

November/December 2003

# Title NEWS

Official Publication of the American Land Title Association

## CHUCK KOVALESKI RESPONDS TO THE CHALLENGES AHEAD

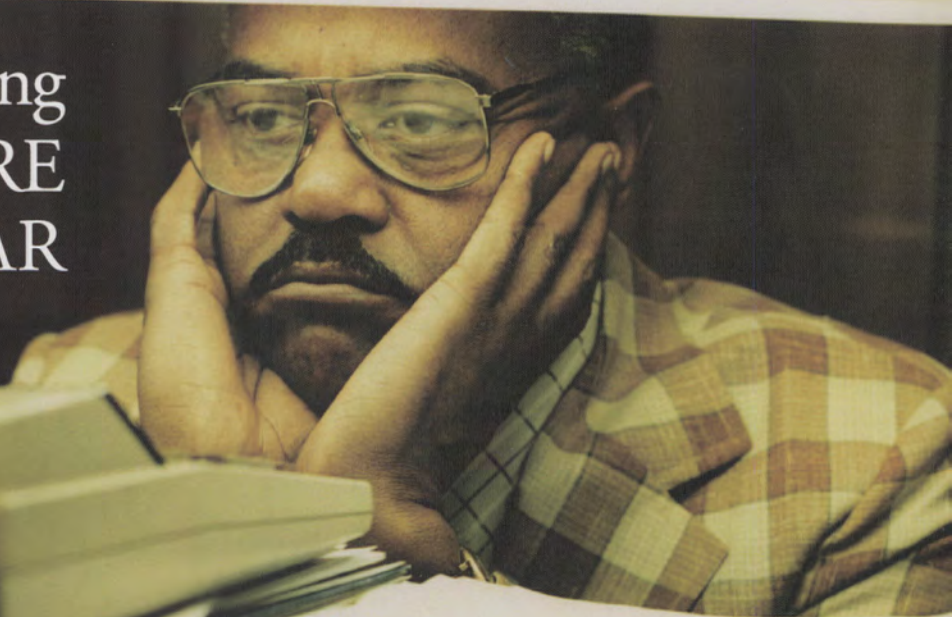
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- Preparing for RIFs As Business Slows
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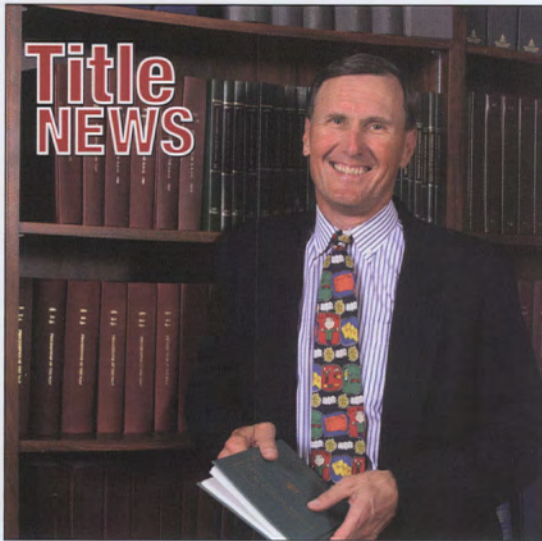
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# Leading edge

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## Title NEWS

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## Who's Responsible?

If I had known when I accepted this role that I had to write this column every so often, I might have declined the privilege. I suspect they don't tell you on purpose.

I suspect that is also why they don't tell us when we get in this business that we are the ones who will be blamed when the closing proceeds—don't show up on time in the proper amount—or, before that, the closing instructions. We aren't told that we are the ones who will be blamed when other parties, who are being paid a good deal more for a great deal less responsibility, don't perform as they are supposed to.

### All Our Fault?

What we are told is that we are the ones who are responsible for "excessive" closing costs, for delays in transaction processing, and for in general making things difficult and more expensive for consumers. As if all that multitude of forms is our creation. As if all the other parties in the transaction are known consumer advocates—like those involved in Enron-like shenanigans or more recently named as a willing party in the Canary Investment scheme brought and settled in New York.

### Get Your Head Out of the Sand

I recently heard one of our members describe people in our industry as being heads-down, hard workers who don't demand a lot of glory. That is true and admirable—but not adequate any more. That is why it is so critical for all of us to more than adequately fund the public awareness effort by ALTA.

I'm tired of being beaten up by anyone who cares to because our story hasn't been told. The ALTA public awareness campaign is a voluntarily funded effort, so when the call comes, volunteer! Because if we don't, we have no one to blame--but ourselves.

Charles Kovaleski





## Campaign Thank You!

A special thank you to the Wyoming Land Title Association for its \$2,500 contribution to the ALTA public awareness campaign. Wyoming LTA joins two other land title associations, Maryland and Tennessee, who have contributed to the campaign.

Contact Lorri Ragan at [lorri\\_ragan@alta.org](mailto:lorri_ragan@alta.org) or 1-800-787-2582 for more information on the campaign and how you can help.

## Correspondence Course Registrations Off the Charts

“Back to School” is certainly true for title industry employees.

Enrollments in the Land Title Institute's Course 1 Correspondence Course reached an all time monthly high in September with 392 students signing up to take the self-study course. In the first nine months of 2003, Course 1 enrollments total 2,408, and Course 2 enrollments also are significantly higher with 433 students.

Course 1 is primarily designed for new or less-experienced title employees and others seeking a basic understanding of the title business and its unique terminology. Course 2 is designed as a follow-up to Course 1 or for more experienced title professionals.

For more information about the LTI Correspondence Courses, please visit the ALTA web site: [www.alta.org](http://www.alta.org); click on Educ/Land Title Inst; then LTI Correspondence Courses.

While you're visiting the web site, check out the information on LTI's newest employee training tool, “Title Triumph™ The Game of Land Title Knowledge,” which is a natural follow up and reinforcement of material learned in the correspondence courses. But rather than self-study, this training vehicle is a team building experience and friendly competition in the form of a board game which can be completed in less than one hour. With 200 questions and answers, Title Triumph™ may be played multiple times before question cards are repeated. And, blank cards are included in the game so that questions may be customized.



# calendar

## ALTA Coming Events

### November 8-11

Title Counsel Fall Meeting  
Miami, FL

### 15-18

TRC Board Meeting  
San Diego, CA

### 2004

### January 9-13

Research Abstracter/Agent Meeting  
Key West, FL

### 16-17

ALTA Board of Governors Meeting  
Winter Park, FL

### February 7-10

Large Agents meeting  
Boca Raton, FL

### March 14-16

ALTA Tech Forum  
New Orleans, LA

## Affiliated Association Conventions

### November

12-14 Florida

### December

3-5 Louisiana

## TIAC Exceeds Four Million Dollars in Premiums

TIAC, the Title Industry Assurance Company, a member-owned, ALTA -endorsed provider of errors and omissions insurance, has recently exceeded \$4 million in premiums and over 1,000 insureds. Started in 1988, TIAC E&O insurance is an exclusive ALTA member benefit.

Also, for the fifth consecutive year, TIAC has declared a policyholder dividend. This year's dividend will be paid to current insureds who were insured in any of the years 1997, 1998, 1999 and/or 2000.

As a result of so many new policies for TIAC, ALTA obtained a record-breaking 103 new members in August. For a rate quote call 1-800-628-5136.

## Mark Your Calendar



No, it's not 2004 just yet, but it will be here before you know it! Take a few moments now to jot down the dates for ALTA's Tech Forum 2004, March 14-16 in New Orleans. Due to the success of last year's Call for Presentations format, Tech Forum 2004 will again showcase sessions suggested by ALTA members. Mark your calendar now and look for more information on the convention shortly.



## ALTA Public Awareness Campaign Update

Media-relations activities have kept ALTA's public relations firm, Ervin Bell, busy over the last few months. Although the debate on Radian's lien protection product might have fallen to the back burner on the national level, this summer it was still a hot issue in California. A CA Senator had introduced a bill to allow Radian to sell title insurance. The Consumer Union backed the bill. Ervin Bell coordinated with the California Land Title Association on a media strategy to discredit the Consumer Union for backing this substandard product. They drafted a letter from ALTA to CA Insurance Commissioner Garamendi regarding the complaint by the Consumer Union. Ervin Bell distributed a White Paper by Nelson Lipshutz to media who were familiar with the issue and had recently written about it. They had extensive conversations with media from the *LA Times*, *Orange County Register*, *Sacramento Bee*, *Sacramento Business Journal*, *San Francisco Chronicle*, *Reuters*, *AP*, *American Banker*, *National Mortgage News*, the *Title Report* and the *Legal Description* regarding the issue. And they strategized with ALTA and CLTA in case we had a rejection by Garamendi regarding Radian.

When Garamendi ruled that Radian's product was in fact title insurance and told them to stop selling it, Ervin Bell released a press release applauding Garamendi's decision.

In addition, the *Wall Street Journal* and *New York Times* ran pieces that were less than favorable about the title industry. Ervin Bell coordinated with ALTA and the New York State Land Title Association on a response to the *NY Times* and wrote a letter to the editor from ALTA in response to the *Wall Street Journal* article.

Ervin Bell also took on a few writing opportunities. If you read last month's *Title News*, you undoubtedly read the cover story on "What Consumers Think About Title Insurance," which included the results from this year's research with consumers who had recently purchased a home. (The story is available on ALTA's Web site under "Publications" then "*Title News*" if you did not get a chance to read the hard copy.) In addition, Ervin Bell collaborated with Jim Maher to write an article for *National Mortgage Broker's* magazine on trends in the title industry and how they affect mortgage brokers. And Ervin Bell worked with

Cliff Morgan of First American Title Insurance Co. in CA to rewrite an article on ALTA's Short-Form Residential Loan Policy to pitch to mortgage-lending trade publications.

Finally, Ervin Bell has developed a Title Industry Marketing Kit, which debuted last month at ALTA's Annual Convention. See the article below to receive your free copy to help ALTA spread the message about the value of title insurance.

## Title Industry Marketing Kit Now Available

The long-awaited Title Industry Marketing Kit is now available and is free to all ALTA members. You asked for a "took kit" to help educate various target audiences at the local level about the value of title insurance. This kit is just the answer. The kit contains an "evergreen" article that you can add your byline to and place in a local newspaper. The article is in Q&A format which will be attractive to local editors. There are also samples of articles written by others in the title industry to give you ideas for columns in your area.

The kit also contains a 12-minute video presentation explaining the process of title insurance and why it is valuable to have. It shows all the work that goes into the title search and the preparation of documents for the actual settlement. This would be perfect to run continuously in your lobby, or to show in individual closing rooms as consumers wait to meet with you. It can also be shown to local real estate agents groups, or others such as Kiwanis, etc. A PowerPoint presentation will have many of the same messages and can be used for other presentations.

Finally, the kit will contain some brochures that you can hand to consumers at settlement. They will have space on the back to customize with your logo. That can be coordinated with ALTA's public relations firm, Ervin Bell. The brochures will be available for purchase in bulk as well. And the kit will contain some sample ads that can be placed in local publications.

To order your free copy of the kit, fill out the form on page 11 of this magazine and mail it to ALTA, or send an e-mail to [lorri\\_ragan@alta.org](mailto:lorri_ragan@alta.org). Kits will be available in early November.



# government & agency news

## ALTA Files Comment on Preemption of State Laws

The Office of the Comptroller of the Currency (OCC) published for comment a proposed revision to its regulation concerning the preemption of state laws applicable to national banks and their operating subsidiaries that significantly expands the scope of such purported preemption. The proposal would preempt state laws “concerning...the origination of mortgage loans” and “security property, including leaseholds.” State laws relating to the “acquisition and transfer of real estate” would not be preempted if they have only an incidental effect on a national bank’s mortgage lending.

The OCC proposal, when read broadly, could potentially preempt state laws that title companies rely on to make insurability determinations regarding the validity, enforceability, and priority of national bank mortgage loans. It could also potentially apply to state laws that provide requirements or limitations on the handling of closings of such loans.

ALTA filed comments explaining why the OCC should narrow its language and eliminate some of the ambiguities that could affect the insurability of national banks mortgage loans.

## House Approves Bill to Increase American Homeownership

The House of Representatives approved a bill that will help more Americans become homeowners by providing \$200 million in grant funds to defray mortgage closing costs for 40,000 families annually. The American Dream Downpayment Act was approved by a House voice vote.

The bill would provide \$200 million in grants, for each of the fiscal years 2004 and 2005, for low- income, first-time homebuyers across the U.S. The grants will be distributed through HUD’s HOME program.

In the other chamber, the Senate has introduced S 1175, a bi-partisan piece of legislation entitled The First Time Homebuyer Act. The bill provides a tax credit for the down payment and closing costs for first time homebuyers. ALTA supports the concept of the bill, but seeks changes to minimize the impact the bill could have on our industry. Currently, it is unclear when the credit is to be issued.

## Interest on Business Checking

HR 758, which was passed by the House of Representatives earlier this year, would allow banks to offer interest to businesses holding checking accounts. ALTA hopes that the current provision of services by banks in accordance with Regulation Q and identical legal treatment would be continued. HR 758 was amended during Committee. ALTA is working on the Senate version to modify the House amendment. The Senate Banking Committee had indicated that they expect to focus on the issue in 2004.

## Banks in Real Estate

Both the Department of Treasury and the Federal Reserve Board have proposed a rule to allow banks to offer real estate broker and/or management services. The issuing of a final rule was delayed last year because of a spending bill signed by President Bush. It appears likely this will happen again. The House Appropriations Committee passed a spending bill this summer that would again limit the ability of the Department of Treasury to issue a rule until fall 2004. There is legislation in both the House and Senate that would permanently prohibit banks from entering the real estate business.

## On Again/Off Again GSE Reform Bill

The House and Senate have scheduled and unscheduled various hearings and markups on legislation to strengthen oversight of the GSEs. In September, the House Financial Services Committee held hearings on the subject, as they formulated legislation dealing with Fannie and Freddie. The markup of the bill was scheduled the week of September 29 and then October 8. The October 8 markup was canceled after the Bush Administration strongly objected to the compromise GSE bill introduced by Chairman Michael Oxley (R-OH).

Meanwhile, as of press time for Title News, the Senate Banking Committee had scheduled a hearing on proposals to restructure the regulation of the GSEs for October 16. Look for more up-to-date information on this issue in ALTA E-News. If you are not receiving ALTA E-News, contact Lorri Ragan at [lorri\\_ragan@alta.org](mailto:lorri_ragan@alta.org) to get on the distribution list.

Unless otherwise noted, for more information on these issues, contact Ann vom Eigen, ALTA’s legislative and regulatory counsel, at [ann\\_vomeigen@alta.org](mailto:ann_vomeigen@alta.org) or 1-800-787-ALTA.



# washington watch

an update of ALTA issues

issue	synopsis & business effect	status
RESPA	The Department of Housing and Urban Development has proposed a rule to allow lenders to package settlement services and obtain an exemption from Section 8(a) of RESPA. ALTA filed comments stating that HUD lacked statutory authority to issue the rule and that a Guaranteed Settlement Package approach (without a Section 8 exemption) should be considered. In January 2003, the ALTA Board authorized ALTA to explore litigation should the final rule look substantially similar to the proposed rule.	Comments were due October 28, 2002. ALTA submitted comments and testified before several key congressional committees opposing the rule as currently proposed. ALTA continues to encourage members to contact their federal representatives to educate them about the effect of the rule on our industry and ask them to convey our concerns to HUD.
Payment of Overtime	The Department of Labor published proposed changes to the Fair Labor Standards Act (FLSA). This offers an opportunity to address the payment of overtime to escrow closers as is required in some states. ALTA comments seek to include escrow closers or real property settlement officers as professionals exempt from overtime.	ALTA submitted comments, which were due June 30, 2003. The House and Senate voted by slim margins to halt the Administration's efforts to rewrite the decades-old rules on overtimes pay. It would appear the rule will not be finalized, if Bush does not veto the bill.
State Law Preemption	The Office of the Comptroller of the Currency proposed a rule asserting that certain state laws would be preempted. ALTA comments ask that the OCC clarify that state laws regarding mortgage liens should not be preempted.	ALTA submitted comments, which were due on October 6, 2003.
Home Loan Banks	The Federal Housing Finance Board proposed that the 12 Home Loan Banks be required to register with the Securities and Exchange Commission and have greater public disclosure standards.	Comments are due January 15, 2004. ALTA does not expect to comment at this time.
Money Laundering-USA Patriot Act	The Department of Treasury issued an advance notice of proposed rulemaking (ANPR) The ANPR was on compliance programs for "persons involved in real estate closings and settlements." ALTA provided comments, which would include an exemption for small business and refinances.	The Treasury Department has not yet issued a proposed rule for comment. Many lenders and the American Bar Association are pushing for exemptions.
Government Sponsored Enterprise Reform (HR 2575, S 1656)	Congress is actively considering legislation to restructure the regulation of Fannie Mae and Freddie Mac due to concern about Freddie Mac's financial results restatement. A new office under the Dept. of Treasury, not HUD, would be the new regulator. ALTA seeks to educate legislators and regulators that title insurance lowers mortgage risk.	The House Financial Service Committee held hearings. The bill was scheduled for a mark-up, but was postponed due to lobbying by Fannie and Freddie. The Senate Banking Committee is expected to consider shortly.
Fair Credit Reporting (HR 2622)	The legislation would update the 33-year-old Fair Credit Reporting Act. Consumers would have annual access to their credit reports and greater identify theft protection. The bill also makes permanent the expiring section that bars states from issuing state law. That section is set to expire at the end of 2003. The Senate version contains problematic language that allows consumers to limit information sharing among business affiliates.	9/10/03- Passed the House. 9/23/03- Senate Banking Committee approved by voice vote the National Consumer Credit System Improvement Act (Bill number not yet assigned).

This information is of October 13, 2003 and is meant to be a summary only.

For more detailed information, visit the Government Action page of ALTA's Web site at [www.alta.org/govt](http://www.alta.org/govt)



# Valtech RESEARCH

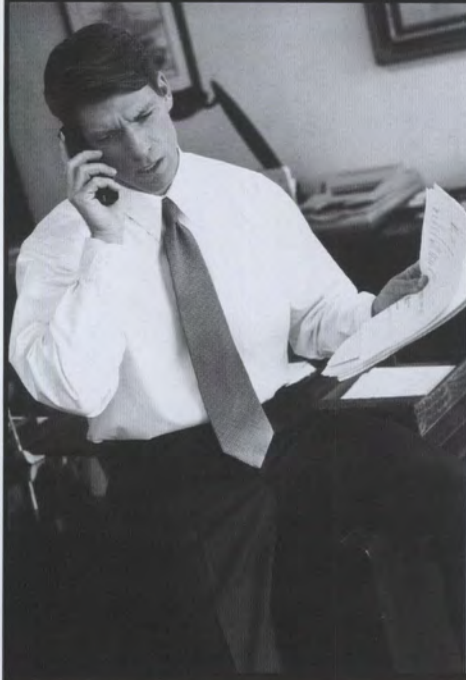
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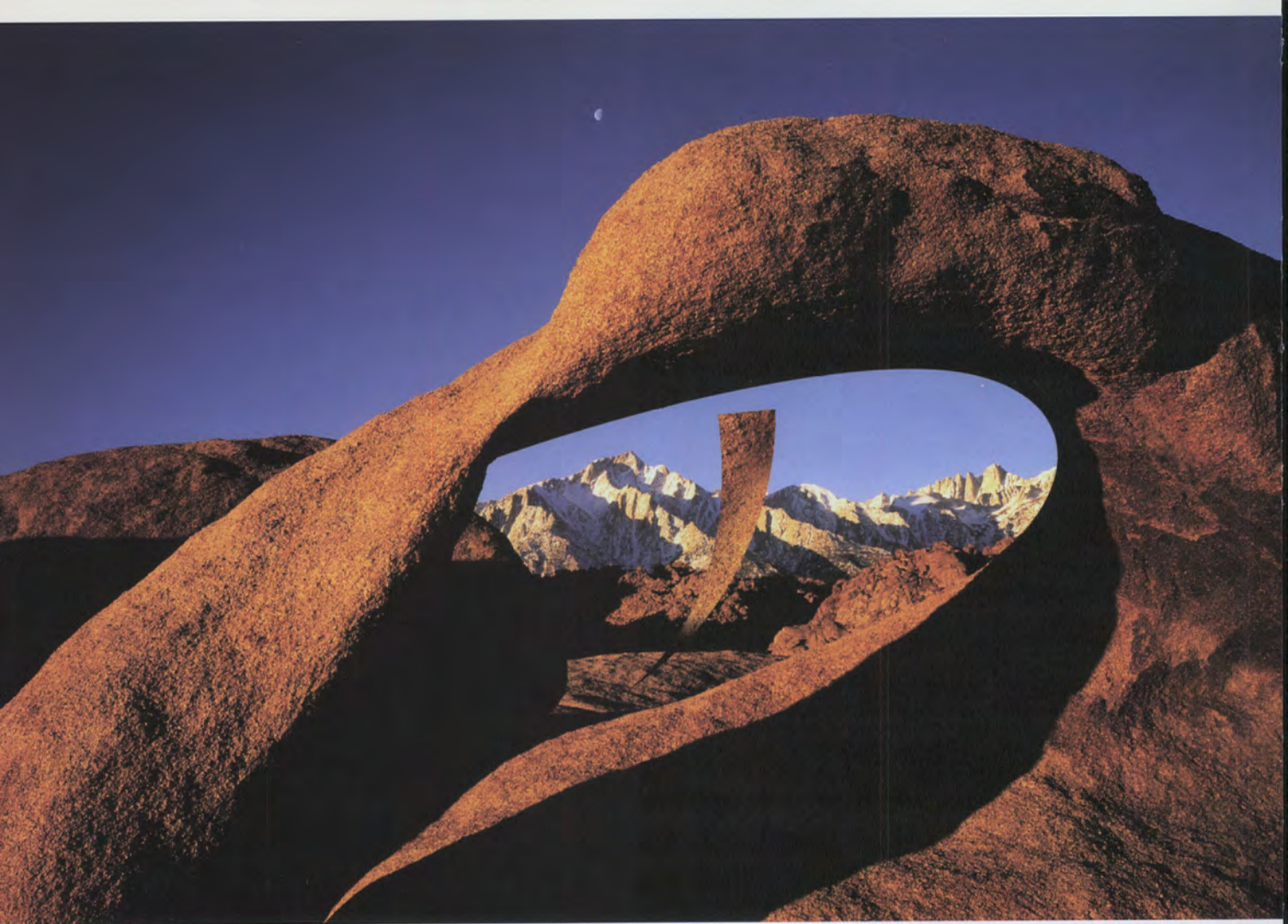
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# Chuck Kovaleski Responds to the Challenges Ahead

by Ellen Schweppe

The greatest challenge the title insurance industry faces today is making people aware of its value, according to incoming American Land Title Association President Charles Kovaleski. Solving the problem could prove to be an even greater challenge, he adds.

"People in positions of influence—and that would include consumers—don't know what we do and therefore don't value what we do," said Kovaleski, also president of Attorneys' Title Insurance Fund, Inc. in Orlando, FL. "We've done what we do so well and so quietly for years that we're taken for granted."

He plans to spend his year as president encouraging members to support ALTA's ongoing Public Awareness Campaign, a multiyear effort aimed at generating awareness and understanding of the title industry's vital role in the real estate process.

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## We need to find out what we can do to be more attractive to potential members.

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At the recent annual convention, ALTA debuted its Title Industry Marketing Kit, which is designed to help title insurance professionals get the industry value message out to consumers and others involved in the real estate process.

The kit contains articles and advertisements to place in local publications and brochures to hand to

consumers at the closing table. It also includes a video and PowerPoint presentation about the title insurance process that members can use in giving talks to local groups, training new employees, or educating homebuyers. Each kit component can be customized with a company logo.

"We need to get our story out in a coherent, nondefensive way, and not just over the next year but into the future," Kovaleski said. "We can't ever sit back and assume that because we're doing a good job that people are going to appreciate it."

Kovaleski speaks from experience. His company has been conducting an education campaign aimed at Florida consumers for years. The campaign—which includes English and Spanish Web sites, brochures, advertising, and a toll-free phone number—focuses on how consumers can protect themselves during the complex real estate process and on the importance of using an attorney.

One thing his company has learned is that such a campaign cannot be done inexpensively. "Our experience in Florida is that \$900,000, which is what ALTA has raised so far, is not going to go very far in a national campaign. We're spending a multiple of that number in Florida alone," he said.

That's why he plans to encourage members that when the call comes to contribute to the ALTA effort "to dig deep and dig often. Because it's a voluntary program, we all need to volunteer."



### Long-Term Effort

Another point he plans to make is that ALTA's campaign is not a short-term solution. "Even if in the first couple of years we have some good results, we can't stop, because people forget," he said. "It's not going to change overnight. It may never change entirely to our satisfaction. But it's important to recognize that it will be a long-term effort to help consumers understand why they need us in the real estate transaction."

It was a need that got Kovaleski involved in the title insurance industry—the need to find a job so he could pay his tuition at the University of Illinois College of Law and marry his then fiancée, Becky.

He spotted a notice on a school bulletin board for a part-time clerk at Attorneys' Title Guaranty Fund in Champaign, IL, a bar-related title insurance firm owned and operated by attorneys who issue title insurance policies.

His job during the school year was to do legal research and review policy forms sent in by attorneys who belonged to the firm. He spent the summer on the road signing up new members.

"What really interested me was the



idea that people do need legal counsel in real estate transactions, and we were working to make sure that happened," he said.

After graduating, Kovaleski worked at the firm for a year before moving on to executive positions at other bar-related companies in the Midwest, helping to build their member networks of attorneys specializing in real estate law.

Kovaleski spent two years at a New York title insurance company owned by Attorneys' Title Insurance Fund before becoming vice president of development at the Fund's Florida headquarters in 1980. He was named president in 1985.

As the country's first bar-related title insurance company, the Fund has been in business more than 50 years and supports a network of more than 6,000 attorney agents who practice real estate law. The company—the nation's sixth largest title insurance

underwriter and Florida's largest—writes more than 300,000 policies a year in the state.

Customer service has been a key focus for Kovaleski during his years as the Fund's president. During the late 1980s and early 1990s, he implemented an intensive customer service improvement program to quell a growing number of complaints.

#### Customer Service Focus

"Customer service programs are widespread now, but I think we were among the first to talk about changing our culture to one focused on service," he said.

Now all employees undergo regular customer service training, and each year the company schedules a Customer Service Excellence Day to review its performance on several customer service-related measurements. The company also offers a money-back quality and

service guarantee on title insurance products, billing itself as the only title insurance underwriter to make that offer.

The result has been a steady increase in market share—now nearly a quarter of all premium dollars generated in Florida—and a sharp drop in complaints. "I now get three or four letters a week commending us on our service," Kovaleski said.

Technology has been another focus for the company, which started applying data-processing technology to the title insurance industry as early as the 1960s.

"This is a group of lawyers—who are not typically thought of as being progressive—who decided there was an application for technology in our business at a time when most people thought the only use for computers was crunching numbers," Kovaleski said.

Over the years, the Fund has

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developed a number of technology-based products and services. Attorneys' Title Information Data System, the most comprehensive computerized title-information service in Florida, provides members with access to more than a hundred million

companies to get more involved in ALTA, and so I did," Kovaleski said. First American Corp. Chairman and former ALTA President Parker Kennedy followed up with a nomination to the ALTA Board of Governors.

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## **Kovaleski is the first ALTA president to come from the ranks of bar-related companies.**

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real estate records.

"More than 2,000 people use ATIDS in their offices on a daily basis," Kovaleski said. "It has been a huge part of our success story."

In 2000 the Fund participated in one of the first fully electronic mortgage loan and home purchases to occur in the United States, a transaction in which the mortgage loan was closed, recorded, and delivered to the secondary mortgage market in less than three hours.

"I'm not one to adopt technology just for the sake of doing it," Kovaleski said. "It has to be something that works, that either saves money or makes money."

### **First Bar-Related President**

Kovaleski is the first ALTA president to come from the ranks of bar-related companies and the first in about 30 years to represent a regional underwriter. He served on the Underwriters Section of the Executive Committee and the Board of Governors before accepting the nomination to president-elect that led to this year's presidency.

A past president of the National Association of Bar-Related Title Insurers, Kovaleski also has been active in the American Bar Association and state bar organizations.

Former ALTA President Richard Toft, now retired from Chicago Title Insurance Corp., encouraged him to become active in the Underwriters Committee. "He thought it was time for regionals and bar-related

Kovaleski hopes one outcome of his presidency is that ALTA members will learn more about the contributions bar-related companies make to the industry. "I know a lot of people are somewhat familiar with bar funds, but perhaps now they'll have an opportunity to find out a little more about us."

### **Two Issues of Concern**

During his year as ALTA president, Kovaleski expects ALTA to focus on two key external issues: HUD's proposed revisions to RESPA regulations and attempts by non-title insurance companies like Radian Guaranty to sell title insurance products.

As reported in previous issues of *Title News*, ALTA supports HUD's efforts at settlement-services legislation or regulations that promote consumer choice and require meaningful disclosure. However, ALTA maintains that HUD's proposal does not achieve those goals and instead would have potentially adverse effects on consumers, the mortgage settlement process, and small businesses.

"Approximately 51% of title companies in the country had less than \$500,000 in gross revenues in 2001, and 68 percent had ten or fewer employees," Kovaleski testified before the U.S. Senate Committee on Banking, Housing and Urban Affairs in April 2003. "HUD's current proposal would have a very serious effect on small businesses in our industry and on our ability to compete

for consumer business."

Last fall ALTA proposed an alternative to HUD's proposal—a two-package approach. The two-package approach has recently been gaining support from others in the real estate industry. ALTA is not certain if HUD's revised proposal will include our two-package approach, HUD said we would hear something "soon."

The other challenge the industry is facing is from companies offering substandard products and passing them off as alternatives to title insurance. As readers will surely be aware, ALTA challenged Philadelphia-based mortgage insurer Radian Guaranty's introduction of a product they call Radian Lien Protection on grounds that the company is not licensed to sell title insurance.

Last summer California Insurance Commissioner John Garamendi sustained the cease-and-desist order the Department of Insurance issued against Radian earlier for attempting to sell an unlicensed title insurance product. The order also bans Radian from selling the product in other states or risk losing its license to sell mortgage guaranty insurance in California.

While Radian may challenge the ruling and other nontitle companies may try to introduce similar products, Kovaleski believes a positive outcome is the title industry's response to market challenges by developing new products to meet market requirements.

### **Energizing ALTA Membership**

Membership is the key internal issue that Kovaleski plans to address during the coming year, reflecting his strong background in membership development for bar-related title insurers.

"We have a real opportunity to attract and energize the large number of people in our industry who have not yet joined us," he said. "We need



to find out what we can do as an association to be more attractive to those potential members. What can we do to bring you in? What can we do to get you active on association committees? It's important for us to find ways to address that."

Another membership issue on Kovaleski's list is equalizing the association's dues structure so that agents and underwriters who conduct comparable amounts of business pay similar dues. "We also need to fund the Public Awareness Campaign in a more equitable manner so that all of us sharing the benefits are also sharing the cost," he said.

In addition to his career in the title insurance industry and his work for ALTA and bar-related associations, Kovaleski—whose parents were educators—has been involved in a number of education-related organizations over the years.

He has served as chairman of

Junior Achievement of Central Florida, part of an international organization that educates young people about business and economics. He also has been a trustee and vice chair of Olivet College in Michigan, a trustee of Seminole Community College in Florida, president of Planned Parenthood of Greater Orlando, a director of the Greater Orlando Area Chamber of Commerce, and a member of the chamber's Education Task Force. He was also an unsuccessful Democratic candidate for the U.S. House in 1992.

Kovaleski married his wife, Becky, after his second year of law school, after he found that first title insurance job. Their son, Michael, graduated from Texas Christian University recently with a bachelor's degree in marketing, while their daughter, Katie, attends the College of Charleston in South Carolina.

When it's time to unwind,

Kovaleski often reaches for a book. In his reading pile are a new biography of Benjamin Franklin, Paul Elie's biography of four Catholic literary figures titled "The Life You Save May Be Your Own: An American Pilgrimage," and Kevin Phillips's "Wealth and Democracy: A Political History of the American Rich."

Kovaleski's real passion, though, is golf. "If I could figure out a way to make a living at it, I'd be out of here tomorrow," he said with a laugh.

To order a copy of the ALTA Title Industry Marketing Kit, e-mail [lorri\\_ragan@alta.org](mailto:lorri_ragan@alta.org), or fill out the form on page 11 and return to ALTA.

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Ellen Schweppe is president of Ellen Schweppe Company, LLC, an editorial services firm serving the financial services and other industries. She can be reached at (703) 435-5621 or [ellen@schweppecompany.com](mailto:ellen@schweppecompany.com).

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# Electronic Document Recording: The Time Is Now

by Todd R. Hougaard

Over the past few years the land records recording industry has introduced a new document-recording model to local governments and their business partners. Though the paradigm is still evolving and the legislation and technology are still maturing, the successes seen in the industry are undeniable. Electronic document recording works. And, like any successful development, this time- and cost-saving innovation will continue moving forward to revolutionize the old traditional method of document recording.

The electronic document recording movement has coalesced into a recognizable structure strongly reinforced by a distinct and growing following of participants, including county governments, mortgage lenders, title companies, task forces, standards-setting organizations, technology providers, and system vendors. Today, there is no doubt that there are many substantial industry players who understand the strategy, objectives, and benefits of this change.

recorders and their submitting customers can adopt and integrate an effective electronic-recording system. Evaluating current successes firmly establishes the fact that today electronic document recording is a reality.

## Legislation

Many legislative barriers to electronic recording have been removed during the past several years. The most important changes have been related to electronic signatures. The Federal Electronic Signatures in Global and National Commerce Act (E-SIGN) has been in effect since October 1, 2000, giving legal validity to electronically signed transactions. In addition, the Uniform Electronic Transactions Act (UETA) has been passed by most of the state legislatures throughout the country. Legal challenges will always exist, as current laws vary from state to state. And there will be much room for interpretation. However, the legal landscape has definitely shifted in



electronic recording system implementations that each county recorder desires an electronic recording solution that seamlessly integrates with the paper document recording processes. Similarly, document recording requirements, fees, and payment choices vary from county to county and state to state. There are currently very few, if any, comprehensive standards that are consistently implemented and followed for document recording and indexing. However, an integrated electronic recording system must comply with the recorder's individual recording process and requirements, as well as function within the mandates of state and national legislation. Furthermore, the system must securely interact with systems and data from the document-submitting customers who range in size from local operators to the largest national lenders.

Perhaps the most important step toward realizing the benefits of electronic recording has been the formation and collaboration of standards-setting organizations. These groups have already determined key legislative and technological challenges that exist among industry

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Because of recent increased activity and budget constraints, the electronic document-recording industry has been besieged with unprecedented challenges. The result has been a focus on an initial objective—to establish the means by which both

favor of electronic documents and transactions.

## Standards

During the past two years it has become increasingly apparent, as a result of several recording office



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participants. They currently are defining the efforts needed to overcome those challenges. The Property Records Industry Association (PRIA) and the Mortgage Industry Standards Maintenance Organization (MISMO) are the industry's two main standards-setting bodies. (ALTA participates in both of these organizations.) These groups and others are working together to ensure collaboration by all industry participants. By creating and establishing standards, these groups are assembling a common framework where individual entities can communicate across state and system boundaries to create their own solutions. Solutions providers already have adopted many of these and other standards, realizing that systems from different vendors need to be able to communicate to be truly useful.

### Technology

Judging by current installations, there are as many solutions as there are problem solvers. The new standards are helping to align these efforts. Some electronic recording installations utilize partial automation that covers a wide scope of document types. Others narrow to a few high-volume document types where full automation is possible. However, the common theme is to remove the paper from the document-recording process. As counties deal with increasing recording demands, their search focuses on electronic solutions that decrease costs, save handling time, and reduce staff involvement.

### Adoption

Currently many nationwide county recorders and document submitters are implementing electronic recording solutions. In 15 states and in more than 27 recording offices, recorders

are now electronically recording some documents, and more than 40 are actively working to be enabled in the near future. Furthermore, 10 vendors of paper document-recording systems are adding electronic recording capabilities to their products or are integrating third-party product offerings. These vendors serve more than 900 recording offices nationwide. Mortgage servicers are rapidly taking advantage of the ability to electronically record lien releases with transaction volumes increasing as rapidly as the recorders are available to handle them. Truly this is not a time for the industry to wonder if it is going to happen or when it is going to happen. It is happening and it's happening right now.

### Future Growth

The electronic-recording industry has survived an unpredictable infancy, marking the fact that with growth

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# Ten Questions to Ask When Considering an Electronic Recording Solution

## 1. Does the solution record fully digital SMART documents?

Some vendors – and even some counties – are using the term “electronic recording” to describe older systems that rely on scanned document images. Although these systems offer some process efficiencies, much greater benefits are achieved when recording with fully digital SMART documents, which incorporate digital signatures, digital notaries, electronic payments, and computer-friendly data that can be easily processed by automated recording systems.

## 2. Does the solution offer easy entry to electronic recording with flexibility for multiple transaction types?

Efficient electronic recording solutions will be flexible enough in architecture to allow development supporting multiple transaction needs. Open platform technology provides the flexibility to develop specific needs for each participant in the process.

## 3. Does the solution enable the paperless recording of privately submitted land records (B2G)?

The full benefits of electronic documents come from automating the processing of commonly submitted land records. Any useful solutions must satisfy the complicated requirements of the banking, finance and legal communities. Since this type of recording involves both public and private entities, a target solution should involve an end-to-end solution that fulfills the needs of the private document submitters as well as recording offices.

## 4. Has the solution been implemented in any recorder's office where I can actually go and see it in operation?

Some vendors are promising their customers electronic recording solutions that are just over the horizon or are “in beta”—meaning that they are still somewhere between the drawing board and

actual installation. It takes substantial time to bring a software system to market, and some developers try to hold off the competition of characterizing the future products as “just about there.” Before you make a decision to buy a specific solution, you should be able to see it in action.

## 5. What national lenders and document submitters currently use the system?

Electronic recording systems aren't very useful unless national mortgage lenders and loan servicers have agreed to submit electronic documents. Many leading national mortgage lenders, loan servicers, and title companies are presently investing in technical solutions to allow them to prepare and submit SMART documents for recording. Maximum process efficiency comes when upgrades are made in both the public and private sectors.

## 6. Can the solution be easily integrated with my information management systems?

In today's interconnected work environments, no system is an island. An electronic recording solution will never be the only software system running in a particular installation. Since e-recording software always runs parallel to complementary systems, it should be designed specifically for integration with other data systems and vendor solutions.

## 7. Does the solution manage such complex issues as digital signing and notarization, electronic payments, and information security?

The old adage “It's what you don't know that will hurt you” is particularly relevant to electronic recording. Only a proven recording solution – one that has undergone rigorous long-term use in multiple installations – can guarantee that the numerous and complicated issues surrounding electronic document recording have been successfully addressed.

## 8. Does the solution comply with government and mortgage banking standards for digital transactions?

Significant efforts have been made over the last several years by representatives from the technical, legal, mortgage banking, and land records recording industries to agree on standards for creating and processing digital land records. The value of any solution is in its compliance with current standards and the speed at which it can become compliant with new standards as they emerge.

## 9. Is the system flexible enough to accommodate multiple recorders' unique business rules?

Each recording office has its own characteristic set of examination and validation rules. No recorder should be forced to change processes and practices to meet the needs of the out-of-the-box solution. Likewise, no recorder should have to pay the high price to develop a customized solution. The ideal electronic recording system should be flexible enough to be tailored to each recorder's individual needs and should be able to manage several recorders' rules through automation.

## 10. Will the solution enable me to continue recording digital documents over the next few years?

No one wants to invest in technology that will soon become obsolete. In addition to accommodating current recorder requirements, an electronic recording system needs to change and grow with the needs of the recording community. By employing cutting-edge technology, a system should demonstrate a strong sense of industry direction. Electronic document recording represents today's solution to tomorrow's challenges.



comes understanding. Because recorders and organizations within the industry are beginning to really understand electronic document recording, they are also experiencing the limitations of current conditions. Industry participants are collectively addressing these issues, determining the most beneficial resolutions and forging ahead. As the technology needed for efficient implementation of electronic recording continues to meet the reality of recorder-level readiness, both in uniformity of standards and ruling legislation, participants are prepared to meet the demands of change.

Although the industry faces many challenges, we at Ingeo believe that together we can resolve any obstacle. We believe:

- The top 250 counties in the nation will adopt electronic

document-recording solutions by the year 2005. (Forward-thinking counties already have formulated plans and are seeking solutions now.)

- Lenders will encourage and support the adoption of these technologies and will be willing to make the investment that enables them to interact with recorders. (They already have realized the early benefits of automation and are ahead of the learning curve in this respect.)
- Technical solutions will be found to address issues of concern to a variety of participants.
- Standards-setting groups will align the industry and will be successful in gaining the support of all involved parties.
- Legislative issues will be overcome through the collaborative efforts of

county recorders and the customers they serve.

- Cost of recording documents will be reduced by employing technology in the process.
- Timesaving in recording offices will lead to reallocation of personnel to other critical office tasks. (Technology will not replace personnel but will allow for redirection of resources.)

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Todd R. Hougaard is president of Ingeo, a national leader in digital commerce founded in 1996. He can be reached at (435) 755-9837. In May of 2000 the company launched its Electronic Recording System, with two separate applications serving mortgage lenders, servicers and title companies, and recorders' offices. You can read some of Ingeo's case studies on county recorders implementing electronic recording at [www.ingeo.com](http://www.ingeo.com).

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# Preparing for RIFs as Business Slows

by Hunter Lott

As interest rates creep up, the volume of work your operation handles may decrease, forcing a serious look at reducing business costs. One of the options available is a reduction in force. Let's be clear from the beginning, a RIF should be the last resort; there are alternatives you can look at before implementing a RIF, which will be explored later in this article.

A reduction in force is different from a layoff or a firing. The term "layoff" itself presents a problem. Layoff means callback. The dictionary describes "layoff" as temporary. When it snows, the resorts hire ski instructors. When the snow melts, the instructors are laid off, and the resort hopes the instructors come back the next season. If you lay off an employee and send them out the front door and hire their replacement through the

### How did we get to this point?

The workplace used to be like a pyramid. Lots of employees were at the bottom. They worked themselves up the corporate ladder until they are in charge. Some found a job they were competent at and really liked. They stayed in that job for 30 years, retired, and the company took care of them for the rest of their lives. The pyramid was steady, secure, and slow to change.

Now the workplace is like a hurricane. Constantly moving. Constantly changing. The hurricane economy forces owners, managers, and employees to work together to solve problems. And the hurricane is driven by the customer. Today few industries, much less individual companies, can afford to ignore the customer. This isn't bad, just different. Make sure, as you consider a reduction in force, that you



want to go on *60 Minutes* and face Mike Wallace (the oldest living man on TV) and defend your action? Explain to Mike that this one job out of 50 total employees is going to financially save your operation this year? You can't say Martha was the most recent hire, therefore the candidate for the RIF. She's been with you for over 20 years! And what about the "exceeds expectations" evaluation? How do you explain that? "My expectations were pretty low that year."

What's reasonable? Anytime you see or hear the word reasonable at work or in court think *60 Minutes*. Would you want to go on *60 Minutes* and defend your actions? *60 Minutes* isn't always right, but they are everywhere. If you wouldn't do it or say it on *60 Minutes*, then don't do it, say it, or allow it to be done or said in your operation.

### Creative Alternatives

As mentioned previously, a RIF should be your last resort. Here are some other options to consider first:

- job sharing
- hiring freeze/salary freeze
- across the board cut in

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## Make sure, as you consider a reduction in force, that you understand what your company will look like after the workforce reduction.

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back door 30 days later, a year later, or even longer, you've left yourself open to claims of discrimination and wrongful discharge. The term layoff should not be used if you need to fire someone for poor performance. If for legitimate business reasons, such as a decline in business, head count has to be lowered, then the terms of choice are "job elimination" or "reduction in force."

understand what your company will look like after the workforce reduction.

### What is Reasonable?

A one-person job elimination is hard to sell as a reasonable reduction in force. Let's say you decide to eliminate Martha's job. She's worked for you for over 20 years and is 62 years old. The last evaluation in the file says she "exceeds expectations." Would you



- wages/benefits
- voluntary separation (maybe with an enhanced financial package)
- attrition

**The Law by the Numbers**

When implementing a reduction in force, you must be able to prove you didn't use age, sex, race, or any other legally protected characteristic to make the decision. The burden of proof is heavily on the employer. The documentation must demonstrate a legitimate business reason for the RIF and that age or sex or race wasn't the determining factor in choosing the employees. It can be very costly if you wind up in court. Consider the following:

Of the 84,442 charges filed with the Equal Employment Opportunity Commission (EEOC) in 2002, alleged race discrimination was the number one charge with 29,910 complaints filed. Charges with the biggest percentage increases from 2001 were:

- Religious discrimination +21%
- Age discrimination +14.5%
- National origin +13%
- Race discrimination +3.5%
- Gender bias +1.6%
- Disability discrimination -3%

A five-year study by the EEOC found a 91 percent success rate when they and the employee involved went to court. (numbers courtesy of [eeoc.gov](http://eeoc.gov)) In other words, the employer lost.

And, equally eye opening, Jury Verdict Research (an outfit that studies jury results for the legal profession) showed the following median compensatory awards for the years 1996-2002:

Type	Median award
Age	\$266,852
Disability	\$199,175
Overall	\$161,818
Race	\$150,000
Sex	\$125,000

You can see by these figures, it's not smart to mess with older workers. One of the biggest legal vulnerabilities faced in job elimination is age discrimination. The Age Discrimination in Employment Act defines old as 40. Good news—employees can't get older! It makes no difference if the employees are 40, 50, 60 or over 70. Once they are over 40,

**The burden of proof is heavily on the employer. The documentation must demonstrate a legitimate business reason for the RIF and that age or sex or race wasn't the determining factor in choosing the employees to let go.**

the Act defines them as old. However, don't wait for bad employees to retire. The law is telling us to find problem people and deal with them quickly. If you don't, you may have them forever.

Other legal issues that can affect workplace reductions:

- the WARN act, which is mainly for larger companies and mass layoffs
- COBRA notification is required for continuing health care benefits
- Release agreements and waivers should be considered if significant severance payments are involved. These waivers can help release the company from certain liabilities and better manage the legal risk. If an older worker is involved, there are certain guidelines that must be followed for these releases to meet the Older Worker Benefit Protection Act.
- If you have an employee on leave under the Family Medical Leave Act, Workers Comp, or some other company leave, the documentation would have to show that this employee would have lost his job whether on leave or not.

Because of these federal laws and additional state statues that may come into play, don't eliminate even one position at work without consulting competent, local legal counsel.

**The Plan: Start With Your Handbook**

Review your employee handbook and make sure you're consistent with any commitments you made concerning terminations in general. What provisions do you have for severance requirements? If you ask for two weeks notice, then give at least two weeks in severance. Help employees

cope with the trauma of a RIF by offering additional severance and/or a limited amount of money in outplacement assistance.

Does your handbook include language such as "permanent", "temp-to-perm", "fire for cause only," or "loyalty?" Whether in writing or part of the verbal communication that goes on at work, any one of these phrases could add unwanted liability. This doesn't make the RIF impossible but it puts additional pressure on you and the company to make sure that the RIF is legitimate and properly documented.

Vacation pay must be handled consistently with company policy and practice. Any earned vacation should be paid out. Any unearned vacation that was taken should be forgotten. Do not take it out of the employee's last paycheck. You gave them the leave time, and now you eliminate their job? It doesn't send the right message to the surviving employees who will be critical in the transition to the new workplace and the ultimate effect on your bottom line.

**Have Objective, Documented Criteria**

Once you're satisfied that your decision to implement a RIF passes the *60 Minutes* test, then the next



critical decision is which positions/employees must go. You can safely base your decision on any one or a combination of three criteria:

- Seniority. This is the easiest. The last one hired is the first one gone. The problem here is that some of your new employees may be very talented, and you would not want to lose them.
- Economy. You close a branch or location and anyone associated with that branch is out.
- Performance. This is probably the most effective method. But it requires documentation. Your worst performing, worst behaving employees within the company should be the first ones gone. (In fact, as I mentioned earlier, you should have fired them already.) If

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### **Knowing how to effectively manage the RIF will help you avoid future lawsuits.**

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you weren't able to do that, last year's evaluations or any documented performance or behavior issues become the objective criteria to justify the RIF. A note about "attitude." If you can't measure it, you can't manage it!

No one has a good or bad attitude. Take attitude out of the subjective and make it objective. Instead, use the word "behavior." What you owe to the employee is the communication of a behavior standard. Hire for it. Fire for it. Promote for it. RIF for it.

Here is a sample behavior standard for your employee handbook. This would be the behavior for your employees to strive for: Maintain a positive work atmosphere by acting and communicating in a manner so that you get along with clients, customers, co-workers and management.

### **Security**

In today's work environment the issue of security cannot be ignored. Make sure you're prepared to change passwords on computers and change locks on all the doors. A RIF will be a surprise to employees, and you may have some that have a history of violent or otherwise irrational behavior. Consider your workplace and employee makeup when deciding to notify local law enforcement or to have additional security in place.

### **How To Break the News**

Stick with the plan. Breaking the news of a RIF is one of the toughest things you'll have to do as a manager and a company. It's important to stay organized and be as prepared as possible.

Emotions will be running high. The natural instinct of many managers is to do it quick and move on. Fight that feeling. How you handle this communication sends a message not only to the people being separated but also to the survivors who are seeing their co-workers and friends lose their jobs. Handled with respect and dignity, the transition to the new workplace will be as smooth as possible under the circumstances. The message should be delivered one-on-one versus some kind of mass announcement or company meeting.

Many companies have a history of being unable to deliver this message in a professional manner. One small company announced its first ever job elimination that affected about 8 employees out of 100. It was bad enough, but as all eight employees walked out of the building with their boxes of belongings, they passed by the president's special parking spot. The CEO chose that day to drive his brand new \$40,000 car to work! Needless to say the transition to a new workplace was a lot harder than it had to be. One company recently made its announcement of RIF

through the press. They called it a re-organization and were sure that the affected employees would help train the surviving employees that were taking over some of their jobs. Yeah, right! In your dreams! This is not only unreasonable but disrespectful to the remaining employees. Another organization announced in a company-wide meeting, not attended by the CEO, that the organization was leaving town in two years or so and that the organization would be happy to move the employees to the new city. The organization was surprised when the good employees started to leave. The consulting firm that developed the plan predicted that 70% of the employees would leave town and follow their jobs to the new location. Instead, because the communication was so poorly handled, only 30 percent moved with the organization.

The message should be communicated all at once in a series of one-on-one interviews. In other words, if three employees are to be eliminated, then have three managers deliver the information at the same time, but one-on-one. The message sent is one of respect and dignity. If at all possible, avoid calling the affected employees into an office one after the other and making the announcement. That would be more embarrassing for staff affected and for those left behind.

Make sure the managers are trained and practiced at what they are going to say. Here is some suggested wording that you can customize for your situation.

"Today the company is initiating a reduction in force. You along with a number of your co-workers will be affected. The company considered various options to manage during these tough economic times. But reluctantly the decision to eliminate a number of jobs was the only reasonable option.





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Along with the company's normal two-week severance, you'll receive an additional severance check based on your length of service and any unused, earned vacation. The law requires certain notices and options on some of your benefits including health insurance (COBRA) and the like. Also, you'll have up to \$500 worth of outplacement assistance to help you locate a new job. You were selected based on your [performance] [behavior][the economy]. Today is your last day. This decision is final." Do not make up a reason or apologize for the company action. Think *60 Minutes*. There should be no arguing or bantering back and forth. The decision to RIF is final.

#### The Aftermath

In the short term it won't be much fun at work. Managers should meet

with their remaining employees one-on-one and go over the new performance/behavior expectations. This also gives the surviving employees a chance to vent their frustrations. You may have to be patient as the recovery period will take longer than you think. Celebrate any small successes as you strive to create a new sense of team. After a reasonable time don't accept any more complaining. If an employee can't "let it go," then coaching may be needed for behavior.

If the remaining employees feel abandoned, they can respond with actions ranging from finding work with your competitor to sabotaging the computer system, bad mouthing the company to key clients, or the passive but very effective practice of using up all their earned sick leave. Ignoring the survivors will guarantee

the RIF will fail. The goal was to cut expenses.

Hopefully, a reduction in force is the last resort for your company. However, knowing how to effectively manage the RIF will help you avoid future lawsuits and be essential as you work with the remaining employees to continue running your business.

---

Hunter Lott is a partner in HCap International and the author of the upcoming book series *Please Sue Me*. Contact Hunter at [www.pleasesueme.com](http://www.pleasesueme.com)

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# NYSLTA Launches Public Awareness Campaign

by Brian H. Madden

**Question:** Can a first ever public relations/public awareness campaign by a state title association hope to reach over 12 million people with a budget of under \$50,000 in less than one year?

**Answer:** Yes! If you are the New York State Land Title Association, Inc.

As the New York State Land Title Association prepared to enter 2003, its executive committee recognized a need for public relations. The media was on a feeding frenzy to discredit the title industry. Unfortunately, there were a couple of disreputable companies whose actions were fodder for this attack. Those actions, coupled with national columnists and HUD's proposed RESPA reform, created a negative atmosphere concerning our industry in New York.

The first step taken by NYSLTA was to create a public relations

the major media markets in the state; experience in our industry or similar ones; an understanding of the inner workings of our state capital; and a willingness to have our campaign be proactive rather than reactive. The committee interviewed eight firms and selected Condor East Communications, Inc., headed by its president, Deb Hollander.

Deb's plan was genius in its simplicity. We would use those media sources that were discrediting us to promote us. But first we had to be ready. The officers and certain committee chairs, together with representatives from around the state, went through a full day of intensive media training with individual and regional follow-up. Next we needed a slogan, a one-sentence statement that would communicate our purpose. Dozens were proposed, but one caught our attention: "Title Insurance: Protecting Your Piece of the Planet." The chair of our agents committee, Shawn Abrams, now NYSLTA president-elect, is credited with the slogan. By the way, some thought the slogan should be "Title Insurance: Protecting Your Piece of New York," but we New Yorkers rarely think in such a parochial manner.

Well-trained to now speak with the media, slogan in hand, the public relations committee went on the offense. Key statewide media print outlets were targeted for editorial board meetings. Letters to the Editor by our president Sal Turano left no doubt—we meant business. If the print media were going to comment



on our industry, we made it clear with our message: Have the facts straight and contact the only statewide title association. Intensive research was done on each of the major print media outlets to show their misunderstanding of title insurance. When this research was presented, it always came with an offer to inform and educate.

By March 2003 none other than the *New York Times* used the New York State Land Title Association as an industry expert and resource for an article by its real estate columnist Jay Romano. The column, "When Taxes on a Home Are Overdue," quoted NYSLTA Legislative Committee Chair Jonathan A. Richards extensively.

Conveying PR efforts and successes to the membership has always been a priority. *The Bulletin*, the association's quarterly newsletter, featured a reprint of the *New York Times* article. A new column called "Bridges" was introduced to inform our members of our PR efforts.

This was only the beginning. The need for an easy-to-understand, informative brochure for use by consumers and affiliated industries was also necessary. Our public relations committee, and Deb

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## There is no doubt of the ongoing benefit of public relations.

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committee. Its charge was to implement a statewide public relations/public awareness campaign utilizing a multipronged approach targeting our membership, the media, the business and residential communities, and related industries. The committee approached its task like all good committees—it hired an expert.

The committee wanted an outside PR firm that had close contacts with





"Title Insurance: Protecting Your Piece of the Planet" is the tagline for all of NYSLTA's public awareness campaign materials.

Hollander and her staff created the brochure. It was unveiled at our annual convention in August. (See brochure photo on this page.) Every member of the association received ten brochures free, to be used as an educational and promotional tool. Within weeks the association had requests for thousands of additional copies. There's a chance these

additional sales will recover all our costs related to the brochure.

With the brochure in launch, our media-trained public relations committee members went on the road with our PR firm to target print media outlets. The first media tour encompassed three major markets: Syracuse, Rochester, and Buffalo. As a result, positive articles appeared, often for the first time.

In New York we do not view public relations efforts as an initiative as much as a campaign. We see the need to be proactive, and with proper training we can react when needed.

Our plans for 2004 include continuing media training, nurturing positive relationships with the media, researching previous articles, and putting forth accurate information about our industry to our detractors. We hope to be able to work with local TV and cable networks as an

additional medium to promote our industry as well as continuing our regional media tours. We are even thinking of a display booth we can use at related industry conventions and meetings.

Our goal next year is to reach more than 12 million people while not greatly increasing our budget. It will take many volunteer hours by our membership, who will continue to work closely with our PR firm. It is well worth the effort. There is no doubt of the ongoing benefit of public relations.

---

Brian H. Madden is public relations committee chair of the New York State Land Title Association, Inc. and president of Liberty Title Agency in Garden City, New York. He can be reached at: (516) 294-9600 or [bmadden@libertytitle.biz](mailto:bmadden@libertytitle.biz).



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## Human Element Is Wanted For E-Notarization

Now that electronic recordings have made their mark, the next challenges are gaining acceptance for electronic notarizations and making sure the human element in the process is not lost, Carolyn Ableman, the chief deputy auditor of Snohomish County, Washington, said. "People will get more comfortable and the process will grow." "This isn't really rocket science, which is what people are afraid of. It's just a matter of readjusting workloads," she remarked.

The county is ready to accept documents for electronic recording using Hart InterCivic's Universal e-Recording Counter. The counter accepts all electronic documents that meet standards developed by PRIA, including imaged versions of paper documents, TIFF image documents with index data, and documents with no paper origin.

PRIA president Mark Monacelli said it will be up to individual states and organizations such as the National Conference of Commissioners on Uniform State Laws to set e-notarization standards.

"PRIA's position is that what takes place in the paper Notary world should also take place in the electronic world," Monacelli said. "How the states handle it is up to them."

With the continuous growth of electronic documents in general, e-notarization will have no choice but to grow with it, said Mike Ricchio, director of operations for the Washington Secretary of State's Corporation Division, which is largely responsible for implementing the state's Electronic Authentication Act. "There are so many documents out there today that are born digitally, filed digitally, and recorded digitally," Ricchio said. "With this trend continuing all over, the growing need for e-notarizations will continue to exist."

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coordinator@pria.us

## PRIA Helps to Address Veteran's Privacy Issues

By proposing model statutes for DD214 standards, PRIA has helped states address privacy issues of military veterans.

The most recent state to do so was North Carolina, with a new law effective January 1, 2004, based on model statutes developed by PRIA.

The law restricts access to recorded military discharge records to the subject veterans, designated representatives, and authorized government officials.

Another bill prohibiting military discharge documents from being used for commercial and speculative purposes was signed into law this year in Missouri.

PRIA's Records Access Policy Advisory Committee, headed by Carl Ernst and Steve McDonald, has been actively working on protecting the privacy of sensitive information on veterans' records. In February representatives of recording offices, private firms, and the federal government met in Washington, D.C., to discuss privacy issues and possible solutions at a meeting moderated by Ernst.

Access to such sensitive information as Social Security numbers, names and addresses of veterans, available in the past through publicly recorded discharge papers, has been a growing concern for recording officials across the country.

"Social Security numbers are a central issue. They are one of the most sensitive pieces of individual identifying information," Ernst said at the meeting.

For more information, visit [www.pria.us](http://www.pria.us).

## PRIA Posts First Page Recording Draft

PRIA is seeking comment on its proposed national standard draft for "First Page Indexing Requirements" on recorded documents.

The draft includes an introduction on pertinent recording issues, a section on the role of recorders and the guiding principles of document recording, and recommended standards for First Page Indexing.

Co-author Kathi Guay, co-chair of the Standards Committee, said the report has received a positive response thus far.

"We've gotten some really good feedback," Guay said. "People like what we're putting out there."

However, Guay said there's more work to do before the report is finalized.

"There's still a lot of tweaking we have to do," Guay said. "We're just waiting for all the responses, all the feedback, to come in before we start changing things around."

To see the draft, go to [www.pria.us](http://www.pria.us) and click on "publications" on the left side of the screen.



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# member news

## Movers & Shakers

### California

**Pablo Wong** has been appointed director of diversity marketing for the Bay Area region for LandAmerica Title Insurance Company, San Jose. Prior to joining First American, Wong was the community affairs manager for AAA-California State Automobile Association.



**Robert Schott** has been named regional vice president for southern California for First American's Glendale office. Previously he was chief operating officer for the company's National Default Title Services division.



**Linda McSweeney** has been named senior account executive by First American Residential Group, Santa Ana. She joined First American in 1996. Most recently McSweeney was assistant vice president and regional director for the company's Brokers Advantage division.

### District of Columbia

**Paul Danziger** has joined LandAmerica Financial Group as director, sales and marketing, in LandAmerica's National Commercial Services office. Most recently, he was director of sales at CBIZ in Maryland.

### District of Columbia, cont.

**Jeffrey McCormack** has been appointed vice president and counsel for The Talon Group, First American Title Insurance Company's new title and settlement services division. Prior to joining the Talon Group, he served as counsel for Constellation Energy Group and was a partner with Weinberg & Green.



### Florida

**Paula Bradley** has been named to head Fidelity National Title Insurance Co., of New York's new Interval Ownership Department, Sarasota. Prior to joining Fidelity, Bradley did time-share work with First American Title.



### Kansas

**Chris Martin** has joined Kansas Secured Title, Shawnee County, as manager of the closing department. He brings seven years of experience in the title industry.



### Kentucky

**Maurice Stokes** has been promoted to senior vice president, general manager for LandAmerica Financial Group Inc.'s Agency Service Center. Stokes had been vice president and general manager of the ASC.

### Nevada

**Margie Thomas** has been promoted to assistant vice president/residential escrow manager for Southwest Title Company, Henderson. Previously she was escrow officer.

## new ALTA members

### ACTIVE MEMBERS

#### Alabama

LaBeatrix F. Tatum  
Birmingham

#### Arizona

Ronald Vernon  
AccuSearch, Inc.  
Phoenix

#### California

Kathy Clark  
Dynamix Plus, Inc.  
Tujunga

#### Colorado

Roger Snow  
Peak Title & Escrow LLC  
Lakewood

#### Connecticut

Donna Lawrence  
Titleworks, LLC  
Fairfield  
Roy MacLean  
MTS (MacLean Title Services)  
Oakdale

#### Florida

Michael D. Beahan  
Cantonment  
Kim Naimoli  
Community Title Associates, Inc.  
Fort Lauderdale  
Scott Nyman  
Century Title Corp.  
Key Largo  
Michael Allen  
Florida Title & Abstract, Inc.  
Longwood  
Dianne Bourke  
Palm Coast



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e-mail: [nwalker@titleprogram.com](mailto:nwalker@titleprogram.com)



**Ohio**

Chicago Title Insurance Company, Akron, has announced two new appointments. **Liz Curry** has been named vice president and commercial manager. Prior to joining Chicago Title, Liz was assistant vice president and commercial escrow officer for LandAmerica's Cleveland office. **Kristen E. Olesh, Esq.** has joined Chicago Title as commercial escrow officer. Previously, she worked as a residential escrow officer for a small Cleveland title agency.



**Virginia**

**Paul Bedell** has been named executive vice president - sales for LandAmerica Financial Group, Inc., Richmond. Most recently he served as corporate vice president - international marketing for Citigroup in New York.

**Kudos**

**States Name Title Person of the Year**

**Lucenia Whitehead** has been named Arkansas Title Person of the Year by the Arkansas Land Title Association. She earned this distinguished honor because of her continuing service to ARLTA and the title industry. Whitehead, president and manager of Grand Prairie Title Company in Cabot, is past president of ARLTA and continues to serve on various committees.



**new ALTA members**

**Florida, cont.**

Ramon Alonso  
Pro Title Services, Inc.  
Tampa

**Georgia**

Larry Barker  
Professional Land Research, Inc.  
Acworth

Barbara Burns  
Affinity Title Company, Inc.  
Atlanta

Beverly Evans  
Evans Real Estate Title Services, Inc.  
Atlanta

Jay Altree  
Altree & Marsch  
Carrollton

Natalie Strong  
Essential Research  
Conyers

Sally Farrar  
Liberty Title Company, LLC  
Kennesaw

Sheryl Dennis  
Abstract Atlanta  
Lawrenceville

Patricia Hunt  
Homeland Title Services, LLC  
Lawrenceville

Evelyn Crouch  
K & J Title Works, Inc.  
Lawrenceville

Barbara McKinney Seigler  
McKinney Title Services, Inc.  
Loganville

Lary Denmark  
Atlanta Title Abstractors  
Monroe

Bob Butler  
Title Company of Georgia, Inc.  
Social Circle

**Georgia, cont.**

W. Mayberry  
W.H. Mayberry County  
Courthouse Research  
Temple

**Idaho**

Michelle Fink  
North Idaho Title  
Coeur d'Alene

**Illinois**

William Andrews  
Regent Title  
Chicago

Wood Stortzum  
Bi-County Title Company  
Monmouth

Ehteram Mohammed  
Sunshine Title, Inc.  
Westchester

**Indiana**

John Jewell  
Evansville

David Murphy  
Complete Title Services of Indiana, LLC  
Peru

**Kentucky**

Orlando Carter  
Nations First Title Company  
Fort Mitchell

Faten Johns  
Minerva Title LLC  
Louisville

Terry Kirkland  
Monticello

Brady Webb  
Shelby Title Corporation  
Shelbyville

**Louisiana**

Christopher Adcock  
Baton Rouge

Roger Cutrer  
Gulf South Land Title Resources, LLC  
Baton Rouge

Shirley Sparks  
Title2land, LLC  
Baton Rouge





**States Name Title Person of the Year, cont.**

In addition, **Amy Williams** has been named Young Title Person of the Year by the Arkansas Land Title Association. Williams was selected for this honor because of her dedication to her customers and the title industry. She closes real estate transactions at Grand Prairie Title Company in Cabot. Details: Gay Cameron, 870-942-4526.



**Joseph W. McNamara** has been named Title Person of the Year by the Nebraska Land Title Association. McNamara is past president of NLTA and a past member of the ALTA Board of Governors. He is still involved in committee work for both associations. He is currently president of the Security Land Title & Escrow Company in Omaha. Details: 402-333-7447.



**RamQuest Software Honored**  
**RamQuest Software, Inc.**, Plano, TX, has been honored for its outstanding one-year revenue percentage growth with a Dallas/Ft. Worth Fast 50 award. The DFW Metroplex Technology Fast 50 annually recognizes the 50 fastest growing technology companies in the market, based on percentage of revenue growth over five years and one year. RamQuest's performance of 140 percent growth earned the ranking of the fifth fastest growing technology company in the DFW Metroplex. Details: Mark Holley, 214-291-1600.

**new ALTA members**

**Louisiana, cont**

- Valerie Poche  
Valerie Poche Abstracts  
Baton Rouge
- Dawn R. Jenkins  
Bush
- Leah Frugé  
Lafayette
- Carolyn Williams  
CTW, Inc.  
Monroe
- Gerard Bourgeois  
Atchafalaya Title LLC  
Morgan City
- Cordelia G. Abshire  
Youngsville

**Massachusetts**

- Ann M. Davey  
Dedham

**Massachusetts, cont.**

- Matt Kinnaman  
Lee
- Marianne Malone  
Quincy

**Maryland**

- Fannie Armstrong  
Armstrong's Abstracts  
Baltimore

**Michigan**

- Kathleen Savich  
NTC Title Services, Inc.  
Auburn Hills
- Harry Ellman  
Fidelity Title Co.  
Bingham Farms
- Teri Lukas  
Complete Title Services of Mid-Michigan  
Dewitt
- Terrance Fisher  
Luce Title Co.  
Newberry

**Michigan, cont.**

- Lenard Butler  
Central Land Title Agency, LLC  
Utica

**Minnesota**

- Machelle J. Engelstad  
Beltrami
- Debby Bradley  
Debby Bradley Abstracting  
Eden Prairie
- Amanda Mahn  
Agility Title, Inc.  
Inver Grove Heights
- Tim Netzell  
Columbia Title, LLC  
Little Canada
- Jennifer Frantz  
TitleSource, LTD  
Mounds View
- Patrick Wiebusch  
Maximum Title Services, LLC  
Nisswa
- Jackie Carlson  
Hiway CU Services Inc.  
Saint Paul

**Missouri**

- Shirley Jones  
First Priority Services, LLC  
Farmington
- Jeffrey Lemley  
Affordable Title Services, Inc.  
Lake St. Louis
- Day Miller  
Holt County Title Company, LLC  
Oregon

**Nebraska**

- Tom Ostdiek  
F/C Title Services, LLC  
Boystown
- Janice German  
Dawes County Abstract & Title, Inc.  
Chadron

**New Jersey**

- Clyde Kopchak  
Accu-Search, Inc.  
Keyport





**New Jersey, cont.**

Ranjen Sen  
Sen's Business Solutions, Inc.  
Lawrenceville

Catherine Tierney Glenn  
Angel Title & Abstract, Inc.  
Middletown

Wanda Nieves Diaz  
Optimus Title Services of  
New Jersey, LLC  
Newark

**New York**

Gregory E. Teal  
Ernst Publishing Co.  
Clarksville

Brian Madden  
Liberty Title Agency, LLC  
Garden City

Susan Jahnsen  
Gateway Title & Abstract, Inc.  
Hauppauge

Thomas Tafuri  
Regal Title Agency  
New York

Adena Samowitz  
Rockwell Abstract  
New York

Sherri Hellenbrand  
Terra Abstract  
New York

Glenn Dominguez  
Terra Abstract Corporation  
Patchogue

Shawn Abrams  
Trinity Abstract, Inc.  
Rensselaer

**Ohio**

Mark Jatich  
Bond & Associates Title Agency, Inc.  
Akron

Thomas Parrish  
Johnson & Parrish Title Agency, Inc.  
Akron

John Dyer  
Competitive Title Agency, Inc.  
Beachwood

Vincent SantaLucia

**New Jersey**

Lincoln Land Title Agency LLC  
Broadview Heights

Patricia Ogden  
Fredericktown

Larry Shafer  
Ohio Title Johnstown Agency, LLC  
Johnstown

Lynda L. Rider  
North Fairfield

Tim Evans  
Evans Title Agency, Inc.  
Tipp City

Billie Jo Zimmer  
CCB Researchers  
Urbana

Cynthia L. Eason  
Warren

**Pennsylvania**

Dawn Trovato  
Dawn Trovato Search & Signing Services  
Dallastown

Joan Ansell  
Ansell Settlement, Ltd.  
Hermitage

Michael Halcovage  
Miners Abstract Agency Inc.  
Minersville

N. Daniel Long  
N. Daniel Long, Attorney at Law  
Pittsburgh

**Tennessee**

Donald Glenn  
Volunteer Abstracting  
Jackson

Jerry Holmes  
Lender's Title & Escrow  
Johnson City

Vickie Foriest  
Nashville

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Nashville

**Texas**

Traci B. Craft  
Port Bolivar

**Virginia**

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Chesapeake

Rebecca Morris  
Homecastle Title Corp.  
Fredericksburg

I. Larry Lazarus  
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Woodside Services, Inc.  
Hampton

Jane Oliver Smith  
Greenbrier Settlements, LLC  
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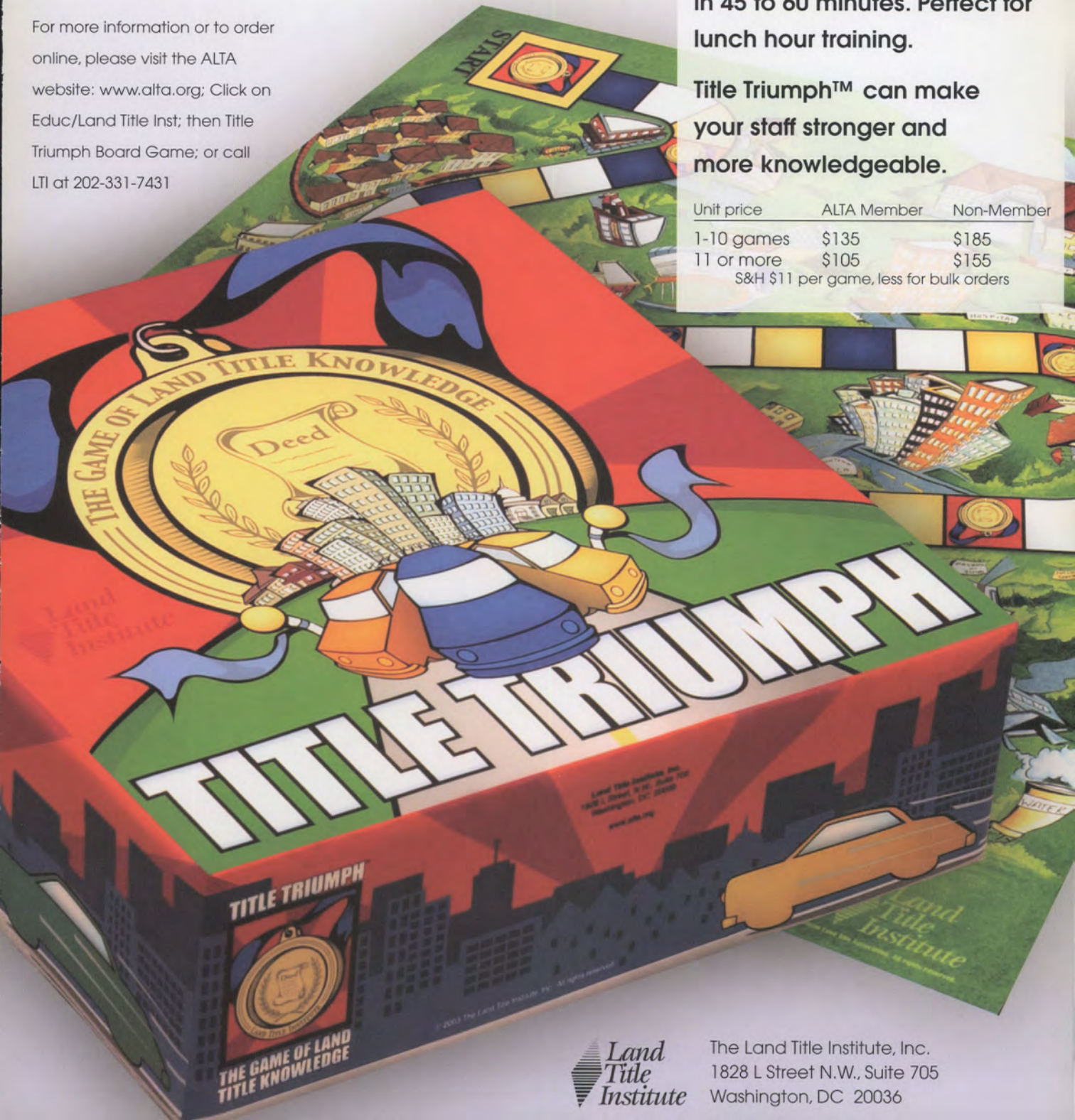
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