

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
REMOTE MEETING
MARCH 2, 2023**

Present: Gregory K. Arenson, T. Andrew Brown, David Louis Cohen, Sarah E. Gold, Sherry Levin Wallach, Richard C. Lewis, Michael A. Markowitz, Thomas J. Maroney, Michael R. May, Michael J. McNamara, Domenick Napoletano, Christopher R. Riano, Nancy Sciocchetti, Lauren E. Sharkey, Kathleen M. Sweet, Kaylin L. Whittingham, Pauline Yeung-Ha

Guests: David Goldfarb, Jaime D. Lewis, Ellen G. Makofsky

Ms. Levin Wallach presided over the meeting as President of the Association.

1. Ms. Levin Wallach called the meeting to order.
2. Report and recommendations of Task Force on Notarization. In his capacity as co-chair of the Task Force on Notarization, Mr. Lewis, together with Task Force co-chair Ellen G. Makofsky and members David Goldfarb, Jaime D. Lewis, and Mr. Markowitz, presented on the recommendations contained in the Task Force's two reports – the first report on notary record keeping regulations, and the second report on remote online notarization (“RON”) credentialing. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, Executive Law 130 and 135-c, and regulations from Secretary of State 19 NYCRR 182 have been recently promulgated regarding electronic and non-electronic notarizations;

WHEREAS, these new laws and regulations have a significant impact on notaries and attorneys;

WHEREAS, there is no statutory basis for the record keeping and retention requirement for non-electronic notarizations;

WHEREAS, the new laws and regulations are unduly broad and burdensome on notaries and attorneys;

WHEREAS, the new law requires that a licensed electronic notary select a Credential service provider who meets certain technical requirements;

WHEREAS, in many circumstances, the licensed electronic notary lacks sufficient knowledge to determine whether the technical requirements have actually been met; and

WHEREAS, there is no showing that the new laws and regulations will diminish concerns of fraud that the legislation was intended to address;

WHEREAS, the efficiency of attorney notaries will be impacted by the above resulting in increased costs to consumers,

NOW, THEREFORE, IT IS RESOLVED that the Executive Committee approves the Reports and Recommendations of the Task Force on Notarization.

AND IT IS FURTHER RESOLVED that the officers of the New York State Bar Association are hereby authorized to take such other and further action as may be necessary to implement this resolution.

3. Date and place of next meeting. The next meeting of the Executive Committee will take place on Friday, March 31, 2023, in person at the Bar Center in Albany, with an option for remote participation via Zoom.
4. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Taa R. Grays
Secretary