

**RESOLUTION 5 of the SECURED TRANSACTION SECTION**  
**INTERNATIONAL ASSOCIATION OF COMMERCIAL ADMINISTRATORS**  
**2010**

WHEREAS, in 2004 The National Association of Secretaries of State (NASS) and the International Association of Commercial Administrators (IACA) formed a Joint Task Force to investigate the problems of so-called 'bogus' UCC filings, and

WHEREAS, that Task Force issued a report outlining the problem, analyzing the factors involved in the harassment and strawman filings and recommending statutory solutions to the problem of the filing of these unauthorized financing statements and other records, and

WHEREAS both NASS and IACA approved and adopted the report of the NASS/IACA Joint Task Force in 2005, and

WHEREAS, the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Law Institute (ALI) formed a Joint Review Committee on Article 9 and are considering language addressing bogus filings, and

WHEREAS, language previously considered by the Joint Review Committee on Article 9 addresses only bogus filings filed against government employees and does not remove the filing from the public record,

THEREFORE BE IT RESOLVED that the Secured Transaction Section (STS) of IACA, and IACA believe that the previously considered language is overly narrow and is ineffective in removing the 'bogus' filing from the public record and that it urges that ALI and NCCUSL consider instead the report of the Joint Task Force of NASS/IACA to address the issue of 'bogus filings, and

BE IT FURTHER RESOLVED that IACA communicate this resolution to NCCUSL and its Commissioners, and

BE IT FURTHER RESOLVED that STS and IACA urge states to consider the language recommended in the NASS/IACA Joint Task Force report when reviewing any proposed UCC amendments either separately or with the Bar Associations of the respective states prior to proposal of legislation enacting amendments to the UCC, and

FINALLY, BE IT RESOLVED that STS and IACA urge NASS to similarly reaffirm their support of the Joint Task Force proposal and enact a resolution similar to this resolution and transmit such resolution to NCCUSL and its Commissioners.