**South Dakota Electronic Recording Commission**

**Teleconference Meeting**

**Tuesday, April 22, 2025**

**2:30 pm MDT / 3:30 pm CDT**

**MINUTES**

The South Dakota Electronic Recording Commission members participated in the meeting via ZOOM/audio link in the South Dakota Association of County Officials Conference Room at

211 East Prospect Avenue, Pierre, South Dakota, 57501. The meeting was called to order at 2:30 pm MDT / 3:30 pm CDT

Roll call was held and quorum established with the following South Dakota Electronic Recording Commission Members present:

Erika Olson, Chair - South Dakota State Bar Association Representative

Greg Wick, Vice Chair - South Dakota Land Title Association Representative

Audra Casteel, Pennington County Register of Deeds – January 1, 2025 – December 31, 2026 (75K+)

Lana Anderson, Meade County Register of Deeds – January 1, 2025 – December 31, 2026 (20-75K)

Melody Engebretson, Fall River County Register of Deeds – January 1, 2024 – December 31, 2025 (>20K)

Traci Radway, Haakon County Register of Deeds – January 1, 2025 – December 31, 2026

Sandra Frasier-Shaffer, Bon Homme County Register of Deeds – January 1, 2024 – December 31, 2025

Travis Martin, SD Land Title Association Representative – January 1, 2025 – December 31, 2026

Angela Beilke, SD Bankers Association Representative – January 1, 2025 – December 31, 2026

Monte Watembach, Information Technology Professional – January 1, 2025 – December 31, 2025

Kris Jacobsen - SDACO Deputy Director - Non-voting member

A motion to approve the November 1, 2022 Agenda was made by Traci Radway, seconded by Greg Wick. Motion carried by unanimous roll call vote.

A motion to approve the April 22, 2025 Agenda was made by Lana Anderson, seconded by Audra Casteel. Motion carried by unanimous roll call vote.

Committee Meeting Agenda and Appointments

The Commission reviewed the appointment terms, with Angela correcting her name spelling. Erika announced her move out of state and her intention to ask the State Bar to appoint a replacement for her.

A motion to appoint Greg Wick as Commission Chair, Audra Casteel as Commission Vice Chair was made by Erika Olson, seconded by Travis Martin. Motion carried by unanimous roll call vote.

South Dakota Remote Online Notarization

The Commission discussed the recent legislation on remote online notarization in South Dakota. It was mentioned that only a few notaries have signed up for this service, and they are using various providers. The Secretary of State's office has not published a list of approved vendors due to concerns about liability. The Commission discussed the potential issues with electronic recording in smaller counties and the need for more guidance from the Secretary of State's office. Greg agreed to share the list of notaries who have signed up for remote online notarization which he received from the Secretary of State’s office.

Remote Online Notary Challenges Discussed

The Commission discussed the challenges and concerns surrounding remote online notary services, particularly in the mortgage industry. They expressed concerns about the potential for fraudulent documents and the need for better education and understanding of electronic signatures. The Commission also discussed the issue of forgery and fraud in the land title industry.

It was suggested that the Commission could potentially ask the Secretary of State's office about vetting remote online providers, but noted that this might be part of a larger issue regarding the verification of notaries and their authorized providers.

Online Providers' Criteria and Reporting Standards

Greg will reach out to the Secretary of State for updated information on the criteria set out for online providers. The team discussed the challenges of implementing statute without clear rules, particularly for title insurance companies. Monte suggested reaching out to other states for best practices on state involvement in county affairs. Erika reviewed the Commission's statutory authority which include adopting standards for recording electronic documents and maintaining compatibility with other jurisdictions.

E-recording Challenges and County Adoption

The team discussed the challenges of encouraging counties to adopt electronic recording (e-recording) due to resistance from some counties. Monte suggested seeking insights from existing users and vendors like Document Pro. The Commission expressed concerns about the legal requirements and potential risks of not adhering to them and discussed the possibility of accepting paper documents that were remotely notarized, and the need for further understanding and guidance. The Commission discussed the importance of maintaining confidence in the land title recording system and discussed potential next steps, including reaching out to other states for feedback and possibly involving the Secretary of State's office more.

Public Comment Time: No Public Comments

A motion to Adjourn was made by Audra Casteel, seconded by Melody Engebretson. Motion carried by unanimous roll call vote.