



**Cass County Recorder
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MEMO

TO: Cass County Commission

FROM: Deborah A. Moeller, Cass County Recorder on behalf of the North Dakota
Recorders Information Network (NDRIN)

DATE: May 2, 2024

SUBJECT: Fidlar Technologies Property Fraud Alert Service Agreement with NDRIN

As you may know, Cass County is a party to the Joint Powers Agreement which established the North Dakota Recorders Information Network (NDRIN). The Cass County Finance Office provides accounting services for NDRIN and the Cass County Commission provides oversight of NDRIN's annual budget.

Scheduled for the Consent Agenda on May 20th is a Property Fraud Alert Service Agreement (Agreement) between Fidlar Technologies (Fidlar) and NDRIN. NDRIN is seeking authorization of the Cass County Commission to enter into the Agreement with Fidlar in order to begin preliminary work on the project so that the Property Fraud Alert (PFA) service can go live in early 2025. Fidlar is aware that authorization of the Agreement is subject to final approval of the 2025 NDRIN budget by the Cass County Commission in October 2024.

Due to a growing trend in property fraud and related legislation in other states, NDRIN member county Recorder offices are choosing to be proactive in implementing a property fraud alert system for their 50 counties before property fraud becomes an increased threat in the state of North Dakota and before any legislative action mandates a fraud alert system for North Dakota counties.

After considering alert systems from two companies, the NDRIN Board, at their April 23, 2024, passed a motion to engage Fidlar to license, set-up, and provide collateral materials for their PFA service for a one-time charge of \$250,000, to be charged and paid over a three-year period, interest free, from NDRIN surplus funds. Fidlar will also provide annual maintenance and support at \$75,000 for each of the first three years following implementation. After the first three years, annual maintenance and support is subject to market increases. Further details regarding the PFA and Fidlar services are outlined in the Agreement.

The Agreement has been reviewed by Mike Steiner, NDRIN Project Manager at Eide Bailly LLP, the Cass County State's Attorney's Office, and myself.

If you need further details regarding this matter, please do not hesitate to contact me. I can also be available to attend the commission meeting to answer questions if you should choose to place this matter on the regular agenda.

SUGGESTED MOTION: Authorize NDRIN to sign the Agreement with Fidlar to begin preliminary work for the Property Fraud Alert service subject to final approval of the NDRIN budget in October 2024.

Property Fraud Alert Service Agreement

North Dakota Recorders Information Network (NDRIN)

Property Fraud Alert Description:

Fidlar Technologies (Fidlar) Property Fraud Alert (PFA) service is designed to monitor, identify and notify individuals whose name has been indexed from a document recorded in NDRIN member county Recorder offices. PFA allows subscribers the ability to have their personal/business name monitored within NDRIN member county Recorder offices in order to track possible fraudulent activity. PFA allows for free subscriptions via the PFA website and is accessed by the potential subscriber. Subscribers will be notified only when the name they have submitted is used in any recording activities within the NDRIN member county Recorder offices. The alert notification methods provided as options to the subscriber (and selected at the time of subscription) are either phone, text, or email.

The attached Addendum A is a listing of the unique features provided by PFA and must be accepted at the time of the signing of this agreement.

Property Fraud Alert Service Terms and Conditions:

NDRIN agrees to participate in the PFA Service by providing the index data required (at no cost to Fidlar) and permitting the use of this information in order to monitor and identify (via the PFA Service) individuals' identity only for the purpose of possible fraudulent activity. NDRIN understands that PFA is a service provided by Fidlar in order to offer individual alerts to all participating users. NDRIN will post index data via a data format mutually agreed upon by Fidlar and NDRIN to a FTP site, at interval timings under full discretion of NDRIN. The data once received by the FTP site will then be processed by the PFA system service which is running on a secured system server behind firewall technology. Fidlar reserves the right to make changes to the PFA service as deemed necessary.

Fidlar agrees NOT to retain subscriber's information beyond time period needed to perform PFA services unless required under another agreement.

Fidlar agrees that it may NOT use or share NDRIN's data in any other way other than the method outlined above for the PFA service, without the express written consent of NDRIN.

Fidlar agrees to provide needed hardware, technology and software in order to perform needed search and notification to subscribers.

PFA Termination:

The license granted under this agreement, with regard to the software, may be terminated by Fidlar for material failure of NDRIN to comply with terms and conditions of this agreement. Within thirty (30) days after NDRIN has discontinued the use of the License program, or within ten (10) days after FIDLAR has terminated any license. The term of this agreement is one-year (1 year.) If NDRIN and Fidlar mutually desire to contract for services beyond the initial one-year (1 year) term of this agreement, the parties can extend this agreement for a period of one-year or until terminated by either party, whichever comes first.

PFA Service Fees:

One-Time charge for PFA licensing, set-up and collateral materials: \$250,000
Charge to be paid over 3 year period with minimum payment of \$83,333.33 per year
Annual Maintenance and Support (Fixed for three (3) years): \$75,000

Marketing Release Kit: Included:

Qty 50, Customized PFA Posters

Qty 1,500 PFA Customized flyers. Fidlar will customize, print and ship.

Press Release Template Kit

Annual support includes the PFA services described herein and in Addendum A. Annual fee is subject to change based on mutually agreed upon changes/additions/deletions to the PFA service as described in the agreement. Changes/additions/deletions are not guaranteed, but if considered, may result in a proposal for changes in the fee amount.

CLIENT REPRESENTS THAT THIS AGREEMENT HAS BEEN READ AND IS ACCEPTED

NDRIN

FIDLAR TECHNOLOGIES

Dated: _____

Dated: _____

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Addendum A

PFA Value Provided to NDRIN

- Automatic notification system: Registered constituents receive a text, email or personal phone call (from Fidlar) each time a document is recorded in their name. NDRIN does not have to worry about cards to mail or address lists to maintain.
- Flexible sign-up processes: Constituents can sign up via the PFA website or for those not comfortable doing so online or for those who do not have access to a computer; sign-up is available by calling the dedicated PFA toll-free number staffed by Fidlar.
- Notifications are sent out upon the recording of **any** document. Deeds are not the only damaging document that can be fraudulently filed. Powers of Attorney, satisfactions, etc., can also lead to fraudulent activity. PFA notifies the subscriber any time any document is recorded in the name registered with Fidlar.
- PFA is an opt-in notification system. Once subscribed, the constituent does not have to check in on a website for notification status. Email notifications are sent within 24 hours of the document being made available to Fidlar or the next business day, should the 24 hour period fall upon a weekend or holiday. Phone notifications are attempted within 48 regular business hours of the document being made available to Fidlar. When calling a subscriber with an alert notification, Fidlar will attempt the call twice (in consecutive days) and leave voicemails. If a return call is not received, Fidlar will make a third attempt one week after the first call was made. If no return call is made after the third attempt, the call will be closed.
- A customized PFA website will be created for the each NDRIN member county Recorder office. Each NRDIN member county Recorder office will have the right to select up to five (5) graphics to be used on the customized homepage.
- PFA requires no changes to existing recording workflow.
- No training required for county employees.
- PFA provides for customization of the text, email and phone notification verbiage.
- The custom PFA website for each NDRIN member county Recorder office will be managed by Fidlar.
- PFA provides an online administration tool for use within each NDRIN member county Recorder office for the purpose of monitoring subscription levels. Also available via the administration tool is the ability to access the current list of subscribers contact information as well as a list of notification alerts that have been sent.

- The call-center that provides live follow-up to PFA subscribers is fully maintained and staffed by Fidar. This call-center is staffed from 8:00 – 5:00 CST and is housed at our corporate office in Davenport, IA. This call center will handle the following calls
 - Incoming calls from constituents who wish to sign-up but are either hesitant to do so over the Internet or don't have a computer. Typically, this represents a more elderly demographic.
 - Incoming calls from subscribers who have received alerts and have questions. Historically, our attendants are able to answer incoming questions to the subscriber's satisfaction. However, in the event that a question remains that goes beyond our capabilities, it will be forwarded to the county office.
 - Outgoing calls providing alerts. Subscribers have the ability to receive alerts via text, email, or phone. Those that opt to receive alerts via phone receive a call from one of our call center attendants. We will make three outgoing calls (and leave a personal message, if needed) to ensure that we have ample opportunity to connect with the subscriber.