

Special Note: The following is a summary of the Minutes taken from the Recorder's Advisory Council meeting held on Thursday, December 11, 2008, and does not necessarily provide a detailed verbatim transcription of the Minutes.

MINUTES

**RECORDER'S ADVISORY COUNCIL COMMITTEE
THURSDAY, DECEMBER 11, 2008
9:30 A.M.**

**CLARK COUNTY GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
1ST FLOOR, PUEBLO ROOM
LAS VEGAS, NEVADA 89155**

Members Present

Debbie Conway, Recorder, Clark County Recorder's Office
Charles Harvey, Assistant Recorder, Clark County Recorder's Office
Carmen Vojtasek, Community Title Services of Nevada
Mary Ann Porter, Community Title Services of Nevada
Debra Leatham, Equity Title of Nevada
Valerie Connor, First American Title Company of Nevada
Caesar Espinosa, FNTG Las Vegas Title Group (servicing CTT, FNT, & TT)
Megan Marquez, FNTG Las Vegas Title Group (servicing CTT, FNT, & TT)
Steve Dover, Lawyers Title
Rene Espinosa, Nations Title Company of Nevada
Lisa Forbes, Nevada Title Company
Amanda Terrill, Nevada Title Company
Charles C. Clawson II, Noble Title
Nick Nicholson, North American Title Company
Kehau Haia, Old Republic Title Company of Nevada
Jack Woodcock, Prudential Americana Group, REALTORS
Jerry R. Smith, Realty One Group
Bob Kneesel, Republic Services
Brad Berrett, Republic Services
Ann Stuart, Stewart Title of Nevada
Brant Remedy, Stewart Title of Nevada
Norman Spaeth, TitleOne of Las Vegas Inc.

Members Absent

Bob Cannata, Chicago Title
Debra Pomponio, Commerce Title Company
Tracey Keller, DHI Title
Devin Reiss, Greater Las Vegas Association of Realtors (GLVAR)
Keith Kelley, Kelley and Associates Real Estate
Laurie Quigley, Legal Wings
Robert C. Sherratt, Mesquite Title Company
Phillip Bouchard, National Title Company
Diana Andersen, Nevada State Title

Troy Hicks, Red Rock Title & Escrow Company
Denise Bray, Southwest Title of Nevada

Guests

Barbara Bell, Clark County Recorder's Office
Dennis Freimann, Clark County Recorder's Office
Laurel Jimenez, Clark County Recorder's Office
Shauna Johnson, Clark County Recorder's Office
Eugene Mendiola, Clark County Recorder's Office
Jill Willis, Clark County Recorder's Office
Susan Wohlbrandt, Clark County Recorder's Office

I. Call to Order

Debbie Conway, Clark County Recorder, called the meeting to order at approximately 9:39 AM.

II. Introductions

The committee members each introduced him or herself and the company that they represented.

III. New Business

a. Approval of September 11, 2008 Minutes

The RAC members unanimously approved the minutes for the September 11, 2008 meeting.

b. E-Recording Status Update

Laurel Jimenez, Clark County Recorder's Office, gave the RAC members a brief presentation on the status of E-Recording. **Jimenez** discussed office statistics, which indicated that approximately 25 – 27% of documents are electronically recorded each month. It was noted that November is a true picture of where the Recorder's Office is at with recording statistics. Over 80,000 documents are brought into the office a month and approximately 25% of those are e-Recorded. There are benefits to using e-Recording including immediate feedback from staff as well as not having to drive to the Recorder's Office and wait in line. Lawyers Title mentioned that they were happy with the e-Recording process and indicated that it saves them time and money.

Caesar Espinosa, FNTG Las Vegas Title Group, mentioned that e-Recording has a 3:30 PM deadline for documents. **Espinosa** is curious if there is any way to extend the deadline for those who have submitted documents prior to the deadline, i.e. if it has been rejected or has any other issues such as a late rejection. **Laurel Jimenez, Clark County Recorder's Office**, replied that it is an issue that **Eugene Mendiola, Clark County Recorder's Office**, and herself could review the process. Another RAC Member brought up the issue of having their correct documents rejected due to the mistake of a recorder and not being able to have it resubmitted that same day. In response, **Jimenez** stated that she would take her contact information. **Laurel** and **Eugene** will discuss these issues, and once a decision is reached, the Recorder's Office will contact everyone with the solution regarding late rejections.

Jack Woodcock, Prudential Americana Group, REALTORS, inquired why e-Recording has leveled off and why there is no increase in recordings. It was recognized that there is only one interface at the moment and some companies may have contracts with other interfaces.

Charles Clawson, Noble Title, questioned the recording of death certificates through e-Recording. **Clawson** mentioned that title companies have to manually come down to record them because of the watermark when scanned externally. He wanted to know if there was any way in the near future if they could e-Record these certificates. **Mendiola** stated that death certificates are not accepted through e-Recording because the watermark may hide text when the document comes through. **Jill Willis, Clark County Recorder's Office**, added that it is an Assessor's policy. **Conway** noted that the Recorder's Office will follow up with the Assessor on this issue.

c. Discuss Changes re: Branch Offices and the Title Companies

Eugene Mendiola, Clark County Recorder's Office, briefly discussed changes affecting the branch offices and title companies. The Recorder's Office has revisited the number of documents allowed per customer at each branch. **Mendiola** stated that the limits have been raised to 10 documents in the morning and 10 documents in the afternoon. This new modification will begin Monday, December 15th. The Recorder's Office will monitor the wait time to see if it affects the volume and scanning ability at the branch offices. **Conway** surveyed how many are utilizing the branch offices. Feedback from the RAC members suggested that they were comfortable with the document limit and excited for the increase. The Recorder's Office will revisit this increase in the future to see how well it functions.

d. Check Refund Procedure

Eugene Mendiola, Clark County Recorder's Office, discussed the change in check refund procedures. Due to cost containment, the Recorder's Office has evaluated the costs of processing refund checks. The office is attempting to minimize, or eliminate, refunds all together due to how costly it can be. The Recorder's Office is looking to implement a policy in January. The RAC members were asked for their suggestions on ways to minimize issuing refunds. Suggestions included leaving the check amount blank and having the runner fill it in at the office. **Jack Woodcock, Prudential Americana Group, REALTORS**, suggested doing refunds on an accrual basis i.e. waiting to give the customer a refund until it hits a specific accrual amount. **Conway** mentioned that the refund process is intricate and involves the Recorder's Audit team to process the refund, send it to the Finance Department and to the Comptroller's Office. **Dennis Freimann, Clark County Recorder's Office**, stated that refund request costs are astronomical to the office. The manhours that are spent processing the checks are high. It goes from the Deputy to an Administrative Supervisor who then processes the paperwork that will go to the Comptroller's. From there, the paperwork goes to the Treasurer's Office, and is then returned to the Comptroller's, where it is dispersed. **Freimann** noted that the check refund procedure is a big issue for cost containment. The Recorder's office wants to help the county and help taxpayers, which is the ultimate goal. The check refund procedure affects not only the Recorder's Office, but also those who are involved in the process of refund requests.

More discussion ensued. Another RAC member inquired if there is a way to set up accounts for title companies with a minimum balance. **Conway** acknowledged that the Recorder's Office is working on allowing credit cards and other technologies. She plans to catch up in terms of technological advancements and work with the customer's wants and needs.

e. Valuation Issues

Dennis Freimann, Clark County Recorder's Office, addresses that the Recorder's Office is seeing the current market values going down rather than up due to the economy, Nevada Revised Statutes (NRS) states that the sales price is supposed to be used if it is an arms length transaction, or bona fide sale. In the case of a gift, the value is determined by comparing the assessed value to the last sales price if it is within the last 5 years, whichever is higher.

Another valuation issue exists in terms of a Trustee Deed Upon Sale. The Recorder's Office has seen people foreclosing on the 2nd and not on the 1st mortgage. Trustee's Deeds are forced sales and if they are foreclosing on the 2nd, they must include the 1st for valuation purposes.

Jack Woodcock, Prudential Americana Group, REALTORS, inquired about the valuation issue and asked if the Recorder's Office would consider accepting a BPO (Broker Price Opinion). In response, **Freimann** stated that the only problem concerning this issue is that it would be stepping outside of the law. He goes on to say that each transfer is handled individually.

Nick Nicholson, North American Title Company, made the suggestion that it could possibly make it easier for Title Companies if there was a way to split out the sale price established by the arms length transaction verses the value that you base the collection of RPTT. **Freimann** noted that it sounds like a good idea and lead to him mentioning the Declaration of Value issue. **Freimann** stated that the NRS demands that the form must be the one prescribed from the state and some companies are submitting altered forms, which are being rejected for verbiage. This problem can be solved by simply going online and printing the Declaration of Value form straight from the Clark County Recorder's website.

f. Rescission of Trustee Deeds

Dennis Freimann, Clark County Recorder's Office, discussed the issue of Rescission of Trustee Deeds. He clarified that a Rescission of Trustee's Deed has to have a court order to be exempt. The District Attorney's opinion and the Department of Taxation have both agreed; if there is no court order, payment of transfer tax to record the documents is due. A RAC Member questioned the recording of a rescission where the customer was willing to pay the transfer tax, and in response, **Freimann** stated that it would not be an issue. The only problem exists with trying to qualify for an exemption and not having a court order.

Freimann also touched on the issue of Receiver's Deeds, which was brought to his attention by **Caesar Espinosa, FNTG Las Vegas Title Group**. **Freimann** gave the example of WAMU transferring the properties they own over to Chase. First, the title is transferred to the FDIC in a Receiver's Deed. Then from FDIC over to Chase. The purpose of this is to prevent bankruptcy. The Department of Taxation has clarified that the transfer from FDIC to Chase is taxable and there is no way of getting around it.

g. Upcoming Technological Projects and Enhancements

Laurel Jimenez, Clark County Recorder's Office, presented a PowerPoint on upcoming technological projects and enhancements. **Susan Wohlbrant, Clark County Recorder's Office**, elaborated on each project. **Wohlbrant** stated that the Clark County Recorder's Office continues to excel in customer service. The Las Vegas Chamber of Commerce

Customer Service Excellence Program recognized 41 of the Recorder's employees during the 2008 award ceremony for their excellent customer service.

Barbara Bell, Clark County Recorder's Office, touched on the Community Outreach Program in which employees of the Recorder's Office volunteered to assist and/or mentor students at Matt Kelly Elementary School. It is an ongoing collaboration with the Assessor's Office. This program was successfully implemented in December 2008. Additionally, **Conway** extended the invitation of a partnership to the Title Companies for their help and support, in this community outreach.

Jill Willis, Clark County Recorder's Office, discussed the Fraud Awareness Project. She indicated that the goal of this project is to provide the public with the information and education to increase awareness of fraudulent activities common to real estate transactions. **Willis** also stressed the importance of notaries knowing where their stamps are at all times.

Laurel Jimenez, Clark County Recorder's Office, covered the Website Improvements section of the PowerPoint. She discussed the online instruction training videos, which are being created to show how to complete Declaration of Value Forms, how to record Declaration of Homestead Forms and how to obtain certified copies and announcements. These videos will also cover recording requirements. These tools will be extremely useful for customers. Next she discussed technological enhancements, more specifically Credit Card Services. This process will be implemented in January. The online system will allow customers to order their marriage certificates and official records on the Recorder's website using MasterCard, Visa, and Discover. Credit cards services will also be available at the main office and the two branch locations.

Jimenez informed the committee on the Reconfiguration Project, which will be taking place in the spring of 2009. In this process, the old microfilm lab will be reconfigured to accommodate the growing needs of the technology division. She also elaborated on the Microfilm Archive Facility Enhancement. Additionally, the archive facility will be upgraded with additional environmental controls and fireproof vaults. A digitization project management will take the place of transporting film back to the Government Center.

Following those projects **Jimenez** shared her excitement about the new recording system through Aptitude Solutions' OnCore Systems. The new recording and workflow management system will carry the Clark County Recorder's Office into the future and effectively manage the large volume of documents. Two helpful factors about the new system are that it opens e-Recording to all submitting service companies and will provide training for public researchers before they go live. Implementation will occur Summer 2009.

Additional security enhancements were also mentioned. These new security enhancements such as cameras around the office will provide additional security to customers and personnel. The Kiosk/Web Public Access project was then brought up. The goal of this upcoming project is to provide a 24/7 method for ordering copies and recording documents without having to come in person. The kiosks will be located throughout the County such as Laughlin and Mesquite and other outlying areas. They will also be able to accept payments. This will be put into operation Winter 2009. Next, **Jimenez** talked about Microfilm Scanners In-House Digitization (2000-2004). This process is the conversion of microfilm to digital images to provide an easier method for customers to search and retrieve information. Lastly, **Jimenez** referred to Microfilm Backfile Preservation and Conversion. In the Summer of 2010 rolls will be converted to electronic microfilm. This low-cost approach will save a significant amount of time for staff and customers by accessing digital images.

h. RAC Member Survey

RAC member surveys were distributed to the members.

Completed surveys may be submitted to **Susan Wohlbrant, Clark County Recorder's Office**, at sws@co.clark.nv.us or faxed to (702) 382-5135. The results of the survey will be e-mailed to RAC members. .

IV. Miscellaneous Discussions

Debbie Conway, Clark County Recorder's Office, mentioned the case of Matt Marlon. She shared how the Secretary of State, the Attorney General, and other agencies were working together to prosecute Mr. Marlon. Thus through all of their hard work, \$87,000 in restitution will be returned back to the Recorder's Office.

V. Public Comments

Conway made the announcement that member information forms will need to be filled out and returned to the Recorder's Office by January 30. This form is simply just to update the information of each Title Company and its representatives. She additionally noted that the next meeting will be held across the hall and the time has been pushed back an hour.

A RAC member asked about Aptitude Solutions. Her concern was if the new system would affect the way the documents are accepted. In response, she was told no because through the process used, everything arrives at the same time; it is seen as first come, first serve.

Another RAC Member inquired about the waiting time of e-Recording and if there was any way there could be a reduction. **Conway** noted that the Recorder's Office will work on improving this issue.

Caesar Espinosa, FNTG Las Vegas Title Group, stated his concern about having to bring down Deed In Lieu's of Foreclosure and not being able to e-Record them. **Dennis Freimann, Clark County Recorder's Office**, mentioned that the process the Recorder's Office is using now most likely will not be changing due to the issue of incorrect values. **Freimann** will revisit the issue of trying to accept them online thru e-Recording; however, at this time, customers must still come in person.

VI. Next Meeting Date: Thursday, March 19, 2009, 10:30 AM, 1st Floor, ODC Room 3 Clark County Government Center, 500 S. Grand Central Pkwy., Las Vegas, NV 89155

VII. Adjournment

The meeting was adjourned at 10:40 AM.