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SENATE FILE 2107
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 472)

Passed Senate, ^(P.517) Date 3/6/02 Passed House, Date _____
Vote: Ayes 41 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to obtaining records and copies of records from
2 banks, credit unions, savings and loan associations, regulated
3 loan companies, industrial loan companies, and persons who
4 supply consumer credit, operating in Iowa.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2107

1 Section 1. NEW SECTION. 524.218A PRODUCTION OF RECORDS.

2 1. A state bank shall provide a reasonable number of
3 copies of any record in the custody of the state bank,
4 relating to a borrower or customer, upon the request of the
5 borrower or customer, the authorized agent or trustee of the
6 borrower or customer, or a person who holds a power of
7 attorney granted by the borrower or customer, upon the payment
8 of a fee, within ten business days of the request. The state
9 bank may extend the time for response for one additional ten-
10 day period, if the state bank informs the person making the
11 request, in writing, of the need for the additional time and
12 the date by which the records or copies will be available.
13 The superintendent shall provide by rule for sanctions for
14 noncompliance.

15 2. The fee for the copying service as determined by the
16 state bank shall not exceed the cost of providing the service,
17 including labor expended to locate the record and perform the
18 copying, and shall be at a rate usual and customary for
19 performing work of a clerical nature. The commissioner may
20 establish a maximum copying service charge by rule.

21 3. As used in this section, "records" includes but is not
22 limited to statements of account, applications for credit,
23 loan documents, mortgages or other evidence of indebtedness,
24 alternative mortgages regulated under chapter 528, letters of
25 credit, certificates of deposit, and descriptions of stock or
26 other items of value held for collateral, whether in the
27 possession of the bank or in the possession of the borrower.
28 "Records" does not include any electronic personal identifier
29 issued to the borrower or customer by the state bank for
30 access or security purposes.

31 4. If the state bank has possession of an abstract of
32 title for real estate, the abstract shall be maintained in a
33 location from which the abstract can be recalled within ten
34 business days of a request submitted by a person as provided
35 in subsection 1.

1 Sec. 2. Section 524.1204, Code Supplement 2001, is amended
2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. National banks doing business in
4 this state shall comply with the production of records
5 requirements in section 524.218A.

6 Sec. 3. NEW SECTION. 533.40 PRODUCTION OF RECORDS.

7 1. A credit union regulated under this chapter and doing
8 business in this state, including a federal credit union,
9 shall provide a reasonable number of copies of any record in
10 the custody of the credit union, relating to a borrower or
11 customer, upon the request of the borrower or customer, the
12 authorized agent or trustee of the borrower or customer, a
13 person who holds a power of attorney granted by the borrower
14 or customer, or a person authorized by a state or federal
15 court, upon the payment of a fee, within ten business days of
16 the request. The credit union may extend the time for
17 response for one additional ten-day period, if the credit
18 union informs the person making the request, in writing, of
19 the need for the additional time and the date by which the
20 records or copies will be available. The superintendent shall
21 provide by rule for sanctions for noncompliance.

22 2. The fee for the copying service as determined by the
23 credit union shall not exceed the cost of providing the
24 service, including labor expended to locate the record and
25 perform the copying, and shall be at a rate usual and
26 customary for performing work of a clerical nature. The
27 commissioner may establish a maximum charge by rule.

28 3. As used in this section, "records" includes but is not
29 limited to statements of account, applications for credit,
30 loan documents, mortgages or other evidence of indebtedness,
31 alternative mortgages regulated under chapter 528, letters of
32 credit, certificates of deposit, and descriptions of stock or
33 other items of value held for collateral, whether in the
34 possession of the credit union or in the possession of the
35 borrower. "Records" does not include any electronic personal

1 identifier issued to the borrower or customer by the credit
2 union for access or security purposes.

3 4. If the credit union has possession of an abstract of
4 title for real estate, the abstract shall be maintained in a
5 location from which the abstract can be recalled within ten
6 business days of a request submitted by a person as provided
7 in subsection 1.

8 Sec. 4. NEW SECTION. 534.410 PRODUCTION OF RECORDS.

9 1. An association doing business in this state, including
10 a federal savings and loan association incorporated under the
11 Home Owners' Loan Act of 1933, 12 U.S.C. § 1461-1468, as
12 amended, shall provide a reasonable number of copies of any
13 record in the custody of the association, relating to a
14 borrower or customer, upon the request of the borrower or
15 customer, the authorized agent or trustee of the borrower or
16 customer, a person who holds a power of attorney granted by
17 the borrower or customer, or a person authorized by a state or
18 federal court, upon the payment of a fee, within ten business
19 days of the request. The association may extend the time for
20 response for one additional ten-day period, if the association
21 informs the person making the request, in writing, of the need
22 for the additional time and the date by which the records or
23 copies will be available. The superintendent shall provide by
24 rule for sanctions for noncompliance.

25 2. The fee for the copying service as determined by the
26 association shall not exceed the cost of providing the
27 service, including labor expended to locate the record and
28 perform the copying, and shall be at a rate usual and
29 customary for performing work of a clerical nature, and the
30 commissioner may establish a maximum charge by rule.

31 3. As used in this section, "records" includes but is not
32 limited to statements of account, applications for credit,
33 loan documents, mortgages or other evidence of indebtedness,
34 alternative mortgages regulated under chapter 528, letters of
35 credit, certificates of deposit, and descriptions of stock or

1 other items of value held for collateral, whether in the
2 possession of the association or in the possession of the
3 borrower. "Records" does not include any electronic personal
4 identifier issued to the borrower or customer by the
5 association for access or security purposes.

6 4. If the association has possession of an abstract of
7 title for real estate, the abstract shall be maintained in a
8 location from which the abstract can be recalled within ten
9 business days of a request submitted by a person as provided
10 in subsection 1.

11 Sec. 5. NEW SECTION. 536.17 PRODUCTION OF RECORDS.

12 1. A licensee doing business in this state shall provide a
13 reasonable number of copies of any record in the custody of
14 the licensee, relating to a borrower or customer, upon the
15 request of the borrower or customer, the authorized agent or
16 trustee of the borrower or customer, a person who holds a
17 power of attorney granted by the borrower or customer, or a
18 person authorized by a state or federal court, upon the
19 payment of a fee, within ten business days of the request.
20 The licensee may extend the time for response for one
21 additional ten-day period, if the licensee informs the person
22 making the request, in writing, of the need for the additional
23 time and the date by which the records or copies will be
24 available. The superintendent shall provide by rule for
25 sanctions for noncompliance.

26 2. The fee for the copying service as determined by the
27 licensee shall not exceed the cost of providing the service,
28 including labor expended to locate the record and perform the
29 copying, and shall be at a rate usual and customary for
30 performing work of a clerical nature, and the commissioner may
31 establish a maximum charge by rule.

32 3. As used in this section, "records" includes but is not
33 limited to statements of account, applications for credit,
34 loan documents, mortgages or other evidence of indebtedness,
35 alternative mortgages regulated under chapter 528, letters of

1 credit, certificates of deposit, and descriptions of stock or
2 other items of value held for collateral, whether in the
3 possession of the association or in the possession of the
4 borrower. "Records" does not include any electronic personal
5 identifier issued to the customer by the licensee for access
6 or security purposes.

7 4. If the licensee has possession of an abstract of title
8 for real estate, the abstract shall be maintained in a
9 location from which the abstract can be recalled within ten
10 business days of a request submitted by a person as provided
11 in subsection 1.

12 Sec. 6. Section 536A.23, Code Supplement 2001, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 6. Industrial loan companies licensed
15 under this chapter shall comply with the production of records
16 requirements in section 536.17.

17 Sec. 7. NEW SECTION. 537.1111 PRODUCTION OF RECORDS.

18 1. A person subject to the requirements of this chapter as
19 provided in section 537.6102, shall provide a reasonable
20 number of copies of any record in the custody of the person,
21 relating to a particular consumer, upon the request of the
22 consumer, the authorized agent or trustee of the consumer, a
23 person who holds a power of attorney granted by the consumer,
24 or a person authorized by a state or federal court, upon the
25 payment of a fee, within ten business days of the request.
26 The person may extend the time for response for one additional
27 ten-day period, if the person informs the person making the
28 request, in writing, of the need for the additional time and
29 the date by which the records or copies will be available.
30 The administrator shall provide by rule for sanctions for
31 noncompliance.

32 2. The fee for the copying service as determined by the
33 person shall not exceed the cost of providing the service,
34 including labor expended to locate the record and perform the
35 copying, and shall be at a rate usual and customary for

1 performing work of a clerical nature, and the administrator
2 may establish a maximum charge by rule.

3 3. As used in this section, "records" includes but is not
4 limited to statements of account, applications for credit,
5 leases, consumer rental purchase agreements, loan documents,
6 mortgages or other evidence of indebtedness, retail
7 installment sale contracts, letters of credit, certificates of
8 deposit, and descriptions of stock or other items of value
9 held for collateral, whether in the possession of the person
10 or in the possession of the consumer or person subject to this
11 chapter. "Records" does not include any electronic personal
12 identifier issued to the consumer by the person for access or
13 security purposes.

14 4. If the person has possession of an abstract of title
15 for real estate, the abstract shall be maintained in a
16 location from which the abstract can be recalled within ten
17 business days of a request submitted as provided in subsection
18 1.

19 EXPLANATION

20 This bill makes changes that require banks, credit unions,
21 savings and loan associations, regulated loan companies,
22 industrial loan companies, and persons who supply consumer
23 credit to produce copies of records related to a borrower,
24 customer, or consumer, or certain persons on behalf of the
25 borrower, customer, or consumer, within 10 business days of a
26 request. The banks, credit unions, savings and loan
27 associations, regulated loan companies, industrial loan
28 companies, and persons who supply consumer credit may extend
29 the time for response for one additional 10-day period, if the
30 person informs the person making the request, in writing, of
31 the need for the additional time and the date by which the
32 records or copies will be available. The administrator shall
33 provide by rule for sanctions for noncompliance.

34 The banks, credit unions, savings and loan associations,
35 regulated loan companies, industrial loan companies, and

1 persons who supply consumer credit may charge a fee for the
2 copying service that shall not exceed the cost of providing
3 the service, including labor expended to locate the record and
4 perform the copying. The fee shall be at a rate usual and
5 customary for performing work of a clerical nature, and the
6 commissioner of banking may establish a maximum charge by
7 rule.

8 The bill defines "records" as statements of account,
9 applications for credit, loan documents, mortgages or other
10 evidence of indebtedness, alternative mortgages regulated by
11 Code chapter 528, letters of credit, certificates of deposit,
12 consumer rental purchase agreements, retail installment sales
13 contracts, and descriptions of stock or other items of value
14 held for collateral. However, "records" does not include any
15 electronic personal identifier issued to the customer for
16 access or security purposes.

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SENATE FILE 2107

S-5080

1 Amend Senate File 2107 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 524.218A PRODUCTION OF
5 RECORDS.

6 1. A state bank shall provide upon request in
7 writing from a borrower, the authorized agent or
8 trustee of the borrower, or a person holding a power
9 of attorney granted by the borrower, a reasonable
10 number of copies of any loan or credit payoff
11 statement relating to any extension of credit made to
12 the borrower. The loan or credit payoff statement
13 must be provided within thirty business days of the
14 written request. The state bank may charge a
15 reasonable fee for this service which shall not exceed
16 the cost of providing a copy or copies of any or all
17 requested loan or credit payoff statements.

18 2. The superintendent may provide by rule for
19 sanctions for noncompliance, and shall establish a
20 maximum charge for copying which shall not exceed the
21 cost of providing the service, and shall include the
22 labor expended to locate the record and perform the
23 copying, at the rate usual and customary for
24 performing work of a clerical nature.

25 Sec. 2. Section 524.1204, Code Supplement 2001, is
26 amended by adding the following new unnumbered
27 paragraph:

28 NEW UNNUMBERED PARAGRAPH. National banks doing
29 business in this state shall comply with the
30 production of records requirements in section
31 524.218A.

32 Sec. 3. NEW SECTION. 533.40 PRODUCTION OF
33 RECORDS.

34 1. A credit union regulated under this chapter and
35 doing business in this state, including a federal
36 credit union, shall provide upon request in writing
37 from a borrower, the authorized agent or trustee of
38 the borrower, or a person holding a power of attorney
39 granted by the borrower, a reasonable number of copies
40 of any loan or credit payoff statement relating to any
41 extension of credit made to the borrower. The loan or
42 credit payoff statement must be provided within thirty
43 business days of the written request. The credit
44 union may charge a reasonable fee for this service
45 which shall not exceed the cost of providing a copy or
46 copies of any or all requested loan or credit payoff
47 statements.

48 2. The superintendent may provide by rule for
49 sanctions for noncompliance, and shall establish a
50 maximum charge for copying which shall not exceed the

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1 cost of providing the service, and shall include the
2 labor expended to locate the record and perform the
3 copying, at the rate usual and customary for
4 performing work of a clerical nature.

5 Sec. 4. NEW SECTION. 534.410 PRODUCTION OF
6 RECORDS.

7 1. An association or savings bank doing business
8 in this state, including a federal savings and loan
9 association incorporated under the federal Home
10 Owners' Loan Act of 1933, 12 U.S.C. § 1461-1468, as
11 amended, shall provide upon request in writing from a
12 borrower, the authorized agent or trustee of the
13 borrower, or a person holding a power of attorney
14 granted by the borrower, a reasonable number of copies
15 of any loan or credit payoff statement relating to any
16 extension of credit made to the borrower. The loan or
17 credit payoff statement must be provided within thirty
18 business days of the written request. The association
19 or savings bank may charge a reasonable fee for this
20 service which shall not exceed the cost of providing a
21 copy or copies of any or all requested loan or credit
22 payoff statements.

23 2. The superintendent may provide by rule for
24 sanctions for noncompliance and shall establish a
25 maximum charge for copying which shall not exceed the
26 cost of providing the service, and shall include the
27 labor expended to locate the record and perform the
28 copying, at the rate usual and customary for
29 performing work of a clerical nature.

30 Sec. 5. NEW SECTION. 535B.17 PRODUCTION OF
31 RECORDS.

32 1. A licensee or other mortgagee who services
33 mortgages on residential real estate doing business in
34 this state shall provide upon request in writing from
35 a borrower, the authorized agent or trustee of the
36 borrower, or a person holding a power of attorney
37 granted by the borrower a reasonable number of copies
38 of any loan or credit payoff statement relating to any
39 extension of credit made to the borrower. The
40 requested documents must be provided within thirty
41 business days of the written request. The licensee or
42 other mortgagee who services mortgages on residential
43 real estate may charge a reasonable fee for this
44 service which shall not exceed the cost of providing a
45 copy of any or all documents.

46 2. The administrator may provide by rule for
47 sanctions for noncompliance, and shall establish a
48 maximum charge for copying which shall not exceed the
49 cost of providing the service, and shall include the
50 labor expended to locate the record and perform the

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1 copying, at the rate usual and customary for
2 performing work of a clerical nature.

3 Sec. 6. NEW SECTION. 536.17 PRODUCTION OF
4 RECORDS.

5 1. A licensee doing business in this state shall
6 provide upon request in writing from a borrower, the
7 authorized agent or trustee of the borrower, or a
8 person holding a power of attorney granted by the
9 borrower, a reasonable number of copies of any loan or
10 credit payoff statement relating to any extension of
11 credit made to the borrower. The loan or credit
12 payoff statement must be provided within thirty
13 business days of the written request. The licensee
14 may charge a reasonable fee for this service which
15 shall not exceed the cost of providing a copy or
16 copies of any or all requested loan or credit payoff
17 statements.

18 2. The superintendent may provide by rule for
19 sanctions for noncompliance, and shall establish a
20 maximum charge for copying which shall not exceed the
21 cost of providing the service, and shall include the
22 labor expended to locate the record and perform the
23 copying, at the rate usual and customary for
24 performing work of a clerical nature.

25 Sec. 7. Section 536A.23, Code Supplement 2001, is
26 amended by adding the following new subsection:

27 NEW SUBSECTION. 6. Industrial loan companies
28 licensed under this chapter shall comply with the
29 production of records requirements in section 536.17.

30 Sec. 8. NEW SECTION. 537.1111 PRODUCTION OF
31 RECORDS.

32 1. A person subject to the requirements of this
33 chapter, as provided in section 537.6102, shall
34 provide upon request in writing from a borrower, the
35 authorized agent or trustee of the borrower, or a
36 person holding a power of attorney granted by the
37 borrower, a reasonable number of copies of any loan or
38 credit payoff statement relating to any extension of
39 credit made to the borrower. The loan or credit
40 payoff statement must be provided within thirty
41 business days of the written request. The person may
42 charge a reasonable fee for this service which shall
43 not exceed the cost of providing a copy or copies of
44 any or all requested loan or credit payoff statements.

45 2. The administrator may provide by rule for
46 sanctions for noncompliance, and shall establish a
47 maximum charge for copying which shall not exceed the
48 cost of providing the service, and shall include the
49 labor expended to locate the record and perform the
50 copying, at the rate usual and customary for

1 performing work of a clerical nature."

By JOHN W. JENSEN

adopted
3/6/02
(P. 517)

H 3/7/02 Commerce
& Reg.

SENATE FILE **2107**
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 472)

(AS AMENDED AND PASSED BY THE SENATE MARCH 6, 2002)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to obtaining records and copies of records from
2 banks, credit unions, savings and loan associations, regulated
3 loan companies, industrial loan companies, and persons who
4 supply consumer credit, operating in Iowa.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2107

1 Section 1. NEW SECTION. 524.218A PRODUCTION OF RECORDS.

2 1. A state bank shall provide upon request in writing from
3 a borrower, the authorized agent or trustee of the borrower,
4 or a person holding a power of attorney granted by the
5 borrower, a reasonable number of copies of any loan or credit
6 payoff statement relating to any extension of credit made to
7 the borrower. The loan or credit payoff statement must be
8 provided within thirty business days of the written request.
9 The state bank may charge a reasonable fee for this service
10 which shall not exceed the cost of providing a copy or copies
11 of any or all requested loan or credit payoff statements.

12 2. The superintendent may provide by rule for sanctions
13 for noncompliance, and shall establish a maximum charge for
14 copying which shall not exceed the cost of providing the
15 service, and shall include the labor expended to locate the
16 record and perform the copying, at the rate usual and
17 customary for performing work of a clerical nature.

18 Sec. 2. Section 524.1204, Code Supplement 2001, is amended
19 by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. National banks doing business in
21 this state shall comply with the production of records
22 requirements in section 524.218A.

23 Sec. 3. NEW SECTION. 533.40 PRODUCTION OF RECORDS.

24 1. A credit union regulated under this chapter and doing
25 business in this state, including a federal credit union,
26 shall provide upon request in writing from a borrower, the
27 authorized agent or trustee of the borrower, or a person
28 holding a power of attorney granted by the borrower, a
29 reasonable number of copies of any loan or credit payoff
30 statement relating to any extension of credit made to the
31 borrower. The loan or credit payoff statement must be
32 provided within thirty business days of the written request.
33 The credit union may charge a reasonable fee for this service
34 which shall not exceed the cost of providing a copy or copies
35 of any or all requested loan or credit payoff statements.

1 2. The superintendent may provide by rule for sanctions
2 for noncompliance, and shall establish a maximum charge for
3 copying which shall not exceed the cost of providing the
4 service, and shall include the labor expended to locate the
5 record and perform the copying, at the rate usual and
6 customary for performing work of a clerical nature.

7 Sec. 4. NEW SECTION. 534.410 PRODUCTION OF RECORDS.

8 1. An association or savings bank doing business in this
9 state, including a federal savings and loan association
10 incorporated under the federal Home Owners' Loan Act of 1933,
11 12 U.S.C. § 1461-1468, as amended, shall provide upon request
12 in writing from a borrower, the authorized agent or trustee of
13 the borrower, or a person holding a power of attorney granted
14 by the borrower, a reasonable number of copies of any loan or
15 credit payoff statement relating to any extension of credit
16 made to the borrower. The loan or credit payoff statement
17 must be provided within thirty business days of the written
18 request. The association or savings bank may charge a
19 reasonable fee for this service which shall not exceed the
20 cost of providing a copy or copies of any or all requested
21 loan or credit payoff statements.

22 2. The superintendent may provide by rule for sanctions
23 for noncompliance and shall establish a maximum charge for
24 copying which shall not exceed the cost of providing the
25 service, and shall include the labor expended to locate the
26 record and perform the copying, at the rate usual and
27 customary for performing work of a clerical nature.

28 Sec. 5. NEW SECTION. 535B.17 PRODUCTION OF RECORDS.

29 1. A licensee or other mortgagee who services mortgages on
30 residential real estate doing business in this state shall
31 provide upon request in writing from a borrower, the
32 authorized agent or trustee of the borrower, or a person
33 holding a power of attorney granted by the borrower a
34 reasonable number of copies of any loan or credit payoff
35 statement relating to any extension of credit made to the

1 borrower. The requested documents must be provided within
2 thirty business days of the written request. The licensee or
3 other mortgagee who services mortgages on residential real
4 estate may charge a reasonable fee for this service which
5 shall not exceed the cost of providing a copy of any or all
6 documents.

7 2. The administrator may provide by rule for sanctions for
8 noncompliance, and shall establish a maximum charge for
9 copying which shall not exceed the cost of providing the
10 service, and shall include the labor expended to locate the
11 record and perform the copying, at the rate usual and
12 customary for performing work of a clerical nature.

13 Sec. 6. NEW SECTION. 536.17 PRODUCTION OF RECORDS.

14 1. A licensee doing business in this state shall provide
15 upon request in writing from a borrower, the authorized agent
16 or trustee of the borrower, or a person holding a power of
17 attorney granted by the borrower, a reasonable number of
18 copies of any loan or credit payoff statement relating to any
19 extension of credit made to the borrower. The loan or credit
20 payoff statement must be provided within thirty business days
21 of the written request. The licensee may charge a reasonable
22 fee for this service which shall not exceed the cost of
23 providing a copy or copies of any or all requested loan or
24 credit payoff statements.

25 2. The superintendent may provide by rule for sanctions
26 for noncompliance, and shall establish a maximum charge for
27 copying which shall not exceed the cost of providing the
28 service, and shall include the labor expended to locate the
29 record and perform the copying, at the rate usual and
30 customary for performing work of a clerical nature.

31 Sec. 7. Section 536A.23, Code Supplement 2001, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 6. Industrial loan companies licensed
34 under this chapter shall comply with the production of records
35 requirements in section 536.17.

1 Sec. 8. NEW SECTION. 537.1111 PRODUCTION OF RECORDS.

2 1. A person subject to the requirements of this chapter,
3 as provided in section 537.6102, shall provide upon request in
4 writing from a borrower, the authorized agent or trustee of
5 the borrower, or a person holding a power of attorney granted
6 by the borrower, a reasonable number of copies of any loan or
7 credit payoff statement relating to any extension of credit
8 made to the borrower. The loan or credit payoff statement
9 must be provided within thirty business days of the written
10 request. The person may charge a reasonable fee for this
11 service which shall not exceed the cost of providing a copy or
12 copies of any or all requested loan or credit payoff
13 statements.

14 2. The administrator may provide by rule for sanctions for
15 noncompliance, and shall establish a maximum charge for
16 copying which shall not exceed the cost of providing the
17 service, and shall include the labor expended to locate the
18 record and perform the copying, at the rate usual and
19 customary for performing work of a clerical nature.

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