as part of their employment and RENPs who conduct RENs independently, platform vendors should be able to contract with either an independent RENP or a RENP employer.

Question D.4 – Yes, as this determination will need to be made on a case-by-case basis, depending on the RENP's situation and the contractual relationship between the RENP and their employer.

Questions D.5-7 – No. The RENA references only the electronic journal.

Questions D.8-16 – The rules should reiterate the RENA's requirements of confidentiality including 10B-134.9(f) and 10B-134.15(d). RENs should not be conducted in public. The platform vendor has sufficient resources to help with certain technical situations. They have done this in many other REN states already. The burden should not be on the RENP.

Question D.17 – There are many different types of employers with vastly different capabilities in terms of resources, expertise, and security. The burden for security should mainly fall on the platform vendors, who are well equipped to deal with this since they have performed thousands of notarizations in many different REN states.

Question D.18 – No. Each employer is going to have different needs, resources, and capabilities.

Question E.2 – Shared user accounts should not be used for RENs, although separate (and secured) accounts on shared computers may be permissible. There could also be a single account (with a platform vendor) for a law firm or a company, and all RENPs that are employed could have individual user accounts on that shared firm/company account. All REN materials should be encrypted both in transit and as stored electronically.

Question E.3 – Passwords should be changed periodically and should not be shared or written down. Multi-factor authentication should be required. In order to provide security flexibility over time, the platform vendors are going to be in the best position to dynamically adjust the security of the REN authentications and communications based on what is currently happening to their customer base.

Questions E.4-5 – RENs should not be conducted in public spaces or via unsecured or public networks without encryption via, e.g., a VPN connection.

Question E.6 – Yes to each sub-question.

Question E.8 – "Unauthorized interception" should include any unauthorized access to any information specific to a REN.

Question E.9.a – Yes, no less frequently than annually.

Question E.12 – Yes to each sub-question.

Questions F.1.a-c – Yes.

Question F.2 – Each referenced Step should be part of the CT Recording.

Questions F.2.a, b. – No.

Question F.3 – A REN ends upon completion of the notarial certificate by the RENP.

Questions H.1, 2 – No.

Question J – An online database kept in real-time should be provided for verification of each RENP's and each REN vendor's qualification.

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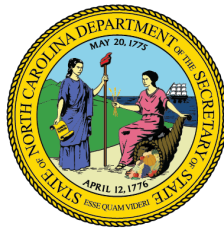
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From: North Carolina Secretary of State <anpr@sosnc.gov>
Sent: Monday, November 21, 2022 5:14 PM
To: Jay Teeter <jay.teeter@sas.com>
Subject: Deadline Reminder: Advance Notice of Proposed Rulemaking -- Remote Electronic Notarization Act

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EXTERNAL



Nov. 21 2022

REMINDER: Advance Notice of Proposed Rulemaking

Greetings from the NC Department of the Secretary of State:

The NC Department of Secretary of State seeks your comment on the Remote Electronic Notarization Act (RENA) Advance Notice of Proposed Rulemaking (ANPR). Deadline for comment is Nov. 30, 2022.

RENA is a direct outcome of the global pandemic. The act enables technology to support the NC Remote Electronic Notary Public (RENPN), present in NC, to perform notarizations for persons in the U.S., and in limited circumstances, abroad. The agency is required to adopt a number of permanent rules and would appreciate your perspective and expertise in the areas open for comment in the ANPR.

Please click here (https://sosnc.gov/divisions/general_counsel/open_rulemaking) to download the ANPR. Instructions for submission are included in the ANPR text. If you have any questions, please email

ANPR@sosnc.gov.

www.sosnc.gov

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