

APPROVED

June 16, 2021

## SCHOOL COMMITTEE MEETING

*The June 16, 2021 School Committee (SC) meeting was called to order by Heather Morin at 7:00 PM. She reported that the meeting is being broadcast live and recorded for future rebroadcasting.*

*School Committee Members present: Heather Morin (Chair), Becky Charniak (Vice Chair), Lisa Brown, Julie Moulder and Monique Salvas*

*School Committee Members Absent:*

*Non-Voting: Superintendent Paul Vieira, Business & Operations Manager Cortney Keegan*

### Pledge of Allegiance

### Student Representative Report

There was no student representative

### Public Comment & Communication

There was no public comments or communications

### Old Business/New Business

Ms. Morin said we do have some old business. She said there needs to be a signer for payroll warrants and for the accounts payable warrants. There needs to be a main signer and then an alternate. Dr. Vieira said what a lot of schools and School Boards have done is move towards using an electronic signature as a signing document. Ms. Charniak asked if the item of electronic signatures on the consent agenda could be taken out of order so we could talk about it now. There is a discussion held on electronic signatures. *Please see the attached from KP Law.*

Dr. Vieira said that in an attempt to relieve municipal boards from signing documents in-person, an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (though not for documents pertaining to registered land). That Amendment, dated April 17, 2020, and titled No. 13-7. "Electronic Signatures by Municipal Boards" (Amendment), requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c.110G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect.

Ms. Brown nominated Ms. Charniak to be the main signer for payroll warrants. Ms. Salvas seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

Ms. Salvas nominated herself to be the alternate for payroll warrants. Ms. Brown seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

Ms. Salvas nominated Ms. Moulder to be the main signer for accounts payable warrants. Ms. Charniak seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

Ms. Charniak nominated herself to be the alternate signer for accounts payable warrants. Ms. Brown seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

There was new business

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### **Superintendent's Report**

#### **End of School Year**

Superintendent Vieira said he would like to recap on the past two weeks. He said it has seriously been a joy to be out and about. He said two weeks ago we had graduation and it was a beautiful day. It was so great to have families here. Over the past few days we've had a few promotion ceremonies and step-up days as well. We also had the art show last week and it was great to see a sense of normalcy back here for our kids.

Dr. Vieira wanted to thank everyone for everything that they've done over the course of this school year. He thanked the School Committee, administration team, the IT department, custodians, cafeteria staff, the administrative assistants, teachers, paraprofessionals, ABA therapists, nurses, and our kids.

### **School Committee & Sub-Committee Report**

#### **Accounts Payable Report**

Ms. Charniak signed the following warrants:

Warrant 50SCHL21, dated 6/11/2021, two batches totaling \$4,057.09

Warrant 50SCH21, dated 6/10/2021, eleven batches totaling \$410,662.12

Warrant 49SCH21, dated 6/3/2021, eight batches totaling \$266,105.84

She said there was nothing unusual

### **Consent Agenda**

#### **Minutes June 2, 2021**

-Ms. Brown made a motion to approve the School Committee meeting minutes for June 2, 2021. Ms. Charniak seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvias-Aye.

#### **DHS – Modification of Graduation Requirements**

Mr. Romano said in the past several years DHS has moved to add graduation requirements in foreign language and fine arts in order to bring the school in compliance with MASSCORE, the recommended graduation requirements established by DESE. (These are also the admission requirements for the UMASS system and MASSCORE is a metric by which the state measures schools). DHS still has several graduation requirements that are not part of MASSCORE, including two years of Health, Senior Project, and a technology class. He said currently students take health and PE in their Freshman and Sophomore years alternating between 3 days of PE and 3 days of Health. Students can take their technology electives any time in their four years.

He said the addition of the new requirements, while greatly improving our MASSCORE rating, has limited the opportunity for students to take additional electives related to their interests, goals, AP courses, and the Pathways program at DHS. For Freshmen and Sophomores, the Health and PE requirement prevents many students from taking other electives, such as art, tech ed, business, and music. For students who have Academic Support in their IEP, there is no option for electives. Of the 140 credits students could take at DHS over four years, 110 are required courses; so over the course of four years at DHS, students only have room for 30 credits of electives (half-year courses are 2.5 credits and full-year courses are 5 credits). These 30 available credits include any additional Spanish courses beyond the two required years, any business courses, any culinary courses, and most Advanced Placement Science Courses.

Mr. Romano said students who have Academic Support in their IEPs for all four years only have room for 10 credits of electives, making it extremely difficult for them to complete Pathways, take culinary or business classes, or advanced levels of courses in any subject.

This new proposal would eliminate the technology requirement and reduce the health requirement to one year. This would allow students to take an additional 7.55 credits of electives. It would also reduce the number of Health classes that Ms. Doherty has to teach, allowing her to meet more of the

demand for the culinary program. As of this writing, there are 40 unfulfilled requests for culinary classes next year that cannot be met because Ms. Doherty is limited in the number of sections she can offer.

DHS would still be competitive with other schools. He said to his knowledge, only one other school in the region requires two years of Health, the rest requiring one or having no health requirement at all. In order to make up for the lost time spent in Health classes, we are revising our Advisory program to include more social-emotional learning topics that would otherwise be part of Health, such as executive functioning skills in self-management and responsible decision-making. One of my goals is to strengthen the integration of these skills into core course areas which will help to reinforce these Health skills and apply them to more contexts (for example, integrating instruction on making healthy decisions into Biology class).

This change will allow more students to access our Pathways, Advanced Placement courses, and higher levels of foreign language, as well as our electives.

-Ms. Brown made a motion to approve the elimination of the second year of health and technology graduation requirements from the DHS graduation requirements starting with the class of 2024. Ms. Salvas seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

#### Electronic Signatures

Superintendent Vieira said that each week, a representative of the School Committee is required to come into the office to sign payroll and warrants. The window of time to sign these documents can be as short as one hour and there are occasions when a representative of the School Committee may have to come in more than once a day to sign warrants. He said the ability to sign electronically will help facilitate a smoother and more efficient process.

Ms. Charniak made the motion that the School Committee for Douglas Public Schools hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Ms. Salvas seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

### **School Business and Operations Manager Report**

#### Transfers and Reclassifications

There were no Transfers or Reclassifications

#### Tellstone & Son, Inc.

Ms. Keegan wanted to recognize Tellstone & Son, Inc. tonight. She said this year we had the Middle School evacuation and this happened when all the bus drivers would have gone home. They all stayed on standby. She said a couple of them even canceled doctor's appointments to be here for our kids. She said each year they provide the shuttle for graduation free of charge. She just wanted to say thank you to them.

#### Other Topics

There were no other topics

#### Adjournment

-At 7:48 p.m. Ms. Morin made a motion to go into Executive Session to discuss the strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the governmental body, and to conduct collective bargaining and we will not be returning to open session. Ms. Brown seconded the motion. Roll Call Vote: Lisa Brown-Aye, Becky Charniak-Aye, Heather Morin-Aye and Monique Salvas-Aye.

Respectfully Submitted,

Lauren Tibbetts  
Recording Secretary

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June 16, 2021 School Committee Meeting

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# Use of Electronic Signatures and “Virtual” Notarization

**April 28, 2020**

One of the challenges inherent in maintaining governmental operations during the current State of Emergency is the difficulty in conducting transactions that require so-called “wet” ink signatures. The ability to use or accept “e-signatures” can vary, depending upon the document at issue. To compensate for the practical obstacles posed by the current partial or total closures of government offices and the conduct of governmental business via remote means, various administrative and legislative measures have been adopted that permit the use of electronic signatures, at least temporarily, and in certain circumstances. This eUpdate summarizes circumstances where electronic signatures can be used in connection with common government activities.

*The information contained herein is current as of the date of issuance. Where the state and federal governments are regularly enacting new or updated laws, regulations, and guidances in response to the COVID-19 crisis, we recommend that you consult with counsel regularly to ensure that you have the most up-to-date information.*

## **A. General Use of Electronic Signatures:**

As a starting point, under the Uniform Electronic Transaction Act, G.L. c.110G, an electronic signature is legally binding to the same extent as a handwritten signature. See G.L. c.110G, §7. An electronic signature is defined as an “electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” G.L. c.110G, §2.

While G.L. c.110G provides some authority for acceptance of electronic signatures, there are exceptions applicable to certain municipal transactions. Indeed, there are a number of state statutes that would not otherwise permit the use of electronic signatures. During the declared State of Emergency, however, the following legislative and administrative actions permit the use of electronic signatures in many (but not all) instances: 617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2020 KP Law, P.C.

- The permit deadline extension provisions of Chapter 53 of the Acts of 2020 allow municipalities to accept “permit” applications electronically, subject to certain requirements (as explained in our eUpdates entitled “Municipal Relief Legislation Passed by State Legislature “ and “Land Use Permitting Deadline Extensions”). This legislative authorization for the submission of permit applications electronically, coupled with G.L. c.110G with respect to electronic signatures, provide the mechanism to address those situations where a state statute does not otherwise allow for electronic filing of permit applications, and allowing for acceptance of same with an electronic signature, at least temporarily.
- The Massachusetts Supreme Judicial Court (SJC) has generally authorized the use of electronic signatures on various court filings, including affidavits.
- The Massachusetts Registers and Assistant Registers of Deeds Association has adopted an Amendment to the Massachusetts Deed Indexing Standards 2018 (Amendment), effective April 17, 2020, that allows municipal boards to utilize electronic signatures on documents that are filed with Registries of Deeds, provided that the municipal board has followed a specific procedure. As of this date, all Registries of Deeds have accepted this Amendment. Note, though, that the Land Court has not yet authorized the use of electronic signatures for registered land unless a statute, rule, order or court guidance authorizes electronic signatures for specific types of documents. Absent such statute, rule, order or court guidance, electronic signatures are permitted for documents pertaining to recorded land only. A copy of the Amendment is attached, and the process for implementing this Amendment is discussed in Section B, below.
- The Legislature recently passed “An Act Relative to Remote Notarization During COVID-19 State of Emergency”, which allows attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing, subject to certain requirements. This new law is discussed in Section E, below.

The use of electronic signatures by municipal boards in particular situations is discussed in more detail, below. Should you have questions about the use of electronic signatures in circumstances not covered in this eUpdate, please contact your primary, land use, or other counsel at KP | Law for further guidance.

#### **B. Electronic Signatures by Municipal Boards on Recordable Documents (other than Plans):**

In an attempt to relieve municipal boards from signing documents in-person, an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (though not for documents pertaining to registered land). That Amendment, dated April 17, 2020, and titled *No. 13-7. “Electronic Signatures by Municipal Boards” (Amendment)*, requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c.110G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect. 617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2020 KP Law, P.C.

1. The Council/Board/Commission votes to authorize electronic signatures and a Certificate of Vote is prepared, memorializing the vote.

The first step in this process is that the Council/Board/Commission votes to recognize and accept the provisions of G.L.c.110G, and authorize electronic signatures. The matter should be placed on an agenda for a duly noticed meeting in compliance with the Open Meeting Law.

- The agenda item can take the following form:

“Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/ Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020.”

- The motion at the meeting can take the following form:

“Moved that the \_\_\_\_\_ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.”

Assuming that this matter considered at a “virtual” meeting of the council, board, or commission, the vote must be by roll call, and recorded in the meeting minutes as a roll call vote. If adopted, a Certificate of this Vote is then prepared.

2. The Certificate of Vote is signed, notarized and certified by the City/Town Clerk.

This Certificate of Vote, containing the language of the motion and attesting the vote, is signed and then certified by the City or Town Clerk prior to being recorded at the applicable Registry of Deeds. We have attached a sample Certificate of Vote for your use. Once the Certificate of Vote is recorded, electronic signatures may be affixed to permitting or compliance documents such as decisions and/or Orders of Conditions that have been approved by a council, board or commission vote.

3. The Certificate of Vote is recorded at the Registry of Deeds.

4. For each Decision/Approval/Order of Conditions issued, we recommend adding a specific statement regarding the Council/Board/Commission vote to authorize electronic signatures, on the signature page of the Decision/Approval/Order.

For instance, the following language can be used:

Pursuant to the vote taken by [specify name of council, board or commission] on \_\_\_\_\_, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Council’s/Board’s/Commission’s electronic signature authorization vote recorded on [DATE] with the \_\_\_\_\_ Registry of Deeds. 617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2020 KP Law, P.C.

### **C. Use of Electronic Signatures by Conservation Commissions:**

The Wetlands Protection Act requires that Orders of Conditions (OOC) be signed by a majority of Commission members. G.L. c.131, §40.<sup>1</sup> Previously, some Registries had rejected OOCs containing electronic signatures; however, we anticipate that with the adoption by all Registries of the Amendment discussed above, that electronic signatures will no longer be an issue (except for registered land documents, which still require a “wet” ink signature). Thus, Conservation Commissions may wish to consider following the process identified above should they want to execute documents electronically. Note that because state law requires that Orders of Conditions contain the signatures of a majority of Conservation Commission members, in our opinion the Commission could *not* vote to delegate signatory authority for OOCs issued pursuant to the Wetland Protection Act to a single Commission member or a Conservation Agent or Administrator.

### **D. Use of Electronic Signatures on Plans Endorsed or Approved by Planning Boards:**

Most land use boards, *aside from Planning Boards*, do not have a legal requirement that they endorse actual plans of land. Planning Boards, however, may be required to endorse “Approval Not Required” (ANR) or subdivision plans prepared by an applicant’s engineer or land surveyor. Generally, Registries of Deeds require actual mylar plans for recording, and while the process described in Section B, above, could be used to permit the use of electronic signatures on ANR or subdivision plans, there can be a reluctance to provide Planning Board members’ electronic signatures to a third party to actually affix the members’ electronic signatures to the mylar plans prior to recording. Also, plans for registered land may not be signed electronically.

As an alternative to using Planning Board members’ electronic signatures on such plans, the provisions of G.L. c.41, §§81P (ANR plans) & 81X (subdivision plans) allow a Planning Board to vote to authorize a single individual to endorse plans on behalf of the Board for recording in the Registry of Deeds. During the current COVID-19 emergency, while the Board is meeting remotely, it may wish to use this mechanism to simplify the logistics of signing plans. While not modifying the Board’s substantive review of the plans, the mechanism will allow the Board to carry out its statutory duties and enable plans to be filed without undue complication.

The Board can accomplish this by vote at a properly noticed meeting, followed by letter of notice to the Registry. The procedure here is similar to the process described in Section B, above, and the Board must vote to take action *under both statutes*. The vote will then designate a single signatory to sign plans on behalf of the Board. The signatory does not need to be a member of the Board; however, since the statute specifies, “name of the person so authorized,” the vote should designate a named individual than that individual’s title (e.g., “Bob Smith”, not “Chairman”). This means, however, that when the person so authorized is no longer employed by the City or Town or a member of the Board, a new designation must be voted and notice of same provided to the Registry.

Both G.L. c.41, §§81P & 81X require the signatures of a majority of the Board on the notice sent to the Registry. In ordinary times, this would be accomplished at an in-person meeting, or by having members come

<sup>1</sup> “Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.” 617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2020 KP Law, P.C.



to Town Hall independently to sign the notice. Current circumstances may warrant a different approach. Instead, each member (of a majority of the Board) could print out and sign a signature page, and send it to the Planning Department or staff to be assembled with the notice and sent to the Registry.

When the current State of Emergency terminates, if the Board seeks to revert to the prior practice of in-person plan endorsement, the Board should vote to withdraw its authorization for the individual to endorse plans on behalf of the Board. A second letter should be prepared and submitted to the Registry reflecting this vote and as notification of a reversion to the prior endorsement authorization.

**E. "Virtual" Notarization:**

Some municipal real estate transactions, contracts, and affidavits are required to be notarized. Typically, this requires in-person attendance of both the notary and the person(s) whose signature(s) are to be notarized. Under "An Act Relative to Remote Notarization During COVID-19 State of Emergency", attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth are allowed to notarize documents using electronic real-time video so long as specific requirements are met. Those requirements are attached. This temporary authorization of "virtual" notarization automatically expires three days after the Governor rescinds the current State of Emergency. The automatic repeal of the Act, however, will not invalidate any documents executed in accordance with the Act.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus "hotline"**, at [coronavirusinfo@k-plaw.com](mailto:coronavirusinfo@k-plaw.com). A dedicated team of our attorneys is available through this "hotline" e-mail address to answer the most frequently asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary, land use or real estate contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

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## Massachusetts Deed Indexing Standards 2018

### April 2020 Amendment

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020 and, as of the date of this eUpdate, applies to recorded land only.

**13-7. Electronic Signatures by Municipal Boards** – The following procedure is recommended for municipal councils, boards and commissions that wish to execute and record with the Registry of Deeds documents in accordance with Massachusetts General Laws Chapter 110G (Uniform Electronic Transaction Act).

1. At a properly called meeting, the municipal council, board or commission (hereinafter “board”) should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.
2. The board then records at the Registry of Deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the City/Town Clerk’s certification.
3. Board members may thereafter cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board’s electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE NUMBERS] at the [NAME OF REGISTRY] Registry of Deeds.
4. Any document so executed shall be accepted for recording at the Registry of Deeds electronically or as a paper print of the electronically-executed document. 617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2020 KP Law, P.C.

**CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G**

On \_\_\_\_\_, 2020, the \_\_\_\_\_ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: \_\_\_\_\_ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye;  
Member Name — Aye; Member Name — Aye; Member Name — Aye

Vote was Unanimous

The above is a true and accurate account of the proceedings of the City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission.

Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_, 2020  
Commonwealth of Massachusetts

County of \_\_\_\_\_, ss.

On this \_\_\_ of \_\_\_\_\_, 2020, before me, personally appeared \_\_\_\_\_, [Chair/Vice-Chair/Member] of said City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the \_\_\_\_\_ [city/town] of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Certified by Town/City Clerk:

\_\_\_\_\_  
Date: \_\_\_\_\_, 2020

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## **OUTLINE OF PROCESS FOR “VIRTUAL” NOTARIZATION**

The Massachusetts Legislature has enacted temporary legislation to allow certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing. The following steps are required for “virtual” notarization, which occurs via video conference. Any document executed in accordance with this process will be valid for filing or recording with any state, local, or federal agency, court, department, or office. The signature of all witnesses who participate in the required video conference(s) will be valid as if executed in person.

1) Video Conference(s): the notary must observe the principal (the witness) execute the document in an initial video conference.

If and only if the document is executed in the course of closing a transaction such as a mortgage or other conveyance of title to real estate, a second video conference is required. In the second video conference, each witness must verify to the notary public that the document subsequently delivered to the notary public (detailed below) is the same document which was executed during the initial video conference.

2) Oath: the notary and the witness both swear under the penalties of perjury that they are physically present in Massachusetts during the video conference(s). Each witness must identify and disclose any other person present in the room and make that person viewable to the notary public.

3) Satisfactory Proof of Identification: each witness must provide the notary with satisfactory evidence of identity by displaying it during the video calls and by submitting a copy of the front and back of the identification (with the electronic document or separately) by e-mail. The Notary must retain the copy of the individual’s identification for a period of ten (10) years.

"Satisfactory evidence of identity" includes: 1) a current document issued by a federal or state government agency bearing the photographic image of the individual's face and signature; 2) the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the individual; or 3) identification of an individual based on the notary public's personal knowledge of the identity of the principal. A person who is not a U.S. citizen must, however, produce a valid passport or other government-issued document with photograph and signature. G.L. c.222, §1.

For documents executed in the course of a closing of a transaction involving a mortgage or other conveyance of title to real estate where the witness is not personally known to the notary public, the witness must display a second form of identification containing the witness’: 1) name; and 2) photograph or signature, or otherwise be issued by a government entity, during the initial video conference. This second identification may be: a utility bill or municipal tax bill dated within sixty (60) days of the video conference, a credit or debit card, or social security card.

4) Affirmation: each witness must make an acknowledgment or affirmation to the notary public, as appropriate.

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5) Delivery of Documents: a witness must promptly deliver the executed document to the notary by delivery service, courier, "or other means," in accordance with the notary's instruction. The Legislation does not specify whether the document may be transmitted electronically.

6) Stamp and Seal: after the above process has been completed, the notary public may stamp and sign the executed document, completing the notarial act. With respect to any will, guardianship nomination, health care proxy, power of attorney, trust, caregiver authorization, or authorization under the Health Insurance Portability and Accountability Act (HIPAA), the document is completed when the original counterparts and the notary public's affidavit (detailed below) are compiled. Such acts may only be performed by an attorney or an attorney-supervised paralegal. Electronic signatures are not permitted for notary public acknowledgements.

7) Affidavit: the notary public must attach a certificate to the executed document, which will include an affidavit and recital indicating that the document was notarized remotely in accordance with this Act, provided, however, that a failure to include any of the required recitals will not affect the validity or recordability of the document. The affidavit must be retained by the notary public for a period of ten (10) years.

The affidavit must confirm under the pains and penalties of perjury that:

- Identification was received and visually inspected during the initial video conference;
- The notary public obtained verbal assent to record the video conference(s);
- The witness(es) attested to being physically present in the Commonwealth;
- Note anyone who was in the room with the witness(es) and his/her/their relationship to the witness(es);
- The affidavit does not have to be recorded with the executed document, but must be retained by the notary for 10 years. The signature of the witness(es) who participates in said video conference will be valid as if executed in person.

This affidavit does not need to be filed with any document recorded in a Registry of deeds or filed with the land court. Additionally, with respect to Land Court and Registry recordings, a witness's failure to disclose physical presence in the Commonwealth or the identity of others in the room shall not constitute grounds to set aside title to real property acquired by a third-party mortgagee or purchaser for value.