

# GSCCCA Update

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November 2009

An update on the activities of the Georgia Superior Court Clerks' Cooperative Authority

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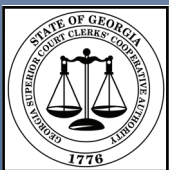
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## Authority Adds Notary Feature

At the request of the board of directors, the Authority has developed an E-mail Notary Renewal Notification system. The system will e-mail notifications to notaries, who have provided their email address, 30-45 days in advance of their commission expiration date. This new system will begin to replace the old paper notifications which have a 30-40% "return undeliverable" rate.

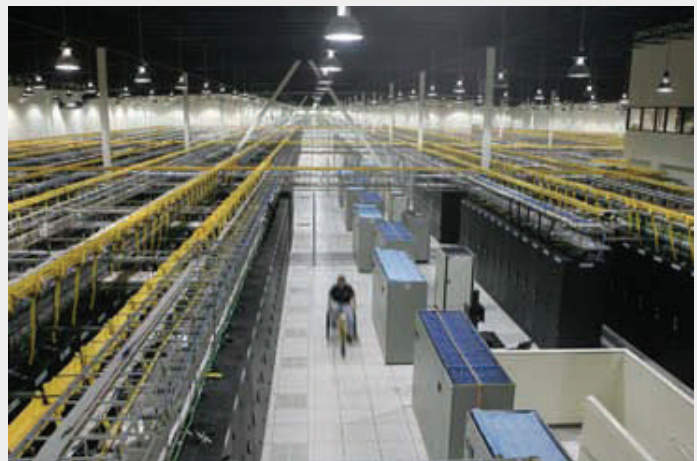
A notary may provide an e-mail address at the time they apply through the Notary Online program or they may complete a form that is available from the GSCCCA website at [www.gsccca.org/filesandforms/notaryforms.asp](http://www.gsccca.org/filesandforms/notaryforms.asp) and mail it to the Authority office.

To encourage participation, the Authority has added an option that allows a notary to provide an e-mail address solely for business correspondence purposes such as renewal reminders, while not allowing public display of the e-mail address.

As Notary Online participation grows, the Authority expects the number of notaries providing e-mails to grow accordingly. At present, 70% of notaries will be commissioned in counties that participate in the Notary Online program. The Authority encourages all clerks to make their notaries aware of this new feature so that commissions will remain active. ■

## Remote Data Center Up & Running

After much planning and work, the Authority has completed the establishment of a fully redundant remote data center and brought it online effective October 1, 2009. As a result, the public will be able to search the Authority's databases without interruption, even if the Authority's primary data center is destroyed in a disaster. This achievement marks the culmination of years of work and technological accomplishments.



## October Board Meeting Review

The Authority Board met on October 14 for its quarterly meeting. Following is a summary of the reports and actions of the meeting.

### General Business:

Notary Public Mike Smith administered the oath of office to Connie H. Cheatham, Superior Court Clerk of McDuffie County.

The minutes of the July 8, 2009, meeting were presented and approved.

Greg Morgan, with Mauldin and Jenkins, presented the Authority's independently audited financial statements and footnotes thereto for the fiscal year ended June 30, 2009 and noted that an unqualified opinion (a/k/a "clean opinion") had been issued. Mr. Morgan also presented a graph depicting how the Authority's operating revenues and expenses have trended over the last 15 years and he noted that the Board's decision to suspend the Historical Deed Project was probably a good one at this time given the state of the economy. Lastly, Mr. Morgan reviewed the Report to the Board of Directors relating to the accounting practices of the Authority per SAS 14 wherein Mauldin and Jenkins concludes that there are no deficiencies in the accounting practices of the Authority. A motion to accept the financial reports as presented was approved by the Board.

### UCC E-Filing Project:

An update was given on the UCC E-Filing Project. To date, 1,590 UCCs have been filed electronically during the "pilot" phase of the project, collecting more than \$17K in filing fees

for distribution to clerks' offices. Currently, Coweta, Barrow and Fayette counties are participating in the pilot phase.

It was requested that Authority staff be allowed to make technical recommendations and work with the E-Filing Advisory Committee as the committee moves toward developing filing standards and systems related to the electronic filing of court documents.



*Authority Board (L to R): Tom Lawler, Mike Johnson, Rhett Walker, David Burge, Connie Cheatham, Jean Rogers, Barry Wilkes, Cindy Mason and Arch McGarity*

### Historical Deed Project:

Although the collection of additional data has been suspended, data is still being reviewed and processed that has been in quarantine.

It was reported that, to date, 22 clerks have requested that

their deed data be reviewed for indexing errors. Of the 23,000 instruments reviewed from 13 counties, 6,000 had some type of error with multiple errors present on many documents. The errors break-down by the following categories: 82% omissions, 12% over-indexing and 6% data entry.

### Training:

It was reported that the Learning Management System, which is part of the "Extended Real Estate Indexing Standards" course, has been enhanced to include a tenth module.

### Fines & Fees Division:

In the report on the Fines & Fees Division, it was noted that compliance rates remained very high for all court types and that pro-

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## Notary Online Changes

The Authority has made improvements and added new features to the Notary Online application process based on feedback from clerks' offices. These new features include:

- ❖ being able to mass delete all applications older than 30, 45, or 60 days ... or any date specified
- ❖ being able to generate a Certificate of Authority automatically by pulling up the image of a commission and selecting the "Create Certificate of Authority" button at the bottom of the page
- ❖ adding a "Commissions Processed Per Month" report which lists the W-number and the total number of commissions granted in a specified month

The Authority has begun the beta testing of mail-in renewals. Once the testing is complete, the Authority will offer this feature to counties who wish to participate. More information about these new features including an updated Notary Online Manual will be sent soon. If you have questions or are interested in learning more about the Notary Online application process, contact Rachel Rice at [rachel.rice@gscga.org](mailto:rachel.rice@gscga.org) or 404-327-7322. ■

## UCC Online Coming Soon

In a continuing effort to offer useful and convenient training to the Superior Court Clerks, the Authority will soon offer its fifth online training course, *UCC Online*. This course will consist of four lessons:

- ❖ what a UCC is
- ❖ why UCCs are filed
- ❖ reasons to reject UCCs
- ❖ how to treat a rejection

The Authority plans to make this course available in early 2010. ■

## Holiday Schedule

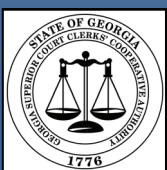
With the holidays fast approaching, the Clerks' Authority announces the following dates that our offices will be closed:

- ❖ Thanksgiving – Thurs., Nov. 26 and Fri., Nov. 27
- ❖ Christmas – Thurs., Dec. 24 and Fri., Dec. 25
- ❖ New Year's – Fri., Jan. 1, 2010

Happy holidays! ■

## Cheatham Joins Authority Board

The Authority welcomes **Connie H. Cheatham** as its newest member of the Board of Directors. Connie, who has served as McDuffie County Clerk of Superior Court since January 1989, was appointed to the Board by Governor Perdue and will serve a three-year term. She serves on various Superior Court Clerks Association committees including Co-Chair of the Conference Committee and the Clerks Reference Manual Committee, and is a member of the Legislative and Strategic Planning Committees. Connie currently serves as President of the Thomson Kiwanis Club and is Recording Secretary for the Thomson First United Methodist Church. She is a graduate of The University of Georgia with a BA degree in English. Connie and her husband, Jack, have two children.



## Training Classes

The Authority completed its 2009 training class schedule earlier this month at Sumter County Superior Court. Throughout the year, six Real Estate Indexing Standards training courses and five UCC and Notary Public classes were conducted across the state. Locations ranged from Clarkesville/Habersham County in the north all the way to Adel/Cook County in the south! Many thanks to the Clerks of Superior Court who graciously hosted classes at their respective courthouses.

The 2010 schedule of classes is already beginning to take shape. A variety of classes will again be offered around the state to make training convenient for all. The first classes should begin in March 2010 with the majority of the classes being conducted after the 2010 legislative session to insure any legislative changes are addressed in the training classes. The 2010 schedule along with details on the training classes will be available in January. ■

## E-Filing of UCCs

The beta testing for e-filing of UCCs has begun and three counties, Barrow, Coweta and Fayette, are participating.

Filers register on a GSCCCA e-filing site and attach a UCC to be filed. They pay via credit card or a paydown account which is processed by the Authority. At the end of each month, the Authority sends the collected filing fees to the Clerk of Superior Court along with an invoice detailing the UCCs filed. The Clerk's office either accepts or rejects the attached UCC. If accepted, then a copy is electronically transmitted to the GSCCCA for indexing.

The Authority anticipates opening up the UCC E-filing Project to all counties in early 2010. ■

### *Board Meeting — Cont. from Page 2*

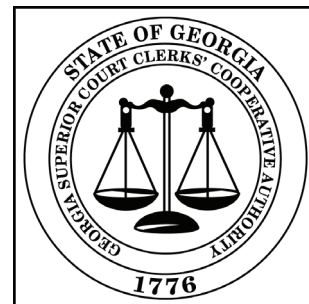
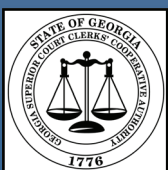
jected state revenues collected FYE 2010 were consistent with revenues collected during the last three fiscal years.

#### Other:

It was suggested that notaries public be electronically notified of the impending expiration of their notary commission. It was agreed that the e-notification be sent to the notary 30-45 days prior to the expiration date.

A motion to allow for the recovery of any credit card fee in an amount sufficient to offset any such cost to the Authority was approved unanimously by the Board.

It was reported that Georgia Southern University is interested in "partnering" with clerks to develop a template to be utilized by clerks in the event of a catastrophic occurrence that would render the clerk's office unusable. The final plan would detail how a clerk would conduct business in a temporary location in the event their office is rendered uninhabitable due to disaster. A motion to authorize and direct the Authority IT staff to work with the Georgia Southern University IT staff in order to develop a disaster preparedness plan was approved by the Board. ■



## F&F Division—Treatment of Fees

**Issue:** Are statutory state surcharges and deductions applicable to Pretrial Intervention and Diversion Program “fees” as referenced under O.C.G.A. § 15-18-80(f)?

**Conclusion:** No.

**Applicable Law:**

- ❖ **O.C.G.A. § 15-18-80(a)** – “The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state, probate, magistrate, municipal and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts.”
- ❖ **O.C.G.A. § 15-18-80(f)** - “The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$300 for the administration of the program. Any such fee shall be made payable to the general fund of the political subdivision in which the case is being prosecuted.”
- ❖ **O.C.G.A. § 15-18-82** – Defines “prosecuting attorney” to mean “the individual responsible for prosecuting cases in superior, state, probate, magistrate, municipal and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violation.”

**Discussion:** The issue as to whether or not statutory surcharges and deductions should apply to fees collected per O.C.G.A. § 15-18-80(f) was recently brought to the attention of the Authority staff by one of our Superior Court Clerks. After several e-mail exchanges and telephone conversations, the Authority staff determined that it is an issue for many court clerks that seem to be treating it inconsistently. In a continuing effort to create a more uniform method of assessing, collecting and disbursing fines and fees, the Authority staff researched the applicable statutes referenced above and consulted with our representative at the Office of the Attorney General.

Based on the Authority’s review of the above noted statutes and in consultation with the Office of the Attorney General, it is the position of the Authority staff that statutory surcharges and deductions are *not* applicable to the fee referenced under O.C.G.A. § 15-18-80(f). Statutory surcharges and deductions in cases involving a violation of a criminal law or ordinance are generally triggered by the imposition of a fine or court cost. It is the belief of the Authority staff and the Office of the Attorney General that the “fee” referenced under O.C.G.A. § 15-18-80(f) does not equate to a fine and therefore is not subject to the statutory surcharges and deductions that a criminal fine and/or court cost would be subject to.

