

June 2015

The National NOTARY

www.NationalNotary.org

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ILLUMINATING

THE CHANGES AHEAD

How TILA-RESPA Will Impact You And The Mortgage Industry





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The National NOTARY

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OUR MISSION

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them the highest ethical standards of conduct and sound notarial practice.

OUR CORE VALUES

The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when they assume their responsibilities of the office and perform their official notarial acts.

Our Core Values of Membership promote:

- **Compliance** with state laws and regulations
- **Liability Protection** for Notaries, signers and employers
- **Risk Management** to reduce fraud and identity crimes
- **Professionalism** with reliability, competence and integrity
- **Opportunities** to increase earning potential

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illuminating TILA-RESPA Integrated Disclosure

Michael Lewis

On August 1, 2015, the Consumer Financial Protection Bureau's new mortgage disclosure rule goes into effect, requiring lenders to combine information from the existing Truth-in-Lending (TIL) disclosure and the HUD-1 Settlement Statement into one single disclosure for most residential mortgages. Nearly everything about the deadline is causing confusion and bureaucratic turmoil within the mortgage industry. But how does it affect you? While many questions remain unanswered, we shed light on the rule and what it potentially means for the way you do business.

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Think Strategically: Don't Leave Money on the Table

Laura Biewer

To make the most of any assignment, look at every signer as a potential, long-term client you'll want to communicate with and nurture to create opportunities for repeat business.

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2015 March Fong Eu Achievement Award: Tom Wrosch

Kelly Rush

When Tom Wrosch first went to work for the Oregon Secretary of State, he realized that many Notaries didn't know the basics of the job. So he spent years, crisscrossing the state giving seminars, and that's just one of the many ways he has helped improve the Notary office.

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Dealing With Questionable Identification

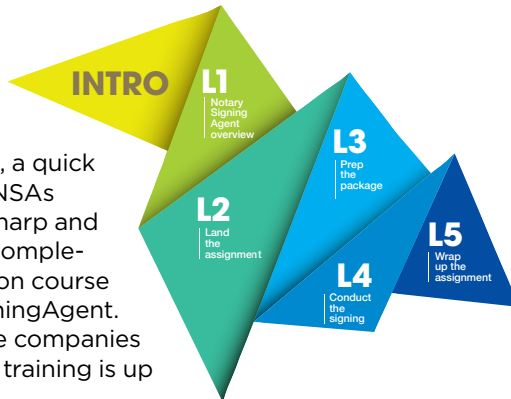
Kelle Clarke

Over 320 million people live in the U.S. and millions of residents lack proper ID; questionable identification is a growing problem. And you are confronted daily with a dizzying array of IDs and identification scenarios — from worn out library cards and expired driver's licenses to name changes and variations in appearance. So how do you solve the identity conundrum and carry out your most essential duty?

NSA Compliance eLearning Course Now Available

THE NATIONAL NOTARY ASSOCIATION

has just launched a new NSA Annual Compliance eLearning Course, a quick refresher program that helps NSAs keep their loan-signing skills sharp and industry knowledge current. Completion of this continuing education course will be highlighted in your SigningAgent.com profile, which informs title companies and signing services that your training is up to date.



This 60-minute, online course comes with the NSA Certification Exam, Background Screening, a 1-year SigningAgent.com listing and our Notary Essentials eLearning course.

You will also:

- Prepare to pass the NSA Certification Exam;
- Understand how to handle the new CFPB Closing Disclosure, which will appear in loans applied for beginning August 1, 2015;
- Arrange and sequence the loan package properly;
- Set up the proper loan signing environment;
- Gain diversity know-how to treat borrowers with sensitivity with respect to age, race and gender;
- Wrap up loan signing appointments like a real pro.



Third Annual Vets Program at NNA 2015

FOR THE THIRD YEAR IN A ROW, the NNA proudly welcomes veterans to participate in a full day of complimentary vocational training, Notary education and assistance designed to help them understand the meaningful role Notaries play in serving the public.

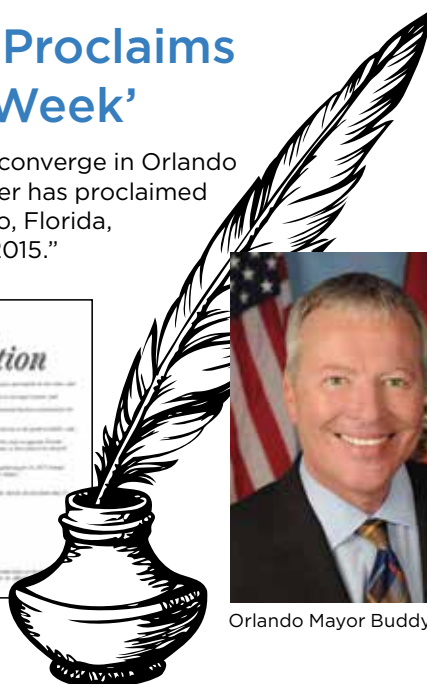
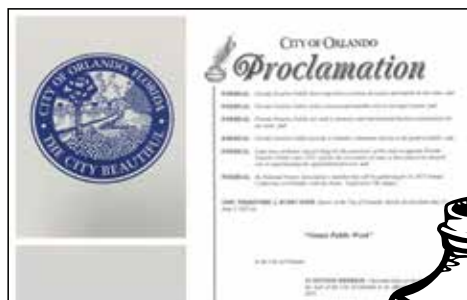
The program at NNA 2015 in Orlando, funded by the National Notary Foundation, allows veterans to take the state-required training to become a Notary, as well as a “Start-Up & Run a Successful Notary Business” workshop for entrepreneurial-minded vets.

“We want to put our veterans to work,” says NNA President and CEO Thomas Heymann. “At our annual Conference every year, we look forward to giving back to the veteran community.”

Vets can also experience the magic of the Notary community by networking and making valuable connections during the Welcome Reception and at other events and seminars.

Orlando Mayor Proclaims ‘Notary Public Week’

AS HUNDREDS OF NOTARIES converge in Orlando for NNA 2015, Mayor Buddy Dyer has proclaimed the first week in June in Orlando, Florida, “National Notary Public Week 2015.”



Orlando Mayor Buddy Dyer

Get Called First by Updating Your SigningAgent.com Profile

MANY SIGNING SERVICES and title companies look to SigningAgent.com to find qualified NSAs. Simple updates to your profile can help make sure you get called first.

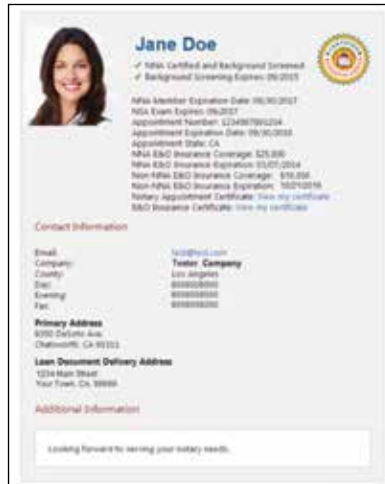
Any Notary who completes the NNA's Signing Agent Certification course and background screening automatically receives a listing.

To update your profile, log on to **NationalNotary.org** and click the "My Signing Agent Profile" link on the left.

To make your profile stand out, be sure to:

- Include contact information and your service area
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- List all your signing agent experience
- Add your NNA certification plus other related certifications
- List any languages you speak fluently
- Note whether or not you accept eDoc assignments

Your SigningAgent.com profile is assigned a unique URL, so you can readily use it as your business website.



eClosing Report Spotlights Electronic Notarizations

THE TECHNOLOGY NEEDED

to conduct electronic notarizations has been available for years, but legal, legislative and policy issues have slowed adoption, says Bill Anderson, Vice President of Legislative Affairs for the NNA, in a special report from *The Title Report* called "eTransactions, The Closing Process."

Anderson, an expert in Notary law and technology, notes that there's significant confusion about eClosings and eNotarizations as "everyone figures out how to do it well."

The NNA has been working with a national panel of 28 experts to draft the Model eNotarization Act (MeNA), a realistic legislative blueprint to streamline and simplify the eNotarization process.

Read the report to weigh the pros and cons — and tell us what you think. For more information about eNotarization, see the June 2014 edition of *The National Notary*.

New Policy Tracking Tool Launches

EVERY YEAR DOZENS OF STATES introduce new Notary legislation, rules and policies, many of which are enacted. Because these measures impact so many of you, the NNA has launched a new "Policy Tracking" feature that lets you research what's happening in your state.

You can access this new feature by logging onto your profile at **NationalNotary.org**, then clicking the link under a red, white and blue "Policy Tracking" icon on the right. A U.S. map will appear.

Click the image of your state to access detailed information about any pending bills, including the text and its current status.

There's even a high-lighter tool you can use to easily find keywords you're interested in.





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NATIONAL NOTARY ASSOCIATION

How to Find a Mentor

BEING A SELF-EMPLOYED

NOTARY requires skills beyond knowing how to perform a proper notarization. You should know all the skills necessary to launch and run a business — from marketing to accounting, to time management to web tech. And just about every mobile Notary could benefit from the expertise of a mentor in the course of their careers.

But where do you find mentors? Many cities have chapters of SCORE, a non-profit organization dedicated to helping small businesses succeed.

You also might try your local chamber of commerce, or flip through trade publications for sources of potential mentors. Other local business owners might key you in to someone who matches your style. Either way, talk to relatives or friends, people who you already trust and respect; or join the LinkedIn groups that suit your business needs.

Ideally, you'll find a mentor who is accessible, well-connected and inspiring. Once you're a seasoned businessperson, consider becoming a mentor yourself.



Own a Small Business? Know Your Retirement Planning Options

WHEN IT COMES TO PLANNING FOR RETIREMENT, most U.S. adults haven't even started, says private wealth advisor Sarah Rieger. That's particularly risky for the self-employed who can only depend on themselves to supplement Social Security payments.

A study by State Farm suggests that many people think 401K plans and retirement savings are too expensive or won't work for them — plus many consumers don't know who to trust and how to navigate the system.

In truth, small business owners have many retirement options including SEP-IRAs, Simple IRAs, small-business owner 401(k)s, traditional 401(k)s, profit-sharing plans and more, says Rieger, founder of Fulcrum Financial Group in Spokane, Washington.

Which retirement plan is best for you? "That totally depends on what you're trying to accomplish," she says.

As you prep for retirement, answer the following questions:

- What are the sources and uses of my cash flow?
- How are my expenses and incomes changing?
- How will they change if I become disabled?
- What if I retire or have a major health issue?

Rieger recommends reaching out to a certified financial planner for help creating a workable plan. "There's great power in planning for your own future."

Tools and Tips for the Modern Notary

YOU'LL NEVER FIND an experienced Notary without a seal, journal and certificate forms. "But that's just the beginning," says Steven Bastian, NNA Vice President. "Technology and business are hurtling through space at light speed, and there are sensible gadgets out there that boost your business and protect your interests."

Our expert suggestions:

- It may not be adequate to merely stow your journal and seal away. Identity theft and document fraud rates are rising, which places Notaries in more precarious circumstances. For safest storage, invest in a locked drawer, lock-box or a small safe.
- Program Waze, Google Maps or other navigational apps on your phone today. "Most new cars and phones have GPS built in but now you can also check for weather reports, fuel prices and traffic reports," says Bastian. GPS saves time and improves road safety.
- For accurate accounting, invoicing and scheduling, consider office business software created exclusively for the Notary Public. **NotaryGadget.com** helps maximize your tax savings with alerts that tell you when you've missed an important tax deduction that saves you cash.
- Finally, every small business owner should talk to their insurance agent about general business liability insurance since it's excluded in homeowner's policies in many states. Compare quotes from companies to protect yourself and your business.



ILLUMINATING THE CHANGES AHEAD

How TILA-RESPA Will Impact You And The Mortgage Industry

By Michael Lewis

FOR MOST PEOPLE, **AUGUST 1, 2015**, will probably be just another late-summer Saturday filled with cookouts, trips to the mall and other forms of recreation. For the mortgage lending industry, however, the date is looming like a bureaucratic version of D-Day.

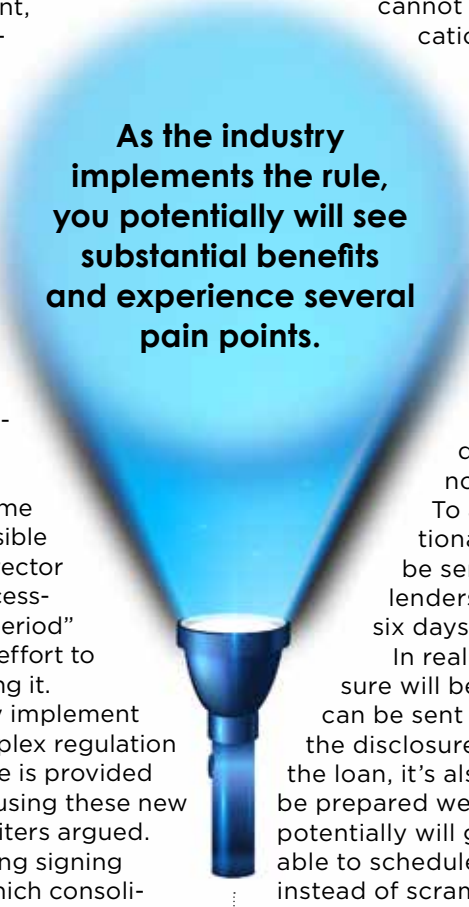
August 1 is the day when the Consumer Financial Protection Bureau's new mortgage disclosure rule goes into effect. It requires lenders to combine information from the existing forms into two separate disclosures for most residential mortgage applications filed on or after that date.

While it seems like a simple event, the TILA-RESPA Integrated Disclosures (TRID) rule, as it is being called, runs 1,888 pages and will impact everyone along the mortgage origination chain — from lenders and title companies to Notaries who take on loan signing assignments.

In fact, the rule is creating so much anxiety within the industry that a coalition of 17 major trade and consumer organizations — including the American Bankers Association, American Escrow Association, Mortgage Bankers Association, National Association of Realtors, the National Association of Home Builders and the Center for Responsible Lending — jointly wrote to CFPB Director Richard Cordray urging him (unsuccessfully so far) to implement a “grace period” for companies making a good faith effort to comply with the rule before enforcing it.

“Understanding how to properly implement and comply with this uniquely complex regulation will not become clear until guidance is provided and stakeholders have experience using these new forms and processes,” the letter writers argued.

The part of the rule most affecting signing agents is the Closing Disclosure, which consolidates the Truth-in-Lending (TIL) disclosure and the HUD-1 Settlement Statement (see the April edition of *The National Notary*, page 18).



As the industry implements the rule, you potentially will see substantial benefits and experience several pain points.

While the mortgage industry scrambles to gear up for the disclosure rule, the impact for Notary signing agents initially may seem less daunting. That's because you won't start seeing the new Closing Disclosures until late August or early September due to the fact that lenders cannot use the forms for loans with applications received before August 1.

However, as the industry implements the rule, NSAs potentially will see substantial benefits and experience some pain points.

The Benefits of TRID

The rule is intended to help borrowers better understand their loan terms before they reach the closing. Toward that end, it requires the Closing Disclosure to be received by the borrower at least three business days before the borrower signs the note — called the consummation.

To achieve this for email and traditional mail, the documents must be sent three days prior; this means lenders will send the Closing Disclosure six days before closing.

In reality, that means the Closing Disclosure will be prepared days earlier so they can be sent by the 6-day deadline. Because the disclosures contain key information about the loan, it's also possible that loan packages will be prepared well in advance of the closing. This potentially will give NSAs a major benefit of being able to schedule signings well ahead of time, instead of scrambling when the title company calls for last-minute assignments.

Under current rules, borrowers may not see the final loan numbers until the signing table, often



How We Got The TRID Rule

When the Consumer Financial Protection Bureau (CFPB) was born in July 2011, it was charged with overhauling the mortgage industry to implement greater protections and clarity for borrowers.

When Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which created the CFPB, the agency was directed to integrate the various disclosures borrowers receive during the origination process. The goal was to make the disclosures more transparent while eliminating the potential confusion caused by overlapping forms.

For more than two years, the CFPB conducted extensive research, testing and review to find out how to create mortgage disclosures to help consumers

understand their options, choose the best loan and avoid costly surprises at the closing table.

The resulting TILA-RESPA Integrated Disclosure (TRID) rule was announced in November 2013.

“Taking out a mortgage is one of the biggest financial decisions a consumer will ever make,” CFPB Director Richard Cordray said at the time. The new mortgage forms are “an important step toward the consumer having greater control over the mortgage loan process.”

While the industry has expressed concern that it will not be ready to implement the final rule when it is scheduled to take effect August 1, 2015, the CFPB remains committed to the effective date.

leaving NSAs to deal with shocked, frustrated or angry consumers. This was illustrated in early 2014 during a public comment period organized by the CFPB as part of its efforts to streamline the mortgage closing process (see the February 12, 2014, *Notary Bulletin* article, “Public to CFPB: Borrowers Need More Time to Review Loan Documents”).

“The 3-day rule is a paradigm shift for the mortgage industry,” says David Shean, a long-time escrow officer, signing agent and former president of the California Escrow Association. “It should make loan signings go faster because, theoretically, a lot of the borrower’s questions will be addressed before the signing.”

Faster signings also make it possible for NSAs to take on more assignments in any given day, suggests Shean, the NNA’s 2014 Notary of the Year.

Once the industry adjusts to the rule, settlement services may start sending loan packages to signing agents well in advance of appointments, says Shawn Murphy, Executive Vice President of ValuAmerica, Inc., a mortgage and real estate industry technology company that provides title and closing services to lenders.

Last-minute loan signings are consistently one of the most common complaints from NSAs, because they have to rearrange their schedules to wait for the loan packages to be sent via email, rush to print them out and then try to make the appointment on time. And when mistakes are made, the NSA often is blamed.

Murphy envisions the day when last-minute assignments are more the exception rather than

the rule. “That will be a huge benefit,” Murphy says. “Getting loan packages early will let NSAs properly plan their appointments and pack their schedules with more assignments.”

The Pain Points

The most immediate challenge for NSAs is the fact that the industry will almost certainly go through a very bumpy transition. Consequently, it will be important to have a clear line of communication with the lenders and title companies you work with to stay on top of their processes and expectations.

For much of the industry, it’s still unclear whether the lender or settlement agent will complete and deliver the Closing Disclosure. Several of the largest lenders (including Wells Fargo, Bank of America and JPMorgan Chase) have announced that they will take responsibility for delivering the disclosures, but many others are trying to work out their procedures.

The same holds true for signing table instructions. Some lenders, for example, are planning to tell NSAs to place the Closing Disclosure on top of the loan document stack while other are still working out their preferred order.

In addition, CFPB restrictions mean that nobody is going to be able to test their procedures before August 1. NSAs will likely be dealing with confusion, overreaction and frustration among the companies that hire them.

In addition, the old TIL and HUD-1 forms won’t go away completely. NSAs will see them for loans originated before August 1. Moreover, home equity

**Faster signings
will make it
possible for NSAs
to take on more
assignments.**

TRID Educational Resources

Here are several resources for NSAs to learn more about the TRID rule and the Closing Disclosure.

Consumer Financial Protection Bureau

The CFPB has a resource page of information regarding the rule. Among the materials are samples of the various Closing Disclosures that NSAs will encounter.

To find the page, go to: consumerfinance.gov/regulatory-implementation/tila-respa/

National Notary Association

The NNA has published an interactive sample Closing Disclosure with various sections of the 5-page form highlighted.

The form can be found on the NNA website (NationalNotary.org).

Simply click on the Knowledge Center link, then Signing Agent Resources and then Signing Agent Tools.

The NNA also has updated its NSA Certification and Annual Compliance eLearning Courses with material related to the Closing Disclosure. To learn more, go to www.nationalnotary.org/signing-agent.

Closing Disclosure		Closing Date: 08/01/2015	
Loan Amount	\$150,000	APR	4.25%
Interest Rate	4.25%	Points	0
Monthly Payment (including taxes and insurance)	\$727.91	Loan Type	Fixed Rate
Prepayment Penalty	NO	Is this a Reverse Mortgage?	NO
Estimated Points	0	Is this a Refinance?	NO
Closing Costs			
Original <th colspan="2">New </th>		New	
Origination Fee	\$300.00	\$300.00	
Mortgage Insurance	\$0.00	\$0.00	
Third Party Services	\$0.00	\$0.00	
Other Fees	\$1,000.00	\$1,000.00	
Total	\$1,300.00	\$1,300.00	
Estimated Cash to Close	\$150,000.00		
Estimated Cash Required at Closing	\$0.00		
Estimated Cash to Borrow	\$150,000.00		
Closing Date	08/01/2015	Is this a Reverse Mortgage?	
Cash on Hand	\$2,787.37	Is this a Refinance?	
Check on Hand	\$2,787.37	Is this a New Loan?	

loans, reverse mortgages and loans for mobile homes will continue to use the old forms.

That means signing agents will have to be familiar with two types of forms.

If NSAs start getting document packages early, title companies and signing services will too. That means these companies will have more time than ever before to cherry-pick the Notary they use — unlike the current situation where companies often scramble at the last minute to find an NSA to take an assignment.

The expectation is that hiring companies will have the time to schedule their top-performing agents to conduct the signings, giving more work to the best NSAs while the low performers will not get calls.

The bottom line is that companies will continue to assess performance, and the high performers will come out on top.

In fact, there will be greater emphasis on vetting and overseeing NSAs by title and settlement services companies because the CFPB is continually implementing new guidelines and rules to improve the borrower experience, even more than what's in place now, predicts Shean.

A recent survey of 667 mortgage lenders by a New Jersey-based mortgage industry company found that nearly 100 percent of them had either developed programs to weed out high-risk settlement agents or planned to, in large part due to the continuing regulatory changes they expect from the CFPB.

Signing agents who are viewed as high performers will continue getting the plum assignments. Low-performing NSAs will lose out.

Your Big Takeaway

Shean describes the disclosure rule as a 300-piece puzzle, and NSAs touch seven pieces — albeit seven very important pieces.

But signing agents can't just concern themselves with those seven pieces.

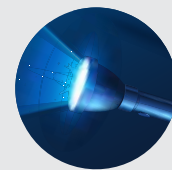
"Signing agents will have to be even more knowledgeable and show they understand the changes," says Murphy. "That will be indispensable."

He urges all NSAs to educate themselves about the disclosure rule (see "TRID Terms to Know," right).

Fortunately, the industry has been so preoccupied with the countdown to disclosure day that it has created a plethora of resources, including webinars, white papers and trade reports. The CFPB also has compiled extensive resources to educate the industry.

"If you're calling on a settlement services company and you can demonstrate that you know about the changes," Murphy says, "that's the key to getting more business." ■

TRID Terms To Know



The Consumer Financial Protection Bureau's integrated disclosure rule creates new terms and acronyms, and mixes them with the industry's existing vocabulary. Here are definitions of some of the more common terms to help you better understand the rule:

TRID

This acronym stands for "TILA-RESPA Integrated Disclosures." At 1,888 pages long, the CFPB's TRID rule requires two disclosure forms to be combined into a single disclosure (the loan Estimate) when a mortgage application is made — and two additional disclosures to be combined into another form (the Closing Disclosure) when the loan is consummated, or closed. It applies to most, but not all, residential mortgages. The form that Notary signing agents will encounter is the Closing Disclosure.

RESPA

This stands for the Real Estate Settlement Procedures Act of 1974. It was enacted to prevent companies in the real estate and settlement services industries from engaging in anti-competitive practices that inflate the costs of real estate transactions. At mortgage closings, the key document required by RESPA is the HUD-1 Settlement Statement.

HUD-1 Settlement Statement

This itemizes the services provided to the borrower and the fees charged. It is filled out by the settlement agent who conducts the settlement. The fully completed HUD-1 Settlement Statement generally must be delivered or mailed to the borrower at or before the settlement and usually is found in loan document packages handled by most NSAs. In cases where there is no settlement meeting, the escrow agent will mail the HUD-1 after settlement.

TILA

This stands for the "Truth In Lending Act" of 1968. The law requires companies that extend a wide range of consumer credit — such as mortgages and credit cards — to provide disclosures to consumers regarding the terms and costs of borrowing.

TIL Disclosure

This stands for "Truth-in-Lending Disclosure." Required under the TILA, it lists costs of a mortgage, including how much the borrower pays over the full term of the loan, the initial mortgage payment and the maximum payment under the loan. It also contains the "APR" (Annual Percentage Rate) a shop-around rate borrowers may use to compare the true cost of loans from lender to lender.

Closing Disclosure

This form combines and clearly presents information that previously was contained in the HUD-1 Settlement Statement and TIL Disclosure. There are several variations of the Disclosure, depending on the type of transaction, such as a fixed-rate purchase loan or a mortgage refinance. ■



DON'T LEAVE MONEY ON THE TABLE

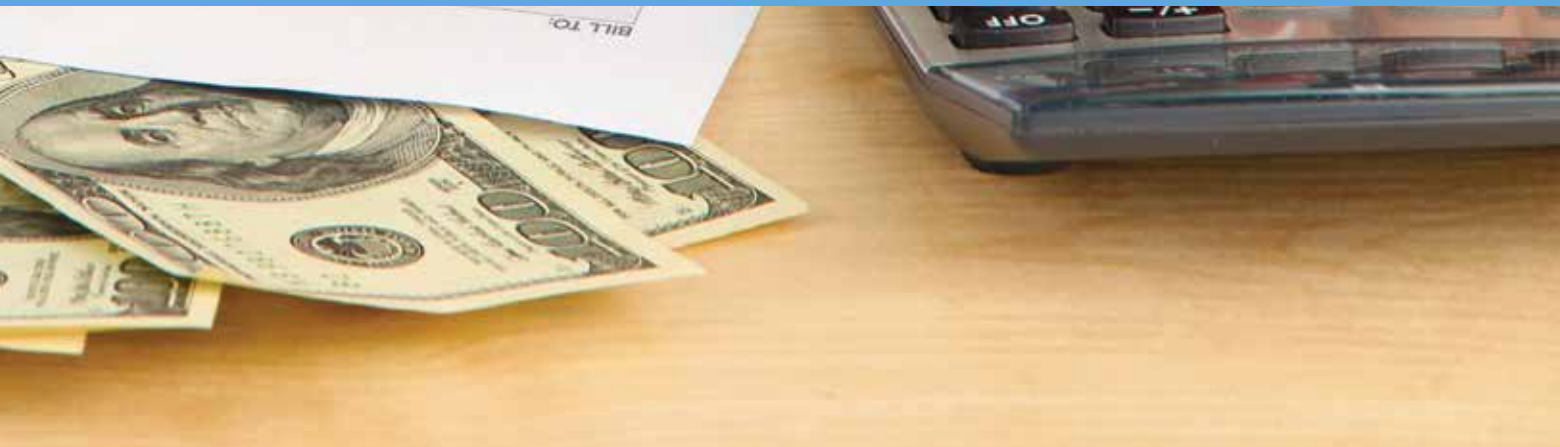
THINK STRATEGICALLY TO NURTURE REPEAT BUSINESS

By Laura Biewer

WITH ALL THE COMPETITION AMONG MOBILE NOTARIES, many complain that there isn't enough business. But all too many leave money on the table because they only look at an assignment as little more than a job to finish instead of as a relationship-building opportunity.

To make the most out of each assignment, it helps to keep the bigger picture in mind. Your signer isn't just a signer — he or she is a potential long-term client. By viewing every job strategically, you'll start to nurture long-term business relationships and create opportunities for repeat business.





To uncover untapped potential, ask your clients these questions:

- Why do you need Notary services in the first place?
- How did you find me? Via web search, directory or word of mouth?
- Are you too busy to go to a local office?
- Do you require special hours, such as late-night service?
- Are you unable to travel?
- Do you ever require same-day service?

The answers will help you uncover the possibility for repeat business.

Think about it this way: Just because you're asked to notarize a personal document, don't assume there's no potential to notarize business-related documents for the same client. Perhaps a retired senior needs your services for a copy certification only, yet with the proper line of questioning, you may find he also serves on several corporate boards and maintains substantial real estate investments.

The right questions may stimulate more business. After all, if this signer is pleased with your work, he may recommend you to his board of directors, his children, even his neighbors.

Be Proactive About New Clients

During a break in a Notary class I taught last year, one attendee approached me with questions. During our chat, I asked him questions, too, and discovered that he teaches seminars about living trusts and often needs a mobile Notary or two — or more.

By the end of one informative conversation, he asked for my card and within weeks I was providing Notary services to him six to 12 times a month. Best of all, there's no printing or fax backs, appointments are scheduled at mutually agreed times, the wording is always correct and payment comes in about a week.

The right questions may stimulate more business.

After we connected, I investigated additional estate planning attorneys in my town who prepare living trusts for clients who cannot make it into the office due to time constraints or physical impairment. Also, I'm presently on lists of local businesses for a backup Notary in case their regular one is on vacation or unavailable.

These proactive practices net several assignments a month, and more importantly, my contacts appreciate my work and refer me to specialty attorneys.

To start building the relationships that support your business, reach out to:

- Bankers and investment lenders
- People holding governmental meetings
- Those who handle pre-nuptial agreements and marriage settlements
- Hospital workers, hospice care and long-term care staff
- Domestic and international adoption agencies
- Financial institutions and trustees

Focus on Excellent Service

The goal is to constantly build a list of clients who see you as a "go-to" Notary, and that means providing excellent service by taking care of the needs of your clients.

Superior service may include taking extra time at the appointment, being knowledgeable about lawful options when there is a glitch, and occasionally redirecting your signer to another Notary.

I have developed strong relationships with a network of local Notaries whose work I know and trust. Whenever I can't take a job, I refer it to one of these Notaries. They, in turn, refer back to me. And in every case, we take care of the client.

Continued mutual success ensures the client becomes part of your marketing team, sending other clients to you through word of mouth and via web reviews. Getting the job done in a way that exceeds expectations can make the difference between a single visit and multiple assignments. ■



7 Mistakes That Can Cost You Big Bucks

- 1. You limit methods of payment.** Make it easier on your signers by incorporating as many cost-effective payment options as you can.
- 2. You don't want to travel too far.** As a mobile Notary, consider tailoring your business to appointments at facilities and local businesses rather than offering a mobile service that includes private residences and longer commutes.
- 3. You're not much of a talker.** If you don't answer the phone or emails promptly, any signer feeling ignored will head to the nearest Notary who does.
- 4. You can't stand social media.** Texting and using social media channels are great ways to expand your business and inform your clients of what you do best. Hire a social media specialist for a session or two to show you the basics.
- 5. You underprice mobile services.** Some say cheap work is better than no work but I disagree. Recognize your own costs for time, materials and overhead. Know your sweet spot and your bottom line so you have a price range to work within.
- 6. You never anticipate hidden costs.** Many Notaries neither charge for all their work nor calculate the exact driving distance with fees for parking or toll roads.
- 7. You leave money on the table.** Start considering each appointment a potential lead to more work. Expand your business beyond loan signings, becoming the local go-to Notary and make it easier to do business with you.

Remember, if you make it easy to do business with you, people will. ■



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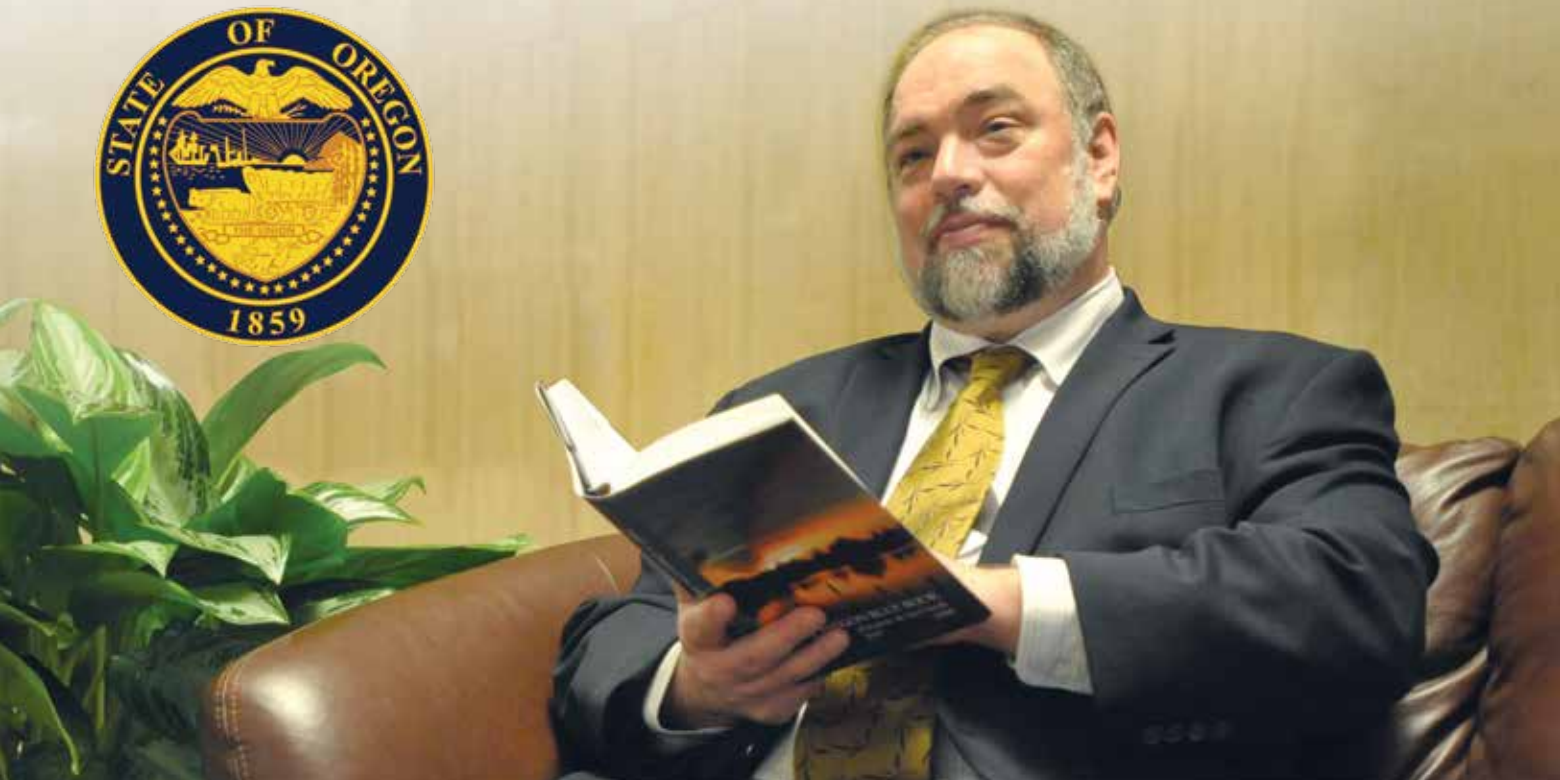
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2015 MARCH FONG EU ACHIEVEMENT AWARD

TOM WROSCH: GOING THE EXTRA MILE

By Kelly Rush



IN THE EARLY NINETIES, TOM WROSCH was a young employee with the Oregon Secretary of State's office when he noticed something disturbing: Notaries were taking newly required tests in order to receive commissions, but many didn't even know the basics of the job.

At that time, the state's method of Notary education involved sending out some materials on laws and rules, and then hoping people somehow absorbed them.

He realized how central Notaries were to commerce, and as he became more involved with Notary education, he recognized that the purpose and importance of proper notarization were little

understood or appreciated, and he was determined to change that.

"I knew we had to get more people educated," Wrosch says today, so he created curriculum for a 3-hour seminar and began recruiting participants. For eight years, he crisscrossed the state countless times, driving thousands of miles to go wherever he found an audience. He coordinated with



everyone from county clerks to bankers in order to recruit participants, and he began teaching the basics and beyond.

Education Helps Create Great Notaries

His work serving Notaries in Oregon didn't end with those seminars. For more than 20 years, Wrosch has been instrumental in professionalizing the Notary office and being a constant advocate for educating both Notaries and their employers. He's been a key player in updating many of Oregon's laws regarding notarizations, and he became an advocate for Notary professionalism beyond the state's borders, working with the National Association of Secretaries of State.

Because of Wrosch's efforts to elevate and strengthen the office of Notary Public, he has been selected as the recipient of the National Notary Association's distinguished March Fong Eu

Achievement Award for 2015. The award, inaugurated in 1979, is given to an individual or group that has accomplished the most to improve the standards, image and effectiveness of the office of Notary Public in the United States.



Wrosch is eager to share credit with colleagues and industry partners for his successes. He points out that he wouldn't have been able to start the education program without the administration's support and funding, and he's just as quick to give credit to the Oregon Association of County Clerks, which sponsored the 2006 law mandating Notary education.

The Salem-based husband and father of two says he was rendered speechless when he found out he was the 2015 March Fong Eu recipient. "I was flabbergasted and humbled. I've known about this award for a long time and I've known other recipients. It's a very prestigious award and it means a lot," he says. "To be recognized (by the NNA) at the highest level is really special."

Bill Anderson, Vice President of Legislative Affairs with the NNA, has partnered with Wrosch on many issues. "We've observed Tom over the years. He's very passionate about what Notaries do, he completely understands their importance and his body of work supports that," Anderson says.

Looking Back at an Exciting Career

Some of Wrosch's favorite work came as part of his tenure as president of the National Association of Secretaries of State's Notary Public Administrators (NPA) Section. "Quite a long time ago we realized we needed a venue for uniform state laws so everyone could get on the same level," Wrosch says.

"The NNA has the Model Notary Act and there was also the Uniform Law of Notarial Acts (ULONA), drafted in 1982, but they didn't address





everything.” He and his peers began pitching the Uniform Law Commission to revise ULONA. The commission agreed that changes were necessary and then convened a draft committee to hammer out the revisions.

Wrosch served as one of the NPA representatives advising the draft committee on RULONA. He also successfully advocated for significant notarization changes, such as allowing Notaries to decline a notarization if the signer appears incompetent or unwilling to sign. “Those tenets have always been part of the recommendations of groups like the NNA, but few states had it in their statutes,” he recalls.

RULONA was published by the Uniform Law Commission in 2012, and Wrosch was part of a task force that drafted Oregon’s version of the law, which passed in 2013. There were concerns about RULONA, he says, because it did not include education and journal-keeping requirements in Oregon’s old law.

“It turned out that everyone recognized how important mandatory education and the journal requirements were,” he says, so they were retained in the version of RULONA adopted by the state. “I was proud and pleased that there was so much support from Oregon’s different groups.”

Anderson says the legislation was a huge victory. “Now when the NNA goes out and advocates for RULONA, we can say, ‘You really ought to consider adopting the journal and education provisions like Oregon did. They’re optional, but we think they’re important.’”

It was also Wrosch’s job to completely re-write all the administrative rules relating to RULONA. He had to implement rules for electronic notarization, and he handled the switch to an online Notary application system, among other accomplishments.

Watching Attitudes Change About Notaries

Wrosch was deeply involved in the international Notary scene when he represented the NPA section as part of a U.S. delegation to The Hague Conference on Private International Law’s 2003 Special Commission on the practical operation of the Apostille Convention. He has advised different groups both nationally and internationally on uniform standards for *apostilles* — the special certificates used to authenticate notarizations from foreign countries — and helped revise the language on them.

He’s also witnessed shifting attitudes toward Notaries because of the impact mandatory education has had on the business community. “When Notaries are educated, there are far fewer document rejections in the recording industry,” he says. “We’re not seeing the egregious things we used to see.”

Employers used to think they could continue using a stamp after a Notary left the job, for example, but now employers are calling Wrosch and asking him what to do. For now, Wrosch is still handling changes from enacting the RULONA, and he’s keeping an eye out for developments in the world of signature authentication.

Deeply rooted in Oregon, his current passion is acting in community theater and he performs in one 4-month production each year. Though Wrosch didn’t plan a career serving Notaries and the business community, he considers his time with the state “humbling and deeply gratifying work.”

“It’s been a wonderful journey,” he says. ■





HOW TO DEAL WITH UNRELIABLE OR SUSPICIOUS ID

FOLLOWING BEST PRACTICES AND SOUND JUDGMENT

By Kelle Clarke

A **NOTARY'S MOST IMPORTANT RESPONSIBILITY** is properly identifying every signer for every notarization, thereby playing a critical role in protecting the public against forgery. On the surface, it may seem like a simple task, but with over 320 million people in the U.S. and millions of residents lacking proper ID, it's a growing problem.

Your challenge is compounded by 43 million immigrants holding countless styles of foreign IDs. The fact is, Notaries in all states are responsible for ensuring the identity of their signers and can be subject to civil or criminal liability if they fail to do so. Yet many states fall short in offering clear guidelines.

Even in the states that do have strict identification laws in place, there are circumstances that may arise during a signing that aren't addressed by state laws.

From foreign passports and worn-out library cards to expired driver's licenses and prison identity cards, Notaries are confronted daily with a dizzying array of IDs and identification scenarios. To make matters more difficult, people often change their names and physical appearance, and many signers can't produce any ID at all.

The key to ID conundrums comes down to following best practices — and exercising sound judgment.

Know Your State ID Rules

The first rule for identifying signers is to know (and follow) state laws. Some states specify by name the ID cards you can accept but many other states just prescribe the elements in an acceptable ID, and leave it to the Notary to determine if the identification presented meets requirements.

If your state offers no specific guidelines — and some don't — the NNA recommends you request a current ID issued by the state or federal government that contains the signer's photograph, physical description and signature. Examples of acceptable ID which have all of the above include:

- State driver's license or non-driver's ID;
- A passport;
- A federal ID, such as a military identification card;

- A state, county or local government ID; and
- A lawful permanent resident card otherwise referred to as a "green card."

However, following state law or the NNA's recommended best practice only takes you so far, and there are still situations where you'll be asked to make a judgment call.

Identification Photo Doesn't Resemble the Signer

Notaries exist to prevent forgeries like the one which occurred recently when an Ohio Notary signing agent failed to spot an imposter. When

one couple appeared for a mortgage refinancing, the Notary encountered the male partner wearing a cast on his arm, a deception intended to distract the Notary from recognizing he was an imposter posing as the woman's husband.

The man presented the true husband's ID, but the Notary did not carefully check the photograph. As a result of the

forgery, the mistake cost the Notary's errors and omissions insurance policy a major loss.

In some cases like this, the photo and description on valid identification might not bear much resemblance to the signer, the ID may be expired, the signer may have gained significant weight since the photo was taken, or undergone cosmetic surgery or gender reassignment.

The first step is to examine the ID presented with a discerning eye and realize that every notarization presents an opportunity for forgery. If there's any doubt, ask yourself these questions:

- **Do I have reason to suspect the signer isn't who he says he is?** In Florida and California, satisfactory evidence of identity means the absence of any suspicious circumstances that would lead a reasonable person to doubt the

The fact is, Notaries in all states are responsible for ensuring the identity of their signers and can be subject to civil or criminal liability if they fail to do so.

Important Facts About Signer Identification

- Temporary driver's licenses, Social Security cards, birth or marriage certificates, credit cards or driver's licenses without photographs are not generally considered acceptable forms of identification.
- Some states allow a grace period for expired licenses; be sure to check your state laws before accepting an expired ID.
- In some states, jurats do not require an ID for notarization. Generally, copy certifications don't require it either.
- Civil or criminal liability for failure to appropriately identify a signer by satisfactory evidence can include hefty fines and/or a commission suspension or revocation.

Still have questions about properly identifying your signers? Reach out to the NNA® Hotline 888-876-0827 for answers.



identity of the signer. If you have reasonable suspicions, ask your signer for another form of state-approved ID. Also examine your state laws with regards to using a credible witness (or two, as required by some states).

- **Have I taken all of the evidence on the ID into account?** When making the final judgment call, take all of the evidence on the card into account, not just the photo. Is the person's height reasonably the same as on the ID? Eye color? Do all signatures match? If not, you may need to find an alternative way to identify the signer.

The Card Looks Odd or Somehow Altered

Everything about the signer's official, state-issued driver's license may appear legitimate — but something still doesn't seem right.

- **Does the ID appear different than the standard format?** While you can't be expected to be an expert on all forms of ID, you should familiarize yourself with your own state's IDs since you'll likely encounter those most often. Learn to recognize security features such as embedded holograms, micro-printing and "ghost" photos.

Use a reference book, such as the *2015 ID Checking Guide*, to learn how security tools, such as a small magnifying glass or blue UV light help expose suspicious IDs.

- **Has the ID been modified?** While most drivers' licenses and state IDs are laminated, any additional lamination applied to the ID would be considered tampering with or altering the license which is illegal. In this case, or any other case involving tampering, it would no longer be an acceptable ID.

When the Signer Has No Acceptable Form of ID

According to a recent survey by the Brennan Center for Justice, millions of American citizens do not have government-issued forms of identification. Many tend to be poor, elderly or minority. You may also confront the challenge of notarizing documents for a minor or a homeless person wholly lacking an ID.

- **Can I use a credible witness to identify my signers?** In cases where signers lack valid ID or you are unclear if an ID is acceptable, check with your state laws concerning the use of credible witnesses as a way to identify signers. ■

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POLICE REPORT

Victim: Stanley Bupkis
Crime: Tax-Related Identity Theft
Status: Married, Home Owner,
Two Kids, Never Shreds
Personal Documents.

Perpetrated Crime:

- Stanley's Social Security number stolen from documents tossed into home garbage.
- False tax return submitted in Stanley's name claiming a \$4,800 refund.

Resulting Impact:

- Spending months trying to resolve his stolen identity claim with the IRS.
- Stanley is not \$4,800 richer.
- Mother won't return calls because he has disgraced the family name.

*Event and character represent a fictitious portrayal.

No one can prevent all forms of identity theft.

†Network does not cover all transactions.

‡The benefits under the Service Guarantee are provided under a Master Insurance Policy underwritten by State National Insurance Company. Under the Service Guarantee LifeLock will spend up to \$1 million to hire experts to help your recovery. As this is only a summary please see the actual policy for applicable terms and restrictions at LifeLock.com/legal

*At the end of the no-cost 30-day trial period, your card will be billed automatically (\$8.99mo/\$98.90yr for LifeLock Standard™ service or \$17.99mo/\$197.70yr for LifeLock Advantage™ service or \$26.99mo/\$296.90yr for LifeLock Ultimate Plus™ service. All pricing excludes applicable sales tax.) You can cancel any time without penalty by calling 1-800-LifeLock. Offer is for new LifeLock members only.

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Challenging Questions About Credible Witnesses



Since a credible witness often serves as a signer's proof of identity, it's important that the witness is trustworthy and has no improper interest in the notarization. Notaries often have questions about the suitability of credible witnesses because many states don't provide detailed rules. Here are tips for dealing with questions and gray areas regarding credible witnesses:

What's a 'Credible Witness' Versus a 'Subscribing Witness'?

A "credible witness" is completely different from a "subscribing witness."

A credible witness can identify a signer who lacks a driver's license or other satisfactory ID. A credible witness appears with the signer during notarization and takes an oath or affirmation before the Notary that the signer's identity is genuine but he lacks other forms of ID. Essentially, a credible witness serves as a human ID card for the signer.

Typically, a credible witness must personally know both the signer and the Notary in order to be used as proof of identity. However, some states, such as California and Florida, permit the use of two credible witnesses who don't know the Notary personally but do know the signer and present proof of

their own ID to the Notary (such as a driver's license).

By contrast, a "subscribing witness" is the person present when a signer signs a document requiring an acknowledgment, or who takes the signer's acknowledgment, and then brings the document to a Notary to have his signature notarized.

What if the Witness Is a Family Member?

Being related to the signer doesn't automatically disqualify a credible witness but a credible witness should not be named in the document or benefit from the notarization.

For example, if a person asks you to notarize a document transferring ownership of a vehicle from the signer to his father, the father would not be "credible" as a witness because he stands to benefit from the transaction. However, if the father isn't named in the title transferring the vehicle, he could serve as a credible witness.

How Well Should the Witness Know the Signer?

A Notary does not have a duty to investigate the relationship between a signer and a credible witness. The Notary's only duty is to properly administer the oath or affirmation compelling the witness to swear or affirm

that he or she knows the signer. (Of course, if the witness lies in swearing to know the signer, the witness will be subject to the penalty of perjury.)

If the Notary becomes privy to information that strongly suggests the witness does not personally know the signer, the Notary has a justifiable basis for refusing the notarization.

What Kind of ID Can I Accept From a Credible Witness?

Many states that allow only one credible witness require the Notary to personally know the witness. In these states, witnesses are not required to present ID. However, in some states such as Arizona, Iowa, North Dakota, Oregon and West Virginia, one credible witness may present written forms of ID.

In these states, as well as the states that allow for two credible witnesses, a credible witness must present ID from the same statutory list of acceptable identification documents as the signer. But in states that don't specify a particular form of ID, the Notary can accept the same type of ID the Notary would ask of any signer — a government-issued, current form of ID that includes a photograph, a signature and a physical description of the witness.



Charging Fees, Notarizing Passports, Re-signing Documents...

Notaries nationwide rely on the NNA's Notary Hotline to answer their most challenging questions. The following questions are among the thousands our Information Services Team receives each month.

Do I have to charge someone to notarize something? I got my commission through the company I work for and I am unclear if I should be charging fees. Do I have to put it on my taxes?

— E.A., Woodburn, Oregon

In Oregon, charging is optional. Notaries are not required to charge for their Notary services, and they may charge any fee less than the statutory maximum.

Regarding taxes, you must report and pay income taxes for all fees you charge as a Notary, but you may be exempt from paying self-employment taxes on this income. Your tax advisor can assist you.

Can I notarize a copy of a passport? If so what form do I need to complete?

— M.L., Philadelphia, Pennsylvania

Yes, Pennsylvania Notaries can certify a copy of a passport — you can make the copy of the passport and you'll need to complete a certificate for a certified copy.

A sample may be found on the Pennsylvania Department of State's website or, if you are an NNA member, you may download a copy certification certificate form by logging into your NNA Profile at NationalNotary.org.

If someone has signed a document in the presence of witnesses before I arrive, can they sign a second time above their other signatures in order for me to continue notarizing?
— S.B., Houston, Texas

The answer depends on the notarial act that is being performed. If the principal signer signed the document containing acknowledgment wording, the signer does not have to sign in front of you. The signer can, for

example, sign at home in the presence of the witnesses then bring the document to you to get the signature notarized. The client should acknowledge that he signed it of his own free will.

A jurat must be signed in front of the Notary. So in this case, the client would have to sign the document again in your presence, near their original signature.

I have recently married and changed my name. I need a new Notary stamp to reflect it but how do I do this?

— S.C., Arlington, Texas

In order to obtain a Notary stamp in your new name, you must change your name on your commission by filing a name





change form (Form 2305) that you can download from the Secretary of State's website. Technically, you aren't required to change the name on your current commission after you marry as long as you continue to use the name on your current commission and Notary seal for all official acts until your commission expires.

You may change the name on your commission by submitting the following to the Secretary of State:

- A completed Form 2305
- Your original Notary commission
- A rider or endorsement to your Notary bond from the bond agency or surety
- A \$20 filing fee

All four of these items must be sent at the same time. Instructions are provided on Form 2305.

My son's former father-in-law is creating a will in which my son and my husband (my son's step-father) will benefit. I believe I cannot notarize because my family members will benefit from the will. Correct?
— *J.M., Phoenix, Arizona*

Not necessarily. In Arizona, Notaries are prohibited from notarizing their own signatures, as well as the signature of any person who is related to the Notary by marriage or adoption [A.R.S. § 41-328(B)]. The issue is not that your son and husband are named in the will. The real question is whether you would be violating

the statute. While you once were related by marriage, you aren't any longer and there is a question as to whether the statute applies in your case. Get the opinion of an attorney if you are seriously considering moving forward.

When a Notary certificate has been updated but was not used, is it okay to have the Notary re-sign the proper certificate or does the client have to re-sign the document and journal as well?
— *A.D., San Jose, California*

In general, if the document was notarized, and at a later date has to be notarized again, the client must appear in front of you and sign a new journal entry. You also would add a new certificate with the date of a new notarization.

Corrections in California are not allowed. A certificate of acknowledgment must be completed at the time the Notary's signature and seal are affixed to the document. The certificate of acknowledgment cannot be added to (or altered) after the seal and signature are affixed to the document.



YOUR COMMUNITY

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cated 20 years or more to public service. Let us know if you're a Notary with 20+ years of service by visiting www.bitly.com/NotableNotaries.



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