

Topic: IACA STS Comments on NASS Draft Report on Bogus Filings

Compiled By: Sherri De Marco

Jurisdiction: Michigan

Date: 21 June 2012

Jurisdiction	Question(s)
	We would appreciate any corrections or clarifications you feel are necessary for individual state practices or for the background information contained in the report.
Alabama	
Alaska	Fri 06/22/2012 5:28 PM: We really haven't seen any problems arise from transmitting utilities in Alaska. We accept them like any other filing. There are those times when the filers visit our office to submit their UT and expound their newly learned secrets to success. Luckily for us, Alaska is pretty widespread, and these filers tend to live in seclusion, so traveling to Anchorage from a remote site doesn't happen often. We also receive an extra \$30.00 for these filings.
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	
Florida	
Georgia	
Hawaii	
Idaho	Fri 06/22/2012 5:59 PM: Idaho has seen the sovereign filings reduced to one or two per year since putting our statute into place allowing us to reject them. Apparently the word has gotten out that Idaho will not file same debtor/secured party or individual transmitting utility filings. When they do come in they don't occupy much time - I simply enclose a form rejection letter, with a copy of our statute and send it back. Some will want to argue the sovereign rhetoric with me, but I adamantly refuse. I simply tell them that I'm simply doing what Idaho law tells me to do. They usually leave without much more argument.
Illinois	Thu 06/21/2012 5:33 PM: An Update to the Illinois statutory reference is included as an attachment. HB5190 is awaiting the Governor's signature.
Indiana	
Iowa	
Kansas	Fri 06/22/2012 4:48 PM: These people don't put a strain on my office at all because we just file the document. Most of them file as a transmitting utility which is \$30 more than other UCC filings. I have yet to see an example of anyone in

	Kansas harmed because of these filings.
Kentucky	
Louisiana	
Maine	
Maryland	
Massachusetts	
Michigan	Tue 06/26/2012 4:22 PM: The information on Michigan is correct.
Minnesota	
Mississippi	
Missouri	
Montana	Thu 06/21/2012 1:42 PM: Montana's information is displayed correctly in the document.
Nebraska	
Nevada	Thu 06/21/2012 7:38 PM: As a matter of policy, Nevada refuses these filings if they appear to be bogus or harassment filings. Rarely, do we have any complaints and if there is a complaint, we refer the customer to their legal counsel. In the many years since starting to refuse, we have not been challenged.
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Ohio	
Oklahoma	
Oregon	Fri 06/22/2012 6:36 PM: I have seen harm. I think that article that went around that referenced Dr. Rohr showed the harm that people who fall for the rhetoric get into, and that happens often to sovereigns here in Oregon. I have seen harm in government offices from the incessant demands and countless paper filings by these folks. I think the fact that the FBI calls them domestic terrorists gives us a clue about potential harm and that our offices should not abet the terrorists.
Pennsylvania	Thu 06/21/2012 12:39 PM: I just checked and HB 2159 for the amendments to RA9 have not passed yet and I am not aware of any other legislation that would cover bogus filings.
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	Tue 06/26/2012 10:30 AM: The Texas information in the draft looks good.
Utah	
Vermont	

Virginia	
Washington	<p>Mon 06/25/2012 3:35 PM: The Washington State UCC Filing Office recently changed the way we handle bogus filings. This is what we are currently doing:</p> <p>Washington</p> <p>Pre-Filing</p> <p>The UCC filing office may refuse to accept a document for filing if it appears to be fraudulent or not within the scope of UCC. If the filing office refuses to accept a document, the filer may contest the decision by filing a petition for review in the Superior Court. The process is provided for in the Administrative Procedure Act which establishes the exclusive means of judicial review of agency action.</p> <p>Post-Filing Administrative Remedy</p> <p>The UCC filing office may remove a financing statement from the record if it appears to be fraudulent or not within the scope of UCC. If the filing office removes a document, the filer may contest the decision by filing a petition for review in the Superior Court. The process is provided for in the Administrative Procedure Act which establishes the exclusive means of judicial review of agency action.</p>
West Virginia	
Wisconsin	
Wyoming	

Additional Comments:

Thu 06/21/2012 5:33 PM

An Update to the Illinois statutory reference is included as an attachment. HB5190 is awaiting the Governor's signature. The synopsis given by NASS is a good breakdown of the overall picture, but there are more considerations here than the document or report present.

One thing everyone overlooks is the strain on the filing officer. These unruly deviates use up valuable resources in the filing office by either dropping into the filing office personally, or by the numerous telephone calls and emails. They tie up our systems when we do not let them file the way their seminar instructors informed them during their "sovereign citizen" training. By the way, there are so many different seminars for "sovereign citizens" that we frequently hear about the varying instructions that they received from their mentors that do not match our particular filing jurisdiction, but another filing jurisdiction in another part of the country.

Dennis L. Hankins

UCC State Administrator
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Illinois Secretary of State
Department of Business Services
Uniform Commercial Code Division
501 S. 2nd Street, Room 350 W.
Springfield, IL 62756



09700HB5190lv.pdf

Full Text of Original Email:

Thu 06/21/2012 12:23 PM

Thanks Tom:

I did not receive Cheri's email but will post to the STS List Serve now.

STS List Serve Folks:

Please look at the attached report and send any comments to the STS List Serve. I will compile the information and send it to Stacy Dodd. Responses by June 28 will be included in the compilation. Your timely responses are appreciated!

Sherri

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From: WROSCH, Thomas E [mailto:thomas.e.wrosch@state.or.us]
Sent: Wednesday, June 20, 2012 5:36 PM
To: DeMarco, Sherri
Subject: FW: NASS Bogus Filings Report - Please review

Hi, Sherri,

Cheri told me she'd forwarded this to you for STS's consideration, but I didn't see the post. Did you get it? On a related note, I saw that Pennsylvania just passed some non-uniform amendments to handle bogus filings.

Thanks,

Tom

From: Dodd, Stacy [mailto:sdodd@sso.org]
Sent: Monday, June 18, 2012 10:20 AM
To: Dodd, Stacy

Cc: Reynolds, Leslie; nass; Milhofer, John
Subject: NASS Bogus Filings Report - Please review

Good Afternoon:

Attached is the draft of a NASS report on the states' handling of bogus or fraudulent UCC filings. At the NASS 2012 Winter Conference, the NASS Business Services Committee asked that NASS staff prepare a report that included some background on this issue as well as how the states are currently handling these filings.

We have reviewed the state statutes and prepared the attached report, but we would appreciate any corrections or clarifications you feel are necessary for individual state practices or for the background information contained in the report.

The Business Services Committee will consider this report at the 2012 Summer Conference on Sunday, July 15, 2012.

Please let us know of any edits by Monday, July 2, 2012.

Thank you for your attention to this matter.

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