

## Burgos, Alexander N

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**Subject:** FW: [External] Thank you, Seth! Re: Formatted Rule File for I .0404, too! Fwd: Reply to 18 NCAC 07I

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**From:** Ann Elmore <aelmore@sosnc.gov>

**Sent:** Friday, May 16, 2025 3:41 PM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>

**Subject:** [External] Thank you, Seth! Re: Formatted Rule File for I .0404, too! Fwd: Reply to 18 NCAC 07I

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What delightful news on this Friday afternoon!

Thank you, Seth.

AnnE

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>>> "Ascher, Seth M" <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)> 5/16/2025 1:50 PM >>>

Thanks Ann.

This has addressed any concerns I had, and I anticipate recommending approval of the final revised version of subchapter I.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: [External] Formatted Rule File for I .0404, too! Fwd: Reply to 18 NCAC 07I  
**Attachments:** 5.15.25 Response to 18 NCAC 07I RFC.docx; 18 NCAC 07I .0404.docx

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**From:** Ann Elmore <aelmore@sosnc.gov>  
**Sent:** Friday, May 16, 2025 8:19 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>  
**Subject:** [External] Formatted Rule File for I .0404, too! Fwd: Reply to 18 NCAC 07I

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Good morning, Seth. I hope this finally-sunny Friday finds you well.

Enclosed is the RFC-prompted modified & formatted rule file for your consideration, along with our reply re 18 NCAC 07I.

Please let us know if you have any questions.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

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*State of North Carolina  
Department of the Secretary of State*

ELAINE F. MARSHALL  
SECRETARY OF STATE

ANN B. WALL  
General Counsel

May 15 2025

By email

Seth M. Ascher  
OAH Counsel to RRC  
[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)

**Re:** Response to Request for technical changes to  
18 NCAC 07I

Enclosed please find our response to your request for change to 18 NCAC 07I. The language of the adopted rule and your technical correction request are provided in black font, with your requests italicized. Our responses and change made are provided in blue font.

Please feel free to call me if you have any questions.

**RESPONSE TO**  
**REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10**  
**FOR 18 NCAC SUBCHAPTER 07I**

***18 NCAC 07I .0404:** In item (3), will there always be a credible witness on an entry in an electronic journal? If not, change “the” to “any” or otherwise rewrite to reflect that there will not always be a credible witness.*

**18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

A notary public who maintains an electronic journal shall ensure that:

- (1) the principals acknowledge that their electronic signatures have been included in the journal as signed on the documents in the transaction;
- (2) with regard to designees signing on behalf of a principal:
  - (a) the designee signs the principal's name pursuant to G.S. 10B-20(e) as signed on the documents in the transaction being notarized pursuant to G.S. 10B-20(e), and the notary then includes the signature in the journal; or and
  - (b) the designee signs his or her own name on the electronic notary solution for capture and the notary then includes the signature of the designee in the journal; and
- (3) the credible witness signs his or her own name on [the electronic notary solution] an

electronic journal for capture and the notary then includes the signature of the credible witness in the journal-journal where the notarial act is in person.

The Department proposes to implement the change highlighted in green as shown below:

**18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

A notary public who maintains an electronic journal shall ensure that:

- ...
- (3) the any credible witness signs his or her own name on [the electronic notary solution] an electronic journal for capture and the notary then includes the signature of the credible witness in the journal-journal where the notarial act is in person.

Regards,



Ann B. Wall  
General Counsel and Rulemaking Coordinator

Enclosure

cc: Alex Burgos  
Ann Elmore

1 18 NCAC 07I .0404 is amended with changes as published in 39:13 NCR 831 as follows:

2  
3 **SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS**  
4

5 **18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

6 A notary public who maintains an electronic journal shall ensure that:

- 7 (1) the principals acknowledge that their electronic signatures have been included in the journal as  
8 signed on the documents in the transaction;
- 9 (2) with regard to designees signing on behalf of a principal:
- 10 (a) the designee signs the principal's name ~~pursuant to G.S. 10B-20(e) as signed~~ on the  
11 documents in the transaction being notarized pursuant to G.S. 10B-20(e), and the notary  
12 then includes the signature in the journal; ~~or~~ and
- 13 (b) the designee signs his or her own name on the electronic notary solution for capture and  
14 the notary then includes the signature of the designee in the journal; and
- 15 (3) ~~the~~ any credible witness signs his or her own name on [the electronic notary solution] an electronic  
16 journal for capture and the notary then includes the signature of the credible witness in the journal.  
17 journal where the notarial act is in person.  
18

19 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*  
20 *Eff. July 1, ~~2024~~ 2024;*  
21 *Amended Eff. July 1, 2025.*

## Burgos, Alexander N

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**From:** Ann Elmore <aelmore@sosnc.gov>  
**Sent:** Thursday, May 15, 2025 4:57 PM  
**To:** Ascher, Seth M  
**Cc:** Burgos, Alexander N; Wall, Ann B  
**Subject:** [External] Reply to 18 NCAC 07I  
**Attachments:** 5.15.25 Response to 18 NCAC 07I RFC.docx

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Good afternoon, Seth.

Enclosed is our reply to the 18 NCAC 07I RFC.

Please let us know if you have any questions.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

Thanks!

AnnE

Ann McNellis Elmore, Agency Legal Consultant

***NC Department of the Secretary of State***

*PO Box 29622*

*Raleigh, NC 27626-0622*

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[https://www.sosnc.gov/divisions/securities/for\\_investors](https://www.sosnc.gov/divisions/securities/for_investors).)

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*State of North Carolina  
Department of the Secretary of State*

ELAINE F. MARSHALL  
SECRETARY OF STATE

ANN B. WALL  
General Counsel

May 15 2025

By email

Seth M. Ascher  
OAH Counsel to RRC  
[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)

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  - (b) the designee signs his or her own name on the electronic notary solution for capture and the notary then includes the signature of the designee in the journal; and
- (3) the credible witness signs his or her own name on [the electronic notary solution] an

electronic journal for capture and the notary then includes the signature of the credible witness in the ~~journal~~ journal where the notarial act is in person.

The Department proposes to implement the change highlighted in **green** as shown below:

**18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

A notary public who maintains an electronic journal shall ensure that:

- ...
- (3) **the any** credible witness signs his or her own name on ~~[the electronic notary solution]~~ **an** electronic journal for capture and the notary then includes the signature of the credible witness in the ~~journal~~ journal where the notarial act is in person.

Regards,



Ann B. Wall  
General Counsel and Rulemaking Coordinator

Enclosure

cc: Alex Burgos  
Ann Elmore

## Burgos, Alexander N

---

**From:** Ann Elmore <aelmore@sosnc.gov>  
**Sent:** Tuesday, May 13, 2025 5:44 PM  
**To:** Ascher, Seth M  
**Cc:** Burgos, Alexander N; Wall, Ann B  
**Subject:** [External] Acknowledged Re: 18 NCAC 07I RFC

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Good evening & thank you, Seth.

We'll reply to the 18 NCAC 07I RFC asap by Wednesday, May 21st.

Have a good evening!

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

Ann McNellis Elmore, Agency Legal Consultant

***NC Department of the Secretary of State***

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*Raleigh, NC 27626-0622*

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*Fax: 919 814-5596*

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/13/2025 5:38 PM >>>

Anns,

I have finished reviewing 18 NCAC 07I and have attached the RFC. Note there is only one rule impacted. Please respond by Wednesday, May 21.

Note that some of my previous RFCs had a typo that indicated Friday, May 21, which is not correct. I mean Wednesday May 21, because as we have discussed the RRC prefers to have their agenda locked by the Friday before the meeting and I need to build in a day in case we have any back and forth.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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