

January 2, 2009

Michael Allen
Clerk, Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, California 9310

#3

Re: Leg. File ID 08-01109
Recorder's Fee Increases

Dear Mr. Allen:

Enclosed please find written opposition to the above. Please file it and transmit it to the Supervisors.

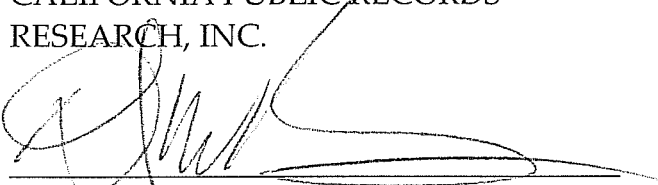
I will appear at the hearing.

Thank you for your cooperation. .

Sincerely,

CALIFORNIA PUBLIC RECORDS
RESEARCH, INC.

By:


DONALD W. RICKETTS
General Counsel

DWR:dar
Encl.

January 2, 2009

To: The Board of Supervisors
County of Santa Barbara

Re: Leg. File ID 08-01109
Proposed Increase In Recorder's Copy Fees
Board Agenda: 1/13/09

**WRITTEN OPPOSITION OF CALIFORNIA PUBLIC RECORDS RESEARCH, INC.
TO PROPOSED CHANGES IN FEES FOR COPIES OF RECORDED REAL ESTATE
DOCUMENTS**

California Public Records Research, Inc. ("CPRR") appreciates the opportunity to express its views to the Board on the above.¹

Introduction and Summary

In 2003, this Board set the fees which the County Recorder could charge for individual (paper) copies of recorded real estate documents at \$3.00 for the first page and \$1.00 for each subsequent page of a document.²

The Recorder now proposes a uniform fee of \$2.00 per page which is a decrease in the current fee for a one-page document, but a doubling of the second page fee that significantly increases the cost of a copy of most documents:

**TABLE 1
CURRENT AND PROPOSED SANTA BARBARA RECORDER COPY COSTS**

	<u>Copy Cost By Document Size (pages)</u>				
	1	3	5	10	20
Under Current Fee Schedule	\$3.00	\$5.00	\$7.00	\$12.00	\$22.00
Under Proposed Fee Increase	\$2.00	\$6.00	\$10.00	\$20.00	\$40.00

¹CPRR provides document location, retrieval, management and analysis services. It has searched real estate documents and obtained copies of records from most counties in the state, including Santa Barbara, and continues to do so. Over the last several months it has sent Public Records Act requests for records concerning recorders' copy fees to all 58 counties and has received hundreds of pages of ordinances, studies, and related materials. The results are being compiled and will be published in the near future. Some of the information that has been obtained is set forth herein.

²Ord. 4502, 7/22/03.

CPRR supports the concept of a uniform fee but opposes the Recorder’s proposal for an overall fee increase on the ground that the Recorder has failed to demonstrate that this fee is permitted by statute and that, in any event, it does exceed the statutory limit.

In 2003 the Board also set the fee which the Recorder could charge for providing copies of recorded real estate documents in a digital or electronic format (a compact disc, “cd”), on a subscription basis, at \$350.00 per month.³ The Recorder proposes to reduce this fee to \$65.00 per month and proposes a new fee of \$24.00 for a daily cd. The current per page cost of digital copies (provided monthly) is 27¢/document or 9¢/page.⁴ The Recorder proposes to reduce that to about 3¢ per document or, on average, less than 1¢ per page (.0093¢). The new daily fee for digital copies fixes the average price at 61¢/document or 20¢/page. Table 2 sets the forth the resulting fees and compares them to the proposed paper copy fees.

**TABLE 2
PROPOSED SANTA BARBARA RECORDER COPY COSTS - PAPER vs. DIGITAL**

	<u>Individual-Copy Cost By Document Size (pages)</u>				
	1	3	5	10	20
Paper	\$2.00	\$6.00	\$10.00	\$20.00	\$40.00
Digital, Monthly	9¢	27¢	45¢	90¢	\$1.80
Digital, Daily	20¢	60¢	\$1.00	\$2.00	\$4.00

CPRR opposes the decrease in the monthly cd fee, and the new daily cd fee, on the ground that they are below cost and impermissibly discriminate between individual consumers and small businesses (the typical customers for individual copies) and the title and other real-estate-related companies who are the typical customers for the cd’s. The

³*Id.*

⁴ Between 1975 and the present, the Recorder recorded 2.9 million documents containing 8.7 million pages (3 pages per document on average) or, on average, 2323 documents and 6969 pages per month and 106 documents and 318 pages per day. (Letter, Mary Rose Bryson to CPRR, December 15, 2008.)

effect is that individual consumers subsidize the fees of the title companies who receive both a preferential rate and preferential access. .

CPRR also opposes the Recorder's proposal on the ground that Government Code section 54985 does not authorize this Board to set the Recorder's copy.

CPRR urges the Board, acting pursuant to the appropriate statute and standard, to adopt a uniform fee that applies to all copies of recorded real estate documents that the Recorder provides, that properly accounts for the recoupable direct and indirect costs of producing copies, and that is consistent with the current technology and methodology used by the Recorder to produce copies. It suggests that the Board request a comprehensive study of the fee structure and the specific fees before making any changes in the copy fees.

Government Code Section 54985 Does Not Authorize the Board To Set Recorder's Copy Fees

Prior to 1993, the fees which a County Recorder could demand and collect for providing copies of recorded real estate documents was set by California Government Code section 27366 at \$1.00 for the first page and 50¢ for each succeeding page. The statute was amended in that year to its present form:

“The fee for any copy of any other record or paper on file in the office of the recorder, when the copy is made by the recorder, shall be set by the board of supervisors in an amount necessary to recover the direct and indirect costs of providing the product or service”

The Recorder advises the Board that it may adopt the proposed ordinance pursuant to California Government Code section 54985. That statute provides, in relevant part:

“(a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county . . . a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the

amount reasonably necessary to recover the cost of providing any product or service . . . The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service . . . shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

“(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the board of supervisors may request the county auditor to conduct a study and to determine whether the fee or charge is reasonable.

“Nothing in this subdivision shall be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution.

“(c) This chapter shall not apply to any of the following:

* * * * *

“(6) Any fee charged or collected by a county recorder or local registrar for . . . providing a copy of any document pursuant to Section . . . 27366 of the Government Code” (Emphasis added.)

In another context, the Fourth District Court of Appeal rejected an earlier attempt by Santa Barbara to apply section 54985 to fees excluded from its coverage and provided for in a different statute. (*See, County of Santa Barbara v. Connell* (1999) 72 Cal.App.4th 175.

Table 3 sets forth copy-fee data for all 58 California counties (derived, primarily, from records produced by the counties pursuant to PRA requests made by CPRR). It displays the wide variance in the fees set by the counties after the state-set fee was dropped, all of which the counties state recoup direct and indirect costs, only. They range from 25¢/page in Mono County to \$12.00/page in Sacramento. Even counties applying the same statute and standard developed , wildly different fees. (See, e.g., Ventura County (50¢/page) and Santa Clara (\$10.00/page) both of whom set their fees pursuant to Government Code §27366.)

Like Santa Barbara, Napa and San Francisco—which are among the counties with the very highest fees in the state—also applied the more liberal standard of section 54985 to set their fees. The two counties with the highest fees, Los Angeles (\$10.00 first page) and Sacramento (\$12.00 first page), reached out to Government Code section 26831 (applicable to “clerk’s fees” and plainly inapplicable to “recorder’s fees”) and applied its even more liberal standard of “reasonableness”.

One County (Mono) set its fees pursuant to the Public Records Act (“PRA,” Govt.C. §6250, *et seq.*) That act limits cost recovery to direct costs and, following a very credible study of time and costs Mono found that the direct costs of producing a copy were 25¢/page.

Following passage of the PRA the Los Angeles County Auditor conducted exhaustive time and cost studies of all county agencies and departments, found that the direct costs of producing a copy of a public document was 3¢. That rate was set by the Los Angeles County Board of Supervisors as the fee for copies of all county records not covered by a different statute.

CPRR believes that passage of the Public Records Act set the fee for all copies of public records.

**TABLE 3
CURRENT COPY FEES OF CALIFORNIA RECORDERS**

<u>County:Current Fee</u>	<u>Cost (\$) By Document Size (pages)</u>				<u>Authorizing Statute(s) Cited</u>
	<u>1</u>	<u>2</u>	<u>5</u>	<u>10</u>	
Mono: \$.25/.25	25	.50	1.25	2.50	GC 6250, 6257
Ventura : .50/.50	.50	1.50	2.50	5.00	GC 27366
Alpine: 1.00/.50	1.00	1.50	2.00	5.50	GC 27366
Imperial: 1.00/.50	1.00	1.50	2.00	5.50	GC 27366

Table 3 - Current Copy Fees - All California Counties- Cont.

Cost (\$) By Authorizing

County:Current Fee	Document Size (pages)				Statute(s) Cited
	1	2	5	10	
Lake: 1.00/.50	1.00	1.50	2.00	5.50	Unknown
Madera: 1.00/.50	1.00	1.50	2.00	5.50	GC 27399i
(???) Plumas : 1.00/.50	1.00	1.50	2.00	5.50	GC 27361
Shasta: 1.00/.50	1.00	1.50	2.00	5.50	GC 27366
Colusa: 1.00/1.00	1.00	2.00	5.00	10.00	Unknown
Contra Costa: 1.00/1.00	1.00	2.00	5.00	10.00	GC 27366
Mariposa: 1.00/1.00	1.00	2.00	5.00	10.00	No. Ord.
Orange : 1.00/1.00	1.00	2.00	5.00	10.00	Unknown
Sierra: 1.00/1.00	1.00	2.00	5.00	10.00	Unknown
Siskiyou: 1.00/1.00	1.00	2.00	5.00	10.00	GC 27366
Sutter: 1.25/1.25	1.25	2.50	6.25	12.50	Unknown
Trinity: 1.25/1.25	1.25	2.50	6.25	12.50	Unknown
Alameda: 1.50/1.50	1.50	3.00	7.50	11.50	
Fresno: 1.50/.50	1.50	2.00	5.50	6.00	Unknown
Lassen: 1.50/.50	1.50	2.00	5.50	6.00	GC 27366
Glenn: 1.50/.50	1.50	3.00	7.00	15.00	GC 27366
Tehama: 1.50/.50	1.50	3.00	7.00	15.00	Unknown
Sonoma: 1.75/1.75	1.75	3.50	7.75	17.50	GC 27366
Butte: 2.00/.50	2.00	2.50	4.00	6.50	GC 26831
Santa Barbara: 2.00/.50	2.00	2.50	4.00	6.50	GC 54985
(Proposed) Yuba : 2.00/.50	2.00	2.50	4.00	6.5	GC 27366
Humboldt: 2.00/1.00	2.00	3.00	6.00	11.00	GC 27366
Placer: 2.00/1.00	2.00	3.00	6.00	11.00	GC 54985
Riverside: 2.00/1.00	2.00	3.00	6.00	11.00	GC 27366
San Benito: 2.00/1.00	2.00	3.00	6.00	11.0	GC 27366
San Joaquin: 2.00/1.00	2.00	3.00	6.00	11.00	GC 27366

Table 3 - Current Copy Fees - All California Counties- Cont.

County: Current Fee	Cost (\$) By Document Size (pages)				Authorizing Statute(s) Cited
	1	2	5	10	
San Mateo: 2.00/1.00	2.00	3.00	6.00	11.00	Unknown
San Bernardino: 2.00/1.25	2.00	3.25	7.00	14.50	GC 27366
Monterey: 2.00/2.00	2.00	4.00	10.00	20.00	GC
27366 Napa: 2.00/2.00	2.00	4.00	10.00	20.00	GC 54985
San Diego: 2.00/2.00	2.00	4.00	10.00	20.00	GC 27366
Santa Cruz	2.00	4.00	10.00	20.00	Unknown
Santa Barbara: 2.00/2.00 (Proposed)	2.00	4.00	10.00	20.00	GC 54985)
Mendocino: 2.50/.50	2.50	3.00	4.50	7.50	GC 27366
Kings: 2.50/1.50	2.50	4.00	8.50	16.00	GC 27366
Kern: 3.00/.50	3.00	3.50	5.00	7.50	GC 27366
Nevada : 3.00/.50	3.00	3.50	5.00	7.50	Unknown
San Francisco: 3.00 (pp.1 -3)/.50	3.00	6.00	10.00	12.50	GC 54985
Tulare: 3.00/1.00 3.00	4.00	7.00	12.00	12.00	GC 27366
Tuolumne: 3.00/1.00	3.00	4.00	7.00	12.00	GC 27366
Merced: 3.00/2.00	3.00	5.00	11.00	21.00	GC 27366
Stanislaus 3.00/2.00	3.00	5.00	11.00	21.00	GC 27366
Yolo: 3.50/.50	3.50	4.00	5.50	8.00	Unknown
Marin: 4.00/2.00	4.00	6.00	12.00	22.00	Unknown
Solano: 5.00/1.00	5.00	6.00	9.00	14.00	GC 27366
Los Angeles: 5.00/3.00	5.00	8.00	17.00	32.00	GC 26831 & 54985
Santa Clara : 10.00/3.00	10.00	13.00	22.00	37.00	GC 27366
Sacramento:	12.00	14.00	22.00	40.00	GC 26831
Amador, Calaveras , Del Norte , El Dorado, Kings, Modoc, Unknown (PRA Request Pending)					

The Recorder's Current Technology and Procedures Compel a Uniform Rate

While the various fees set by the legislature (and, later, the counties) for copies of recorded real estate documents have not, in most cases, reflected the cost savings achieved by technological change, technological change has been the occasion for changing the fee structure and fees.

In the beginning the Recorder recorded real estate documents—deeds, mortgages, reconveyances, etc.—by copying the original, by hand, and binding the copies into books. Copies were made for the public by copying—by hand—the bound copy (the official record). The fee for a copy was 10¢ per folio (100 words).

The typewriter automated the copying process, to a significant degree, and significantly reduced the time and manpower required to make copies. . It replaced handwriting as the method of recording real estate records. Though typewriting greatly reduced the time and labor to make a copy, the fees remained the same until an optional per page fee was set in 1951. Despite the obvious savings achieved by typewriting, the per page fee increased the copy fees.⁵

By 1993 microfilm had become the dominant technology for copying and archiving records of all kinds and, in that year, the Legislature amended the “copy fees statute” (Govt.C. §27366), authorized recording by that method and set the fees at \$1.00/50¢.

While microfilming achieved, obviously, significant savings in the cost of space to store the records (bound books vs. reels of microfilm) its most significant saving was, also obviously, the elimination of the large number of clerks who wrote or typed copies. But making copies

⁵ This page, for example, contains 316 words. At the folio (100 words) rate of 10¢, a copy of this page (if it was a recorded real estate document) would cost 40¢. The present fee would be \$1.00.

from microfilm still required some measurable labor and time.. An employee was required to locate and retrieve the reel of film containing the document, load it onto a printer-reader, locate the first frame of the document on the reel, print it, spool ahead to the next frame, print it, etc. Recognizing the “make-ready” tasks that applied to copying all documents, the Legislature provided that those costs would be collected by including them in the fee for the first page of document (\$1.00), but provided for a lesser fee for subsequent pages (50¢) whose copying required, only, advancing the film a frame and pressing the print button.

This two-fee structure, and the amount of the fees set by the statute, prevailed until 1993, when the legislature eliminated the set fee and allowed the counties, by ordinance of the Board of Supervisors, to set copy fees “in an amount necessary to recover the direct and indirect costs of providing the product or service”. As discussed above, the repeal of the state-set copy fees resulted in confusion among the counties over which statute now set the cost-recovery standard and wildly different fees were set by the counties, , all of whom were using the same methods and technology to produce copies.

Deregulation of the copy fee took place at the time the counties were developing easily searched index databases and replacing microfilm as the recording (and copy-making) medium with digital technology (“scanning”) which created images of recorded documents, stored as bits and bytes on hard disks.. Computerized index databases and digital images are now used by all counties. They allow documents (whether one or a range) to be located, displayed, and printed with a few key strokes from a computer terminal. The Santa Barbara Recorder has now scanned all documents recorded since January 1, 1975.⁶

⁶Letter, Mary Rose Bryson to CPRR, December 15, 2008.

Computerized searches and imaged documents eliminate the “make ready” work required for making copies from microfilm. Producing copies now requires the same expenditures of labor, material, and indirect costs whether one is producing a copy of a single page, a single document, or a group of documents (all records for John Doe, e.g.; or all (or some) documents recorded in a given day, month, or year; or specific kinds of documents (deeds, e.g.) by individual and or period; etc).

The rationale for a two-fee structure no longer applies and the fees for all copies of recorded real estate documents—individual or group, in paper or electronic media—should be the same. The Recorder may not maintain a “wholesale cost” and a “retail cost”; it is required to spread recoupable costs over all copies.

By proposing a decrease in the first-page fee, the Recorder recognizes that the base cost for producing a copy has declined. But he totally ignores that decline in requesting that fees for copies of pages after the first be doubled. It is difficult to find a rationale for increasing the fee for copies of most pages while decreasing the fee for others when the identical tasks are involved in producing all copies from the same computerized images.

An Increase in Paper-Copy Fees Is Not Justified Nor Has the Recorder Justified It

The technological advances that allow a near-instant ability to locate, display, and print a document-- from a single location--with a few keystrokes--equally militate against the doubling of the fee for subsequent pages that the Recorder proposes. Indeed, the paradox of the copy fees is that while technological advances greatly reduced the time and cost of producing copies, implementation of each successive advance led to increased fees.

As Table 3 shows, Santa Barbara’s proposed fees are far in excess of the fee charged by

Mono County (*inter alia*) which was set after a highly credible study of direct costs.⁷ They are also magnitudes above those charged by private companies to produce copies that not only recover costs (the limit on the fees that the Recorder may charge), but produce a profit.

Private copying providers/services charge about 10¢ per page for staff-made copies of paper documents on office copier machines that do require some make ready work (the copy has to be brought to and loaded into the copier). That price includes all direct and indirect costs, and a profit. In 2006 (the last year for which figures are available), Kinko' paid all of its costs—overhead, fixed, variable, direct, indirect, labor-supervisory and line, materials, rent, utilities, etc., etc.--and produced a profit of \$45 million—at the rate of 10¢ per page. At \$2.00/page—20 times the market rate—the profit would have been \$900 million.

In support of the proposed fee increase the Recorder submits a *Clerk-Recorder Division Cost Discovery Report (2008 Study of Proposed Fees and Fee Adjustments)*, dated December 2008 (“*Report*”). It recites that the fees recommended, “may not necessarily equal the cost of the services.” While this is undoubtedly true as to the proposed decreased fee for digital copies, it is difficult to believe that the increase in fees for paper copies (to 20 times the market rate and double the existing rate) does not recover all costs, including the costs that should be apportioned to the digital copies and are not (see, *infra*).

The study computed a per page cost of producing a copy of \$1.98. It did so by taking the annual average labor cost of an Administrative Office Professional (Grades I and III) (\$68,997, salary + benefits) as the total annual direct cost, adding 170.13% of the direct (labor)

⁷Following passage of the PRA, the Los Angeles County Auditor conducted exhaustive surveys and time studies of all County departments and agencies. He found that the direct cost of producing a copy was 3¢. That rate was adopted by the Board of Supervisors as the fee for all copies of public records unless otherwise prohibited.

cost as indirect costs (\$117,385), and produced a copying-cost total for one year of \$186,382.⁸ After reducing total paid hours (2080) to 1569 productive hours, it divided that number into the total costs (converting at some point from hours to minutes) and produced a per-page cost of \$1.98.

The *Report* advises that studies were conducted to determine the amount of time required to make a copy and that the time studies were reviewed by the division manager and the fiscal manager. Neither the time studies nor the results thereof are submitted and the *Report* does not explicitly state the time it takes to make a copy. However, because the productive-minute cost rate was set at \$1.98, and the recommended fee is \$2.00/page, it can be inferred that the Recorder found that it takes one minute to make a copy of a one-page document, 5 minutes to make a copy of a 5-page document, 10 minutes to make a copy of a 10-page document, etc

CPRR has not been able to have the Recorder's assumptions and methodology reviewed (including the appropriateness of using total division costs and ascribing them to the a single individual's salary rather than apportioning a *pro rata* share) and is unable, at this point, to offer an independent analysis of the in-house study. (It hopes to be able to do so if this matter goes to a second hearing). Some matters that suggest the need for further study do appear to be clear,

⁸The Recorder appears to use all divisional costs as the basis for computing indirect costs. The practice would appear to be not permitted:

“ . . . To be legally acceptable, the allocation of indirect or fixed overhead costs to a particular product or service must be reasonably related to the burden such product or service imposes on the overall cost of doing business. (*William Inglis & Sons Bak. Co. v. ITT Con. Bak. Co., Inc.* (N.D.Cal.1975) 389 F.Supp. 1334, 1344, reversed on other grounds in *Wm. Inglis & Sons Baking v. ITT Cont. Baking Co.* (9th Cir.1975) 526 F.2d 86, 88.)” (*Turnbull & Turnbull v. Ara Transporation, Inc.* (1990) 219 Cal.App.3d 811, 822.)

however. .

The methodology used by the Recorder to identify direct and indirect costs appears, in general, to track the methodology used by the outside consultant employed by the Recorder to determine and explain the fee increases which the Recorder sought and the Board adopted in 2003.⁹ There are significant material differences between the two studies. :

The outside-consultant study used the average annual salary (and benefits) for Legal Document Examiners--\$46,260--as the direct costs.. The in-house study found the annual labor cost of a different category of employee to be \$68,997.

Total costs were found by the GFR study to be \$92,970.47, compared to \$186,382.00 in the present in-house study.

GFR divided the total costs by the productive hours and produced a productive-minute cost of 93¢. The in-house study produced a productive-minute cost of \$1.98 .

Like the current *Report*, the GFR report recites that time studies were performed to determine the time it takes to produce a copy of a document but did not produce details. It did explicitly find that it takes 3 minutes to make a copy of the first page of a document and 1 minute to copy each subsequent page. It recommended , accordingly, that the first-page fee be increased from \$1.00 to \$3.00 and that the subsequent-pages fee be increased from 50¢ to \$1.00, the current fees.

The current in-house *Report* fails to explain what changes, if any, have occurred during the 5 years that have intervened between the outside and inside studies to explain the increase in

⁹See, Government Finance Research, Inc., *A Study of Costs Related to Fees Charged by the Santa Barbara County Clerk-Recorder-Assessor's Departments, County-Clerk-Recorder Division, Together with Esttmates of Recommended Cost-Recovery and Proposed Fee Adjustments*, dated May, 2003 ("GFR Report").

direct costs (from \$46,260 to \$68,997), the increase in indirect costs (from \$31,415.00 to \$117,385), the increase in total costs (from \$92,970.47 to \$186,382.00), and the increase in per page costs (from 93¢ to \$1.98). These increases outstrip, considerably, the rate of inflation over the 5 years.

A Decrease in Digital -Copy Fees Is Not Justified Nor Has the Recorder Justified It

The *Report* does not discuss the proposed decrease in the digital copy fees to substantiate compliance with the statutory standard and the Board is supplied with no basis upon which to act. However, the independent 2003 study candidly stated that the cd rate of \$350.00 month was not set to, and would not recover all direct costs and would recover no indirect costs. The fee was recommended because, the *Report* stated, “the County of Santa Barbara wishes to maintain a ‘reasonable approach’ to public charges for this service.” A reduction of cd fees to \$65.00/month cannot be justified on any basis; it shifts recovery of all indirect costs and most of the direct costs to individual consumers.

Conclusion

The failure of the Recorder to recoup any costs by its fees for digital copies—under both the present and proposed fee schedules--necessarily shifts all costs to paper copies and inflates them—absolutely, relative to the fee for digital copies, and unfairly. The direct cost—labor—is the same whether one is making a paper copy or a digital copy. The costs—direct and indirect--should be evenly distributed to both classes of copies and a uniform, per-page fee set for all copies.

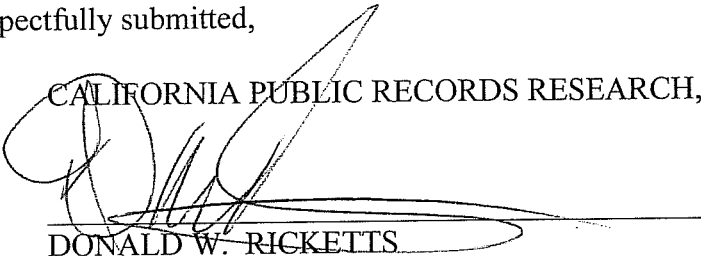
The overwhelming majority of copies of recorded real estate documents and title information is not obtained directly from the Recorders. By and large, title-related documents and title information are disseminated by the title and title insurance companies in connection

with transfers of interest in real property—sales, financing , and refinancing.¹⁰ No search of the County Recorder’s records is made when a policy of title insurance is issued. The necessary information is contained in title plants which accumulate state-wide information and form the basis upon which title insurance can be issued safely and at a profitable significant cost.¹¹ That information is accumulated by the title companies from the recorders at highly preferential rates (and, in some counties, for free).

Respectfully submitted,

CALIFORNIA PUBLIC RECORDS RESEARCH, INC.

By:


DONALD W. RICKETTS
General Counsel

¹⁰The practice of some counties to explicitly “license” private companies to provide copies of recorded documents appears to have been outlawed by Government Code section 6253.3, which went into effect on January 1, 2009. CPRR believes that the statute also outlaws the *de facto* substitution of the title companies for the Recorder as disseminators of copies of public records and title information.

¹¹At the time California entered the union, the recorders were given authority to not only provide copies of recorded real estate documents (at 10¢ per folio) but authority to issue abstracts of documents (for 25¢ per document). That function (and the associated fees) passed to private industry when an enterprising Los Angeles Recorder formed a partnership with an attorney to issue abstracts and opinions on the state of title. The partnership became TICOR (now a part of Fidelity Title) who, together with a similar company in Northern California, came to dominate the title information and title insurance industry in California. That industry should pay its fair share of the costs of producing copies of recorded real estate documents by fairly paying for the documents upon which it relies to produce millions of dollars of profit.