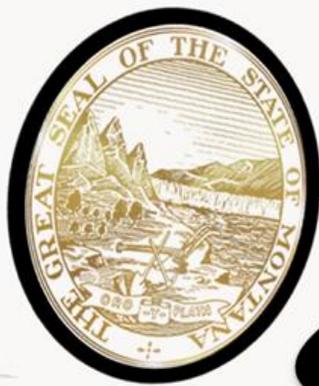


*Four Six
Notary*



MONTANA NOTARY CONFERENCE 2022

Choosing a RON Vendor

Presented by

Marc L. Aronson

President and C.E.O.

Pennsylvania Association of Notaries

So You Want to Become a RON Notary ...

Remote online notarization is not for everyone.

There are 14,389 Montana notaries public.

Only 105, or 0.7%, are "active, qualified" RON notaries.

"They have entered into a very serious and complex business arrangement that has potential short- and long-term implications that they'd better be aware of."

-Lori Hamm



Read and Understand the Law and Regulations

Montana Code Annotated

Title 1 – General Laws and Definitions

Chapter 5. Proof and Acknowledgment of Instruments, Notaries Public

Part 6. Notarial Acts

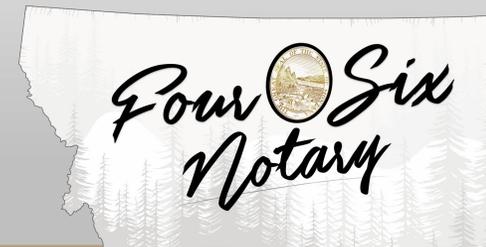
Rule 44.15.108 – Remote and Remote Online Notarizations

“I didn’t know ...” is NO DEFENSE.



Stages in Choosing a RON Vendor

- 1. Examine your business needs** – What is your intended market? Who are your customers? What types of notarizations do they need? How will you get a return on your investment?
- 2. Choose 3-5 vendors** – Call and talk to their representatives to see if their products fit your business needs. Ask for references.
- 3. Ask for in-depth demos** – Have the vendors show you their products in action. Learn how the products work. List the pros and cons of each.
- 4. Examine the actual costs** – Look at each vendor's pricing, the investment you will need to make in equipment, training, facilities, and personnel, and the likely benefit to your business.



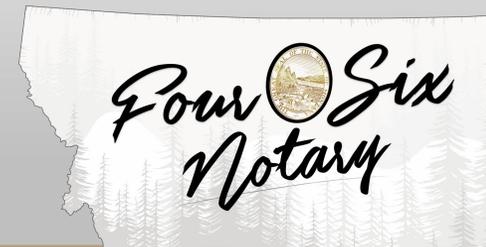
Examine Your Business Needs

- Is there a viable market for remote online notarization in your industry, in your location, in your existing business, or as a new business?
- Do you have the financial resources to invest in the technology and meet the long-term costs of doing business?
- Do you have the internal support to move to this new business model? Does it fit into your overall business strategy?
- Does the potential benefit of RON make up for other opportunities?



Examine Your Business Needs (continued)

- Do you have a steady, reliable, consistent, affordable, and secure internet connection?
- Do you have technical skills and an aptitude for troubleshooting problems, or access to technical support when you need it?
- Do you have a strong data security framework already in place?
- What is the timetable for implementing RON?



Choose 3 – 5 Vendors

A vendor who makes your short list:

- Demonstrates familiarity and compliance with the notary law and regulations
- Is state approved, industry certified, financially stable, licensed/rated
- Has clients currently operating in your state
- Offers the products and services that fit your business needs
- Satisfies the usual receivers of documents you regularly notarize



Choose 3 – 5 Vendors (continued)

- Is transparent regarding third-party partners or outsourcing
- Maintains data privacy and does not share/rent/sell customers' information in any form
- Follows strict policies for data security and disaster recovery
- Follows cybersecurity and information technology laws/regulations
- Is fully insured against technical and procedural liability claims
- Provides a continuity plan in the event of merger/sale/dissolution



Vendors Approved in Montana

- **Amrock LLC (Nexsys)**
- Aven
- **Blend Signing Room**
- **Cyberize It**
- Digital Delivery
- DocuSign
- **DocVerify (Black Knight)(ICE)**
- **eNotaryLog***
- E-Notary Seal
- Figure Technologies
- **ICE Technologies (Simplifile)**
- **Notarize**
- **NotaryCam**
- Notary@EpicRiver
- **PandaDoc (LiveNotary)**
- **Pavaso**
- **Qualia**
- SafeDocs
- **SIGNiX**
- **Stavvy**
- World Wide Notary

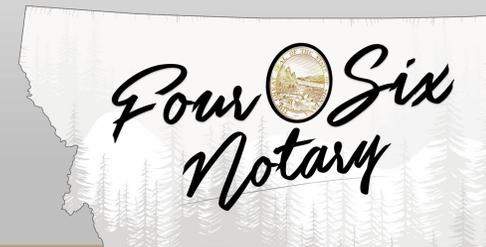
MISMO certified

*** DLAPiper certified**



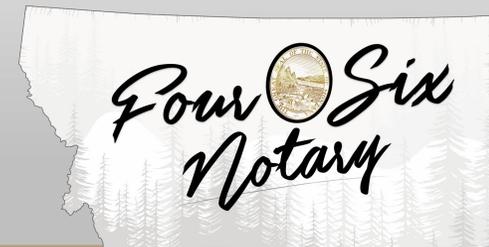
Ask for In-Depth Demonstrations

- Process for each type of notarization, from prep to archiving
- Detailed step-by-step checklists for the notary and the signer
- How a notarization session is conducted and recorded
- Usability/ease of use for the notary and the signer
- How an audit trail is generated, and what data it provides
- How the journal is generated, and how it can be accessed



Ask for In-Depth Demonstrations (continued)

- How a copy of the audio-video recording can be provided
- Support for hybrid (part RON/part paper) notarizations
- Support for persons with disabilities/ADA compliance
- What happens if there is a problem and who is the vendor's contact
- What happens if you, your employer, or the vendor go out of business



Examine the Actual Costs

- Start with the vendor's estimate of your actual costs
- Do your own analysis of your actual costs, including:
 - Platform license; audio-visual equipment; staffing/training
 - Start-up fees; transaction fees; *a la carte* pricing for more options
 - Payment plan: tokens; credits; sessions; monthly or per transaction
 - Payments to third-party providers, such as ID verification providers
 - Upgraded technical support; platform upgrades
 - Hidden costs: failed KBA/ID verification; more recording time
- Multiply by the number of platforms, if you use more than one



Reference Material

ALTA/MBA/NAR Model Executive Order – 2020

ALTA/MBA/NAR Model RON Act – 2018

ALTA's Principles for Remote Online Notarization – 2017

Fannie Mae / Freddie Mac guidance to expand use of RON – March 31, 2020

Fannie Mae guidance on remote ink-signed notarization (RIN) – April 14, 2020

Fannie Mae/Freddie Mac letters on acceptance of RON documents – April 8, 10, 2020

Federal SECURE Act

FHLB Member Collateral Electronic Promissory Notes (eNotes)

Acceptance Requirements and Guidelines – August 1, 2020



Reference Material (continued)

Ginnie Mae Digital Collateral Program Guide – July 16, 2020

MERS, DART and eNotes

MISMO Standards – August 28, 2019, revised 2022

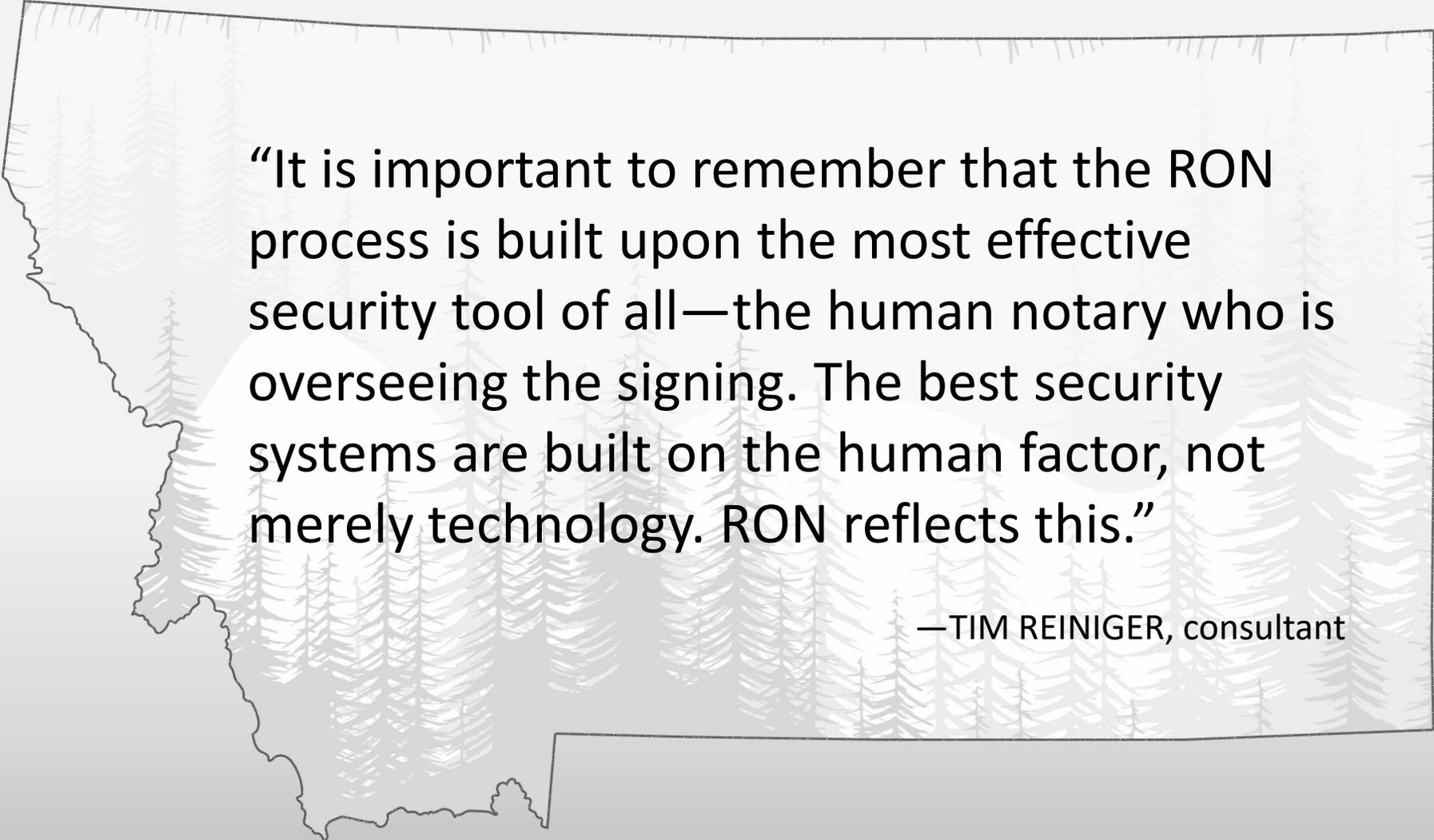
NNA Model Electronic Notarization Act – January 1, 2017

NASS eNotarization Implementation Guide – February 18, 2017

NASS Guiding Principles for Remote Notarization Standards – July 9, 2017

NASS Resolution Affirming the Role of the Secretary of State or Other State Notary Commissioning Entity as Sole Authority to Establish Standards for New Forms of Notarization, originally adopted July 24, 2005; reauthorized third time July 22, 2020





“It is important to remember that the RON process is built upon the most effective security tool of all—the human notary who is overseeing the signing. The best security systems are built on the human factor, not merely technology. RON reflects this.”

—TIM REINIGER, consultant



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MONTANA NOTARY CONFERENCE 2022

Thank you!

Marc L. Aronson

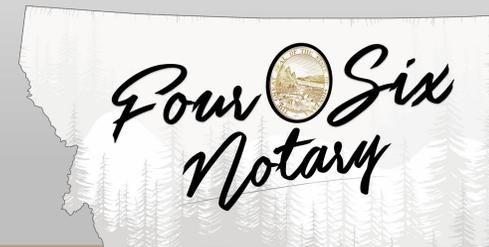
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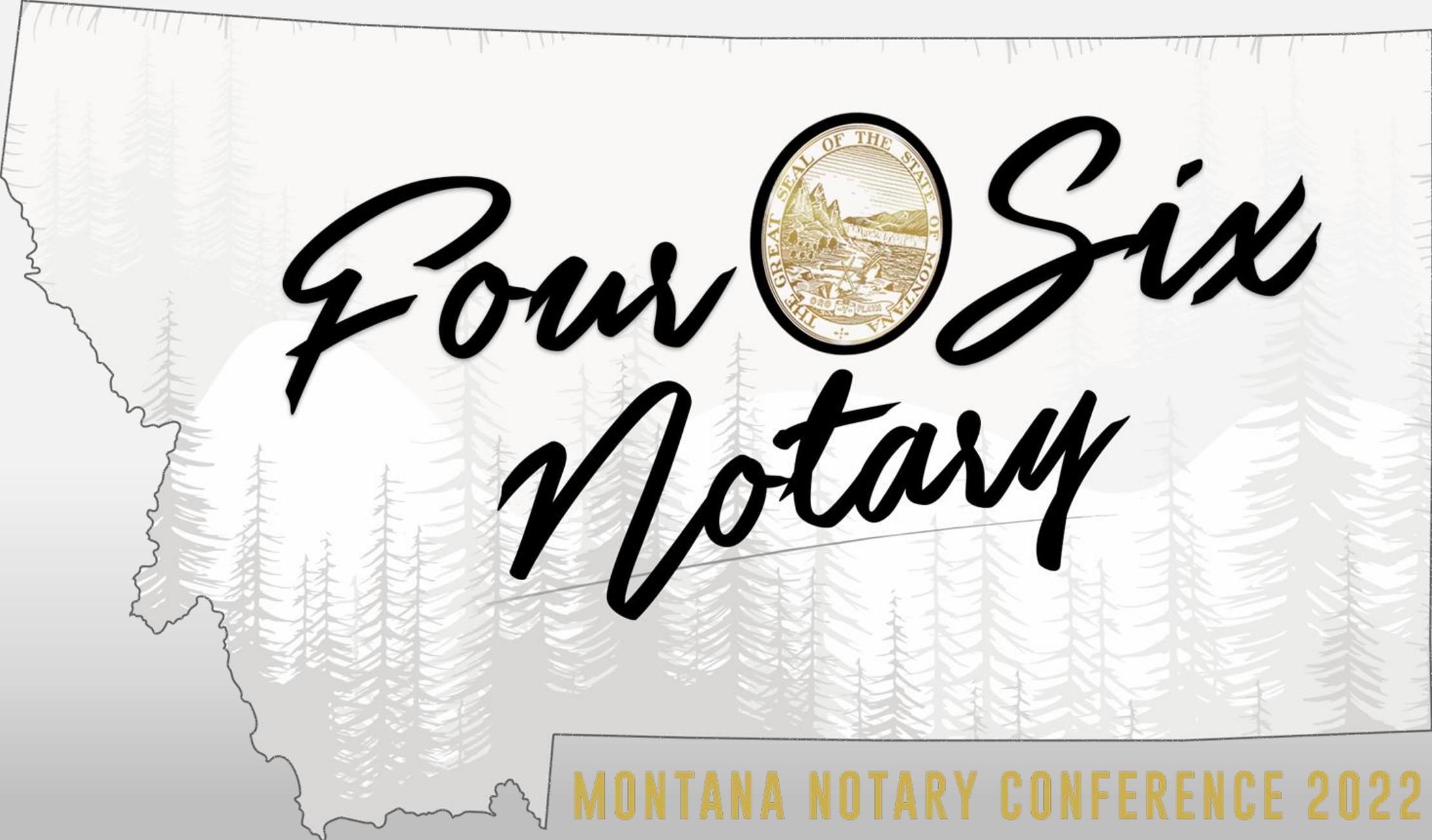
maronson@notary.org

800-944-8790, Ext. 113

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MONTANA NOTARY CONFERENCE 2022

Questions to Consider When Choosing a RON Vendor

Marc L. Aronson

Montana Notary Conference 2022

Introduction

There are 45 (and counting) vendors selling remote online notarization (RON) technology today. Choosing among their products is a complex process of matching their offerings with your needs.

Ultimately, you are expected to obey the notary law, no matter what tool you choose to enable you to notarize documents. RON is just another notarizing tool. Selecting a platform may seem daunting but, in the end, a RON platform is still just another way for you to provide notary services to your customers.

This document is intended **to show you the potential scope of information you may want to gather**, as well as **to suggest even more questions you may want to ask** a potential vendor. The goal of this questioning process is to help you make an informed, responsible decision that can be implemented in the most efficient and cost-effective manner.

There is no standard, one-size-fits-all RON platform to recommend; each situation is different, and the technology (as well as the law) is evolving. But you should feel confident that you've asked all the questions you need to ask before making a decision on the vendor and the platform that is right for you.

Note: These questions were suggested by reviewing many publicly available sources, and collected over the last 10 years. While we do not attribute every question to a specific source, we openly acknowledge here the contributions of our friends and colleagues. The questions are numbered only for convenience in referring to a specific question; the numbering does not suggest a sequence or order in which the questions can be asked.

General Questions

Here are suggested broad categories of questions to get started:

Vendor Market - Customers who are using the vendor's platform, for what purposes, and their reviews

Start-up Costs and Ongoing Costs - What the platform actually costs up front and day-to-day

Notaries Public - Those who are using the platform, their commissions/qualifications, and their input

Notary Equipment - Electronic stamp/seal, digital certificate, notary journal

Hardware/Software - Computers/laptops/tablets; cameras; microphones; internet connections

Archiving - How the vendor preserves, protects, and guarantees access to your data

Training/Support - How you will learn the platform and get technical support in the future

Customers - Willing and able to do business electronically, in ways the platform supports

Return on Investment - How you will know when the platform is making money for you

Examine Your Business Needs

1. Do you understand and follow the notary law in all respects?
2. Are you comfortable using and troubleshooting fairly sophisticated technology?
3. How much money and resources can you invest in adopting, implementing, and supporting RON technology?
4. What are your usual assessment strategies and internal procedures for choosing any kind of technology? How do you go about evaluating each acquisition?
5. Who needs to be part of the selection process? Technical support? Accounting? Management? Users? Customers? Others?
6. Have you read other applicable laws and regulations of your state to know what is required for compliance?
7. Are there other business requirements or standards specific to your industry to consider? (Example: underwriting policies.)
8. Is there any RON case law in your state? (Only *Ryerson v. Ryerson* (2021) in New York, that we know of.) What were the issues?
9. Will RON be a good fit for your business's culture, function, customer base, and future direction?
10. What advantages does RON offer to your customers? Does the platform address your customers' "pain points"?
11. Are you expecting to generate business, or to have the RON vendor direct customers to you?
12. Do you have policies and procedures for information security, including data privacy, access control, and disaster recovery?
13. What types and numbers of transactions are you expecting, now and in the future? Real estate? Legal? General notary work? A mix of transactions?
14. What are the current steps, processes, procedures, or workflows for getting notarizations done in your work environment?
15. Do you understand your current customers' preferences, abilities, and comfort levels with technology? How will you manage change if you implement RON?
16. Are you adequately staffed with commissioned notaries public who can learn and use this technology? Do they need additional training or education?
17. Are you willing to provide technical "help desk" support for your notaries and customers when they are using the technology? Who will provide this support?

18. What is your timetable for evaluating, purchasing, training, implementing, and making a profit from RON technology?
19. Do you have a checklist of “must-haves,” “nice-to-haves,” and “deal-breakers”?

Choose 3-5 Vendors

1. Is the vendor on your state’s list of approved technology vendors? If not, is the vendor in the approval process now? How soon will the vendor be approved?
2. Is the vendor focused on a specific industry, or on general notary work?
3. What electronic notarization capabilities does the platform support: RON, IPEN, RIN, eAPP? Others?
4. What types of transactions does the vendor specialize in? Is the platform designed especially or exclusively for your industry, or is it designed to support multiple industries? (Examples: mortgage/real estate, health care, legal, insurance, construction/ engineering.)
5. What is the vendor’s assurance that a RON transaction will be accepted by the usual receiver(s) of the documents you will notarize? What is the vendor’s assurance for the interstate recognition of the notarizations?
6. Are there any transaction types that the vendor’s platform does not support?
7. How does the notary collect fees and get paid? Does the platform generate accounting documentation for fees and other charges?
8. What individuals, companies, or businesses own or have controlling interests in the vendor? Is the vendor a subsidiary of or owned by a company involved in related lines of business?
9. Does the vendor’s platform enable you to perform all the notarial acts permitted in your state?
10. Does the vendor have current clients operating in your state, showing that the platform complies with the notary law and regulations?
11. Is the vendor willing to provide references for you to contact?
12. Is the vendor registered or licensed to do business in your state? Does the vendor hold the appropriate state business license and remain in good standing?
13. Are the vendor’s servers located within the U. S. and therefore subject to U. S. laws and regulations?
14. Is the vendor certified by appropriate standards-setting bodies, and how long has the vendor been certified? (Examples: MISMO certification; DLAPiper audit/certification; SOC2 Type 2 certification; Binding Corporate Rules (BCRs) as a data processor and data controller approved by European Union data protection authorities; EU General Data Protection Regulation (GDPR) effective May 25, 2018.)

15. If the vendor is not certified, why not?
16. Can the vendor show you how RON will work within your business, and identify where RON may not be a good fit?
17. Does the vendor offer a “partnership” or a “buyer-seller” relationship? Will you be a long-term client, or a one-time customer?
18. Does the platform consider the Americans with Disabilities Act (ADA) provisions for accessibility and does the vendor follow Web Content Accessibility Guidelines (WCAG 2.0) to accommodate signers with physical, mental, speech, hearing, or vision disabilities? What other assistive features does the platform provide?
19. Does the vendor offer multilingual support?
20. Does the vendor’s platform support hybrid (part RON/part papered-out) notarizations?
21. Can the vendor provide an “ink stamp image” of your official stamp if your state law requires such an image to appear on electronic documents?
22. How does the vendor notify you of changes to the platform that may make the platform non-compliant, or changes to the platform that bring it into compliance with new laws or regulations?
23. Who will provide training on the platform? What are their qualifications?
24. How do you pay for training? (Examples: by contract; number of hours; number of trainees; basic and advanced levels of training; additional trainees.)
25. How is training conducted? (Examples: one-on-one or group sessions; on-site or off-site; computer-based or live instructor; online interactive or self-paced.)
26. Does the vendor offer refresher training, or training on new features and platform releases?
27. Who will provide technical support? What are their qualifications? (Examples: in-house experts; third-party providers; your own technical support personnel.)
28. Is technical support available during all hours when you will be using the platform, not limited to business hours or weekdays?
29. What is the response time for technical support? (Examples: immediate; within specified time; business day; off-hours/non-business hours.)
30. How do you pay for technical support? (Examples: by contract; per call; by level of support required; number of open/closed tickets; prepaid number of calls.)
31. Can you increase or decrease the level of technical support in the future?
32. What is the vendor’s quality control process? Does the vendor error-check transactions and use that information to improve the platform’s error prevention capabilities?

33. Does the vendor follow cybersecurity and information technology laws and regulations?
34. What is the vendor's policy for renting/sharing/selling information gleaned from notaries and their notarizations/customers?
35. Does the vendor prohibit data mining of customer data by the vendor and any third parties?
36. Is the vendor using blockchain technology for any part of or all of the recordkeeping? Can the vendor explain the advantages of choosing that technology?
37. What information is stored by third parties (Examples: DART, MERS, AWS, Adobe, IDology, Zoom), and what is their liability for data security?
38. What is the vendor's process for proving security, chain of custody, integrity of transactions in court?
39. What are the vendor's specific cyber security policies and procedures? Do they meet or exceed federal and industry standards for data protection? Include information on the following processes, controls, and practices:

- Access Controls

- Application Security Controls (including Change Management)

- Asset Management

- Business Resiliency and Incident Response Management

- Data Security (including encryption)

- Human Resource Security (including criminal history background checks)

- Network Security Controls (including Firewalls, Intrusion Detection/Prevention Systems, Vulnerability and Patch Management, Logging, Monitoring and Auditing, Hardening Standards)

- Physical and Environmental Controls

- Risk Management and Governance

40. What is the notification timeframe/method/resolution in the event of a security breach?
41. How are records restored to pre-event condition and integrity?
42. What does the vendor do with the data if the vendor's technology becomes obsolete?
43. How is the data archived and accessed if the vendor is bought by another vendor?
44. What ransomware protection does the vendor offer? What cybersecurity plan is in place?
45. What backup and recovery process is in place? Where? How often are backups made?
46. What penetration testing is done to protect the notary records from hackers?
47. What insurance risk management process is in place? Does vendor's insurance extend to the RON notary who uses the platform?

48. What are the vendor's internal policies for vetting employees, contractors, and third-party providers?
49. What are the vendor's data security policies for non-public information exchanged with third parties? (Examples: real estate transactions; ID verification/authentication.) Does the vendor provide written policies for what information is exchanged and how it is secured?
50. What is the vendor's plan for long-term storage and retrieval of records, including audio-visual recordings, journals, audit trails? How is the data stored and how is it retrieved? How long does the vendor guarantee that the data will be saved in retrievable form?
51. What is the vendor's plan for data retrieval in the event of a disaster or cyber attack?
52. What is the vendor's plan if you are no longer a notary? What happens to your account, digital certificate, audio-visual recordings, journal, and other data?
53. How does the vendor parse out what data the notary is entitled to, and what data the employer is entitled to, if the notary/employer relationship is severed?
54. What is the vendor's continuity plan if your business is sold/acquired/merged/closed?
55. What is the vendor's continuity plan if the vendor is sold/acquired/merged/closed?
56. How does a notary retain access to the data? (Examples: continued server storage; cloud storage; media storage such as CD or flash drive.)
57. What is the vendor's policy for handling requests for data as evidence, whether from the notary, state officials, law enforcement, the courts, or investigative agencies?
58. What is the vendor's plan for legal defense in the event of court proceedings?
59. What is the vendor's response to subpoena, or letter from attorney/investigator? Is there additional cost for them to respond for you?
60. How does the vendor identify and destroy data that is no longer needed for business purposes?
61. What is the vendor's policy for handling complaints? Can you pursue remedies in court if necessary?
62. How is the vendor insured? What type and how much insurance do they carry? (Examples: general liability; professional/technology liability; cyber liability; errors and omissions.) Are there specific inclusions or exclusions for RON transactions? Does the coverage extend to the notary using the platform?
63. What are the conditions and the process for the vendor to suspend a notary as a user or to deny access to the platform? (Examples: Non-payment? Inappropriate use of technology? Breach of security/data integrity? Failure to follow procedures?)

Ask for In-Depth Demonstrations

1. How are notaries registered to use the platform? How is registration managed, suspended, revoked?
2. How does the notary sign on to the platform? User name and password? Two-factor authentication? Biometric access?
3. What is the procedure for resetting a user ID and password or other access credentials?
4. Does the vendor check to make sure the notary is properly commissioned and authorized to act as a notary before each notarization?
5. Does the platform maintain a log of who has signed on, for how long, and in what capacity?
6. Are there separate audit trails for notarization sessions, administrative activity, and data access?
7. What are the minimum equipment requirements for computer, camera, microphone?
8. What are the steps to prepare the signer in advance, and to explain the steps of identification verification, review of documents, signing, notarizing, journaling?
9. Can the vendor provide a script or checklist to give to the notary and the signers before the RON session, describing the equipment, paperwork, identification, witnessing, etc., needed for a successful session?
10. How intuitive is the user interface, for the notary and for the customer? Easy to use?
11. What is the quality of the audio-visual content (clarity, resolution, sound)? How does the platform filter ambient noise/sounds on the recording that should not be captured?
12. How much of the transaction will be recorded? Is there additional cost for longer recording time?
13. Who has authorization to see/access/store/reproduce the audio-visual recording?
14. What is the tamper-evident technology built into the platform? How is tampering recorded/detected?
15. How does the journal work? Does the journal comply with your state's notary law? Where is it stored? How is it protected/accessed/archived? Does the journal record the signer's internet protocol (IP) address?
16. Does the signer have to have a Social Security number or other credential to be able to pass the identification verification?
17. How does the vendor approach identification verification or knowledge-based authentication (KBA) for individuals without much of a credit history, or individuals without a banking relationship?

18. How does the vendor approach identification verification for individuals with credentials that are not amenable to the usual system checks and verifications?
19. Will international customers be able to pass the identification authentication process?
20. Can the notary communicate with the customer in various languages? Does the platform allow for a translator to participate in person or remotely?
21. How does the vendor's platform handle signers who are physically unable to sign? Signature by mark? Directed signature? Power of attorney? Guardianship? Video advance directives?
22. How many individuals can participate on a transaction in different capacities?
23. What is the maximum number of individuals who can be on the audio-video feed?
24. What does the vendor do to tamper-seal the documents?
25. How soon after notarization and for how long are documents made available to the parties?
26. How does the notary review or download the video, journal, and audit trail after a session?
27. What data is available, and how long is it maintained in retrievable form after a notarization?
28. How are transactions recovered if the platform fails during a transaction? If the audio-visual connection is disrupted? If any of the participants interrupt or need to leave the session? What criteria determine whether a session can be recovered or must be abandoned and restarted?
29. How does the platform accommodate papering-out of electronic transactions for recording or archival purposes?
30. What is the credential analysis method? Is it integrated, or separate from, the vendor platform?
31. How does the platform handle witnesses, credible witness identification/participation? Can the platform accommodate witnesses who are with the signer, with the notary, and remote witnessing/supervision?
32. What is the technical support plan during a notarization?
33. What is the loss to the notary and to the signer if a session is abandoned and restarted?
34. Can you review the training and technical support materials (print, electronic media, online) the notary will receive?
35. What upgrades, improvements, releases, patches are planned for the future?
36. Is the platform integrated with any businesses that need to do RON transactions?
37. Do you need a specific digital certificate (Example: X509)?

38. Does the vendor provide the digital certificate? If not, will the vendor recommend or assist in obtaining the proper digital certificate?

Examine the Actual Costs

1. Can the vendor provide an analysis of the actual costs among different purchasing options and payment plans, different pricing issues, and how they work? (Examples: Startup \$80 to \$1000 (one vendor has a \$5000 annual fee); transaction fees from \$15 to \$60 for the same transaction on different platforms; \$10 month plus a la carte pricing so everything you do is another charge (Example: If the video recording is longer than 30 minutes, the price increases).)
2. Are there additional fees for performing industry-specific RON transactions?
3. What are the costs of vetting and training the notaries who are allowed access to the platform? Background checks? Fingerprinting? Additional certification? Stricter employment requirements?
4. Will the vendor direct business to you as a RON-enabled notary on their platform?
5. Will the vendor help you get business, or are you bringing in your own customers? (Examples: 1) you are independent, you bring your client to the platform; 2) hybrid, bring your own customers, or the vendor will provide you with work; 3) employer-based, you are doing in-house work on a platform your employer set up.)
6. What are the recurring costs for identity verification/KBA, validating ID credentials, failed attempts at identification?
7. How does the vendor count fails? By signer? By transaction? What is the timeframe for repeat attempts at KBA/DL verification?
8. Have you identified all expenses? (Examples: Software platform license fee; purchase of new technology/equipment; staffing/training your personnel; tagging/loading of documents procedures; troubleshooting technical difficulties; archiving/storage; insurance; business development.)
9. What is the vendor's financial stability? What kind of financial footing do they have?
10. Will you be using only one platform, or multiple platforms for different purposes?
11. What can the vendor tell you about your likely return on investment (ROI) with the platform? Speed? Reduction in error? Efficiency gain? Lower per transaction cost? Other metrics?