

June 2017

The National NOTARY®

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IMMIGRANTS**
the Right Way



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The National NOTARY

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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.

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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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Serving Immigrants the Right Way

Michael Lewis

All across America, immigrants look to Notaries for help with their residency status, and many Notaries try to help. But this relationship is fraught with pitfalls — from limits on what help Notaries can provide to unscrupulous individuals who take advantage of unsuspecting immigrants. Still, many Notaries sincerely try to offer legitimate immigration assistance. Here's what you need to know about lawful immigration services and how to avoid violating state laws.

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Celebrating Your Wins!

CALIFORNIA NOTARIES who score 95 or above on their Notary exam are encouraged to share their wins on our Facebook page for a special gift. Post a photo of your high score at facebook.com/nationalnotary.

Great class with fantastic instructors. Got 100%!

Kari Laskey, Yuba City, CA

Thank you, National Notary Association for another stellar Notary class. Thought I aced it but will take the 97%! See you again in 2021.

Linda Lopez, Los Gatos, CA

I got the score and it's 95. I was trained at Pasadena Hilton Hotel. That's a nice place definitely. I really appreciated the teachers, and their explanations made the concepts easy to understand. It was a great experience for me. I'm looking forward to receiving my gift."

Zenan Sun, Whittier, CA

When Notarization Gets Difficult

WHETHER YOU ARE A NEW OR EXPERIENCED NOTARY, a difficult notarization happens when you least expect it. Many of you shared stories dealing with improper identification, many notarizations in one sitting and difficult signers. Here are the most popular stories:

I received a call to notarize DMV documents. I wasn't let inside the house which was fine. 'John Smith, Jr.' showed me a car's pink slip that just said 'John Smith,' and since his license said 'Jr.', I asked if this was 'Sr.'s car, and he answered yes, but that he had power of attorney because his dad was very sick. Sr. comes out of the house, and I told him why I was there. He started yelling at the son

saying, 'Are you trying to scam me more?!' I took off running! Any inexperienced Notary might have done the job. I'm hoping the son didn't call a newbie Notary later.

Anna Gutierrez, Sacramento, CA

I had to do multiple notarizations for a company with Chinese workers. They had American names on their state driver's licenses, but the documents had their given Chinese names. They eventually had to produce other forms of ID with their Chinese names. It was a long process.

James Kistner, San Diego, CA

A homeless kid needed a notarization on an application to get a copy of his birth certificate so he

could get an ID card. It put into perspective why some people don't have valid IDs. I used the two credible identifying witnesses to ID him.

Toni Iguain, Livermore, CA

To read other accounts, go to bitly.com/DifficultNotarizations.



PUPPY LOVE: Notaries across the country celebrated National Puppy Day with the NNA by sharing pictures of their furry friends on our Facebook page. One lucky Notary won our popular Puppy Journal! Check out the cute photos at bitly.com/PuppyJournalWinner.



Join our online communities and interact with the NNA and Notaries everywhere!



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Notaries Giving Back to Their Communities

SERVING YOUR COMMUNITIES and giving back is an important role for Notaries as public servants. Many shared touching stories in various scenarios.

I volunteer with the IDignity program, which helps the poor obtain necessary documents like birth certificates, driver's licenses, identity cards, etc. I notarize the documents that require it — applications for all states and some countries. They lose their paperwork in fires, jails, floods, break-ups, etc., and

don't have the money to get them back. This program gives people back their identity and respect, and some even cry when they get theirs back.

Nancy Smith, Osceola, FL

I offer free Notary services to the Greater Hope Foundation, which assists foster parents who are on a fixed, limited income!

Janice Leseman, Victorville, CA

I provide free services to my church, military, police officers, firemen, EMTs, etc. If it's too far I just ask

to pay for my gas if any. I have been getting referrals non-stop. They are always telling me how much they appreciated me in these difficult times and it feels so good when I hear those words. Because sometimes it's not about the MONEY, I love my job.

James Garcia, Homestead, FL

How have you used your Notary commission to help serve your community? Share your story with us here: bitly.com/NotariesGivingBack.

Improper Notarization Requests

HAS ANYONE EVER TRIED to offer you money to perform an improper notarization? We asked Notaries on Facebook and Instagram to share their stories.

On several occasions, signing companies have asked me to backdate signatures, offering to increase my fee.

I simply decline. Most don't press the issue after you say no, but one got very upset with me.

Mark Lewin, Melbourne, FL

No, thank goodness, but I recently had a signer want to give me a \$20 tip for good service. I explained to him that,

as a sworn officer of the state, I am unable to accept gratuities, that this is against the law.

Tina Wallace, Escondido, CA

Yes, but you must decline. No amount of money should change your mind. Integrity is a must.

Carmelina Carrillo, Tarrant TX



Notary Public Star Search

THERE ARE A LOT OF INCREDIBLE NOTARIES in the U.S. and every year we honor the achievements of a select few through our **Notary of the Year Award Program**. While we just named our **2017 Notary of the Year**, it's never too early to get your nominations in for next year's Award.

Help us find stars in the nationwide community of 4.4 million Notaries by sharing stories about going above and beyond the call of Notary duty. Tell us about people who set a high professional standard, serve their community or lobby for Notary reform with integrity. Whether that person

is you or another Notary in your network, we want to know.

The honor is based on the candidate's achievements, and NNA membership is not required. For more information, go to **NationalNotary.org** and click "NNA Award Programs" in the page footer.



60 YEARS
OF SERVICE

NNA's Diamond Celebration: Counting Every Notary

AS PART OF OUR 60TH ANNIVERSARY celebration, the NNA is conducting the **2017 Notary Census** with expanded information.

Every five years since 1972, the NNA has conducted the only Notary census, highlighting just how much society depends on you to add security and integrity to countless transactions. This year, we are surveying our community to provide a more detailed picture of America's Notaries. Look for the census results in the August issue of *The National Notary*.



Notaries of the Year

A Bond by Any Other Name

WE'VE REBRANDED AND EXPANDED our bond offerings with the launch of **NNASuretyBonds.com**. If you got your bond from us, you may see the new **NNA Surety** name, but rest assured, you're still working

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This change helps us better serve customers who have asked us to provide additional license and performance surety bonds. We operate in all 50 states



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working with companies and individuals in a variety of industries including title and escrow, mortgage servicing, tax

preparation, immigration services, Notary services, healthcare, car dealers and contractor services, to name a few.

Fake Seals Raise Questions about Online Lawsuits

FALSIFIED SEALS FROM NONEXISTENT NOTARIES were found on documents for two internet libel lawsuits filed in Arizona, according to a column recently published in the *Washington Post*.

Columnist Eugene Volokh, who teaches law at UCLA, investigated two Arizona cases where courts were asked to take down web pages accused of being libelous. In both cases, Volokh found that defendants' signatures were notarized with seals containing commission numbers and names that weren't in state Notary records.

Volokh said that the source of the fake notarizations remains undetermined.



However, he worried that fake Notary seals could be used to forge a defendant's signature and convince a court to order a website taken down under false

pretenses. "The overall pattern, coupled with the suspicious notarizations, suggests that at least some of these orders are untrustworthy," he wrote.

Signing Agents Have Mixed Feelings about Webcam Notarization

WITH MORE STATES introducing bills to allow "webcam notarizations" — notarizations using remote communication instead of personal appearance — Notary Signing Agents have taken to social media to express a mixed reaction to these developments and how they could affect loan signings:

NSA Chris Harmon of Pennsylvania expressed enthusiasm during a



conversation in the NNA's Notary General Discussion Group on LinkedIn. "I'm all for it! Can't wait to use the tech," Harmon said.

Other Signing Agents were leery of the possible security risks webcam notarizations might bring to the signing process.

"I love my electronic toys, but I see an open door for fraud," said California NSA Donna Conne.

Signing Agent Arlene Vincent of Pennsylvania said that many of her clients are uneasy about incorporating new technology into notarizing documents — and so is she.

"I prefer my clients in front of me," she said.

For more information about the NNA's discussion groups for Notaries on LinkedIn, please visit NationalNotary.org/socialmedia.

Notaries Get Raise in Arkansas, Idaho

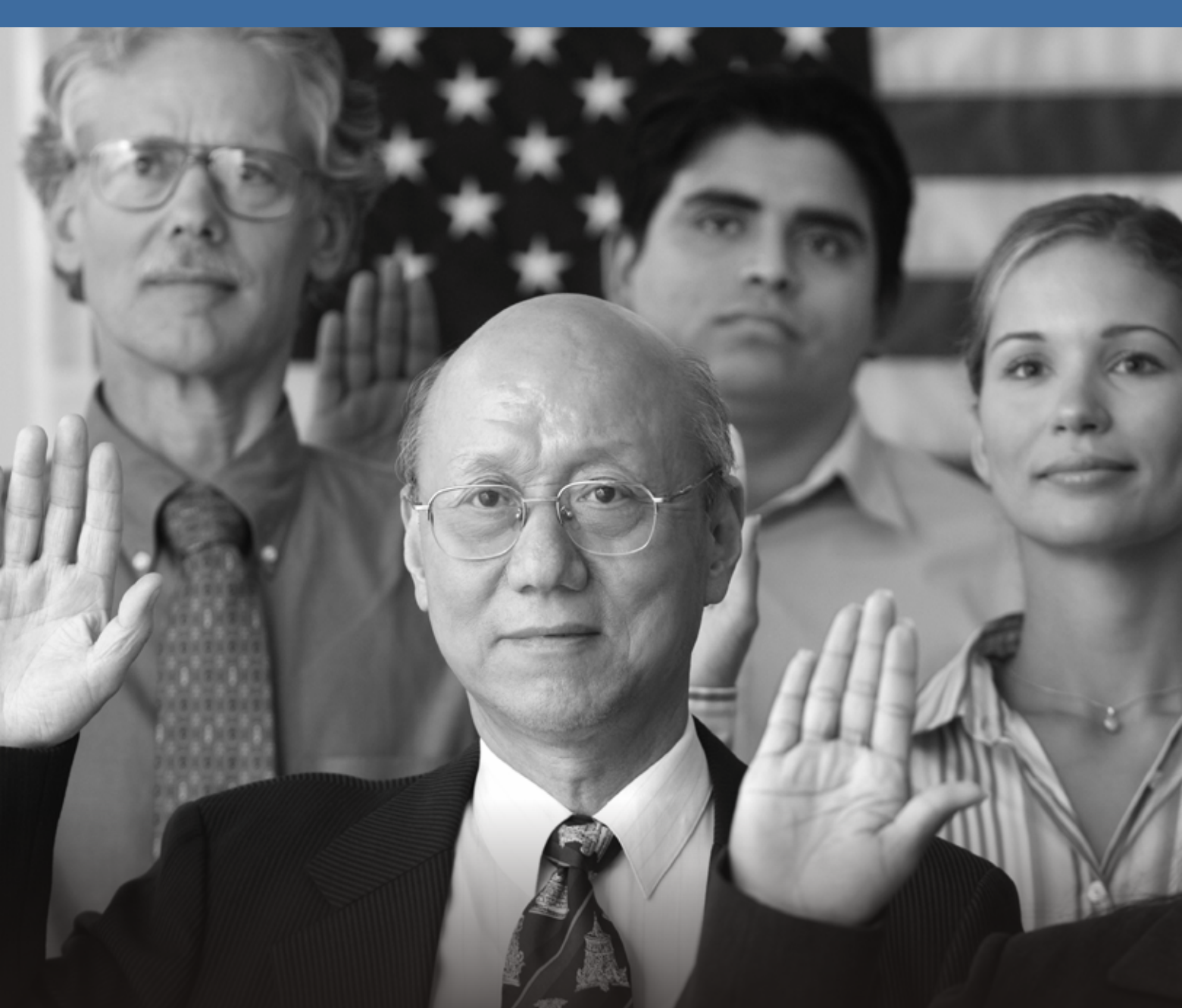
ARKANSAS AND IDAHO are the latest states to raise the maximum fees that can be charged for notarial services, following a wave of similar fee increases in other states last year.

Idaho House Bill 209, which takes effect July 1, raises the maximum fee Notaries may charge from \$2 to \$5.

Arkansas House Bill 1450, which takes effect August 3, removes statutory fee limits entirely. Instead, Notaries will be allowed to set a "reasonable fee" agreed upon with the customer prior to the notarization.

Currently, only eight other states — Alaska, Iowa, Kansas, Louisiana, Maine, Massachusetts, Tennessee and most recently, Kentucky — allow Notaries to set their own fees.





SERVING **IMMIGRANTS** the Right Way

By Michael Lewis



IMMIGRATION HAS BECOME ONE OF THE HOTTEST TOPICS in America. As it often does, any discussion of a change in immigration policy causes an untold number of foreign-born residents to seek help — and they often turn to Notaries.

This intersection between Notaries and immigrants is an inherent element of life in America, where so many transactions and documents need to be notarized.

Typically, immigrants are unfamiliar with our government bureaucracy and wary of strangers, so they are much more likely to ask people in their community they know for help. It's often a natural step to turn to the local Notary who handled their child's school permission slip or loan documents to help with their residency status.

But wading into the area of immigration assistance is fraught with pitfalls — from the complexity of the law to the limits on what help Notaries can provide to the restrictions on how they can offer their services.

Still, many Notaries sincerely try to provide legitimate immigration assistance. And there are ways that they can do this. Whether it is a matter of knowing where to refer an immigrant client or providing basic service as an immigration consultant.

Understanding Your Role and the Needs of Immigrants

Policy discussions mostly focus on undocumented immigrants. However, they represent only about one quarter of America's total immigrant population of approximately 45 million. And the U.S. Census Bureau projects that number to increase steadily in the coming decades.

By mid-century, there will be more than 72 million immigrants living in America. And most of them will have submitted some type of application to the U.S. Citizenship and Immigration Services (USCIS).

There are dozens of paths to living and working in the U.S., including 25 temporary and permanent worker statuses. They cover everything from domestic and agricultural workers to athletes and entertainers to highly skilled workers in specialty occupations and business executives. On top of that, there are programs for

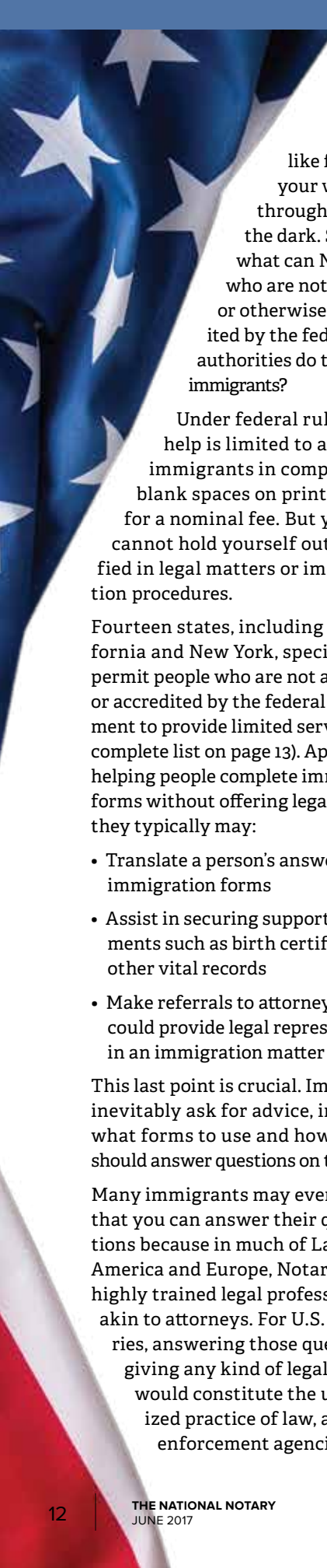
asylum seekers and refugees; students; and family members and fiancés of citizens and permanent residents. By far the most common status

Many Notaries sincerely try to provide legitimate immigration assistance.

requests are for lawful permanent residence cards (called green cards) and citizenship. In 2015 alone, the Department of Homeland Security granted 1,051,031 green cards and received 783,062 naturalization petitions to become citizens. There are dozens of forms to go along with the different immigrant statuses, but the most common are:

- I-485 (Application to Register Permanent Residence or Adjust Status),
- N-400 (Application For Naturalization) and N-600 (Application for Certificate of Citizenship),
- I-130 (Petition for Alien Relative),
- I-864 (Affidavit of Support),

Navigating immigration rules can be



like finding your way through a maze in the dark. So exactly what can Notaries who are not attorneys or otherwise accredited by the federal authorities do to help immigrants?

Under federal rules, your help is limited to assisting immigrants in completing blank spaces on printed forms for a nominal fee. But you cannot hold yourself out as qualified in legal matters or immigration procedures.

Fourteen states, including California and New York, specifically permit people who are not attorneys or accredited by the federal government to provide limited services (see complete list on page 13). Apart from helping people complete immigration forms without offering legal advice, they typically may:

- Translate a person's answers on immigration forms
- Assist in securing supporting documents such as birth certificates or other vital records
- Make referrals to attorneys who could provide legal representation in an immigration matter

This last point is crucial. Immigrants inevitably ask for advice, including what forms to use and how they should answer questions on the forms.

Many immigrants may even believe that you can answer their questions because in much of Latin America and Europe, Notaries are highly trained legal professionals akin to attorneys. For U.S. Notaries, answering those questions or giving any kind of legal advice would constitute the unauthorized practice of law, and law enforcement agencies often

go after people who often commit so called *Notario* abuse.

The best way to deal with the questions is to refer the immigrant to a qualified person or group.

Getting Immigrants the Right Help

USCIS identifies two categories of immigration service providers who can give legal advice, explain options and communicate directly with federal authorities about an immigrant's case:

- Licensed attorneys in good standing
- Representatives accredited by the Department of Justice (DOJ)'s Executive Office for Immigration Review (EOIR) and employed by EOIR-recognized organizations

Notaries who serve immigrant communities can develop relationships with local attorneys. That way, Notaries can refer clients who need legal assistance to an attorney they know. In addition, the 14,000-member American Immigration Lawyers Association (AILA) has an easy-to-use "Find an Immigration Lawyer" service available to the public (ailalawyer.org).

The federal government does not provide free legal representation to immigrants. However, EOIR operates its Recognition and Accreditation Program to provide low-cost representation for immigrants.

Under the program, federal authorities approve non-profit, tax-exempt organizations — such as immigrant rights organizations, religious and community groups and legal aid organizations — to practice immigration law. The employees or volunteers of the organization who represent immigrants are called accredited representatives.

Accredited representatives are individually approved by the federal government after demonstrating that

they have broad knowledge and experience in immigration law, usually working with attorneys.

Currently, there are about 1,800 accredited representatives. The EOIR maintains lists of recognized organizations and accredited representatives, which are updated on a regular basis (bitly.com/ROAR-Roster).

Assisting Immigrants

While the services you can provide immigrants may seem limited, there is plenty of opportunity for non-attorneys to help. And many Notaries who work with immigrant communities are considering the idea of offering immigration assistance.

"Only a very small percentage of (cases) require the involvement of legal counsel," said Teresa Foster, who runs an immigration consultant business in Napa, California. "The fact is that many people simply feel uncomfortable trying to fill out their own paperwork."

Foster, herself an immigrant from Mexico, took over a consulting business in 1990 from a woman who was retiring. Since then, Foster's office has assisted clients with roughly 10,000 forms and applications.

As mentioned above, 14 states specifically permit non-attorneys to offer limited assistance to immigrants. A half-dozen states, including California, New York and Illinois, require surety bonds.

Four states — Oregon, Colorado, Tennessee and North Carolina — either restrict or ban non-attorneys from providing immigration services.

One thing no state requires is education, yet on-going training is crucial, says Foster. "You have to always look for changes," she said. "The forms change pretty frequently. You have to be on top of everything."

During all her time as an immigration consultant, Foster has sought out



It's often a natural step to turn to the local Notary who handled their child's school permission slip or loan documents.



regular education. She relies heavily on webinars from the Immigrant Legal Resource Center and regular email updates from USCIS. She also has developed a network of local immigration attorneys who advise her and take referrals.

"It's so important to get educated so you can be a better resource for your community," she said.

Apart from changes at the federal level, many states have laws regulating how Notaries or individuals offering immigration services can advertise. Many laws place restrictions on the use of the term *Notario publico* or require disclaimers that the Notary is not an attorney.

In California, a Notary cannot advertise both as a Notary and an immigration consultant.

Luis Salazar, who runs a tax preparation business in Hollywood, California, and is also a Notary, does not advertise that he is an immigration consultant.

His main income comes from tax preparation, but he started helping with immigration forms because "customers kept asking me to do it." He sees it as a way he can do more to help his customers.

Conversely, Foster is careful not to advertise that she is a Notary. Her bread and butter business is as an immigration consultant.

Both get most of their immigration clients through word of mouth. "Customers are looking for somebody they already know and trust," Salazar says.

Foster has been in business for so long, and word of mouth has spread so far that she gets clients from all over the country. She also keeps connected to her community through various local charitable organizations and school projects.

The fact that both Salazar and Foster have gone through the immigrant

A Guide To State Immigration Consultant Rules

States that Allow Non-Attorney Immigration Assistance Providers

Arizona	Minnesota
California	Nevada
Georgia	New York
Illinois	Oklahoma
Maryland	South Carolina
Maine	Utah
Michigan	Washington

States that Restrict or Ban Non-Attorney Immigration Assistance Providers

Oregon	Tennessee
Colorado	North Carolina

For information about providing immigration assistance, visit: bitly.com/NNAImmigration.

experience is something they can share with clients, and also helps earn their trust.

While providing immigration services can be a good business, it's also about more than business.

"This is where my passion goes," Foster said. She recalled the time a client brought his five daughters into the office. He had been apart from his family for years while getting established in the U.S., and Foster helped with the forms that reunited them. "They were dressed in their Sunday best, and he said to his daughters, 'This is the woman who brought you here.'" ■



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60 YEARS OF SERVICE | SINCE 1957

Alicia Stewart is a woman with shoulder-length, light brown hair with bangs. She is smiling warmly at the camera. She is wearing a dark blue or black long-sleeved top and a long, thin silver necklace with a tassel. Her hands are clasped in front of her. The background consists of horizontal wooden planks.

**2017
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**ALICIA
STEWART**

By Kelly Rush

A LICIA STEWART, THE CALIFORNIA SECRETARY OF STATE'S long-time Notary Public Manager, remembers an office bulletin board filled with pictures of foreign children successfully adopted by American families. The families endured arduous paperwork, exhausting travel abroad and reams of documents handled by Stewart's office, including authentication of Notary and county clerk signatures.

Those photos made her smile. They represented families made whole, satisfied customers and a job well done — three things she loves.

Stewart's tenure with the office, which began in the 1980s, will end with her retirement this July. Throughout the years, she's earned a reputation as a public servant with great integrity, passion for her job, and a commitment to ensuring Notaries are educated, equipped, and empowered to handle their responsibilities.

“Alicia Stewart is the kind of servant-leader who sets an example in everything she does.”

— Tom Heymann, NNA's Chief Executive Officer

She has a long list of accomplishments: She was instrumental in amending California law to require Notaries to complete a six-hour education course; she spent a year laboring over a training workbook that embodied all of the state's Notary laws and practices; and she revolutionized how authentications for foreign documents are handled, among others. She was also responsible for appointing an average of 42,000 Notaries per year.

Because of Stewart's leadership, the enduring example she's set for other administrators, and her quest to ensure Notaries realize their full potential, she has been selected as the National Notary Association's distinguished 2017 March Fong Eu Achievement Award recipient.

The award, established in 1979, is given to an individual or group that has done the most to improve the standard, image, and effectiveness of the office of Notary Public in the United States.

“Alicia Stewart is the kind of servant-leader who sets an example in everything she does,” said Tom Heymann, the NNA's Chief Executive Officer. “She truly embodies the spirit of this award.”

Chuck Faerber, the NNA's retired Vice President of Notary Affairs, worked with Stewart for a decade, and described her as one of the most conscientious and effective Notary administrators of his acquaintance.

“She built a statewide Notary program that, time and again, has served as a model for other states,” he said. “Alicia was a champion of education for Notaries and always on the cutting edge in embracing new technology, while insisting on proper safeguards.”

Stewart originally joined the state's Legislative Council Bureau in 1980, but left after she had her first child. A few years later, she returned to state service and eventually found herself at the Secretary of State's Notary division in 1991.

The new job was both challenging and fulfilling. The division handled everything from investigations to enforcement issues, and Stewart sometimes had to say “no,” which was hard for a person whose instinct is to do everything possible to help her customers.

One of her more unique challenges involved Notaries who were Jehovah's Witnesses who would obtain a commission, but were worried about the oath of office because they believed they couldn't swear an oath to anyone but God. But if you can't take an oath, you can't be a Notary. Most of these individuals understood





after Stewart explained the issue to them, and they took the oath, but a few did not.

Because of the length of Stewart's tenure with the Secretary of State, she's seen a lot of changes. The Notary regulatory landscape, in particular, evolved over time.

One of the biggest events that changed how Notaries operate in California came after legislation was enacted, Government Code Section 8201, that required Notaries appointed after 2005 to complete a six-hour course of study approved by the Secretary of State. Stewart was instrumental in putting the law forward, and then in creating a package of regulations that further defined the scope of the law.

The process was a mammoth undertaking.

"Until the regulations were adopted, we really couldn't accept courses for review and approval. With the new education requirement, that was quite an endeavor," she recalls. "We also started looking at convictions...a little more in depth...and had to develop disciplinary guidelines." Administrative law judges, attorneys, Notaries

and the public all needed clear rules for how the law would be carried out and enforced.

Stewart also led a team that worked for a year to create a workbook that would serve as an education tool for Notaries. They developed a list of over 100 knowledge statements a Notary should know to pass the exam, and ensured the workbook covered them.

Stewart's clear commitment to excellence throughout the years earned her a nomination as president of the Notary Public Administrators, a section of the National Association of Secretaries of State.

"There are some who pursue such things, but I've never been good with Robert's Rules of Order!" she said. "I've loved working with the NPA. I think it's so important to work with other administrators across the country; it really helps to hear what other states have experienced when implementing new legislation (and in other areas)," she said.

She's also done considerable work to modernize the process by which foreign documents are authenticated, including creating an online *apostille* verification tool.

Betsy Bogart, Business Programs Division Chief and Stewart's supervisor, said her colleagues will dearly miss her after she retires, but the ever-resourceful Stewart has already trained her successor.

"I've had the privilege of knowing Alicia for more than 15 years," Bogart said. "She was instrumental in teaching me the 'ins and outs' of the Notary world."

"A champion of education for Notaries and always on the cutting edge in embracing new technology..."

— Chuck Faerber, NNA's retired Vice President of Notary Affairs

Stewart doesn't have too many plans for retirement, other than jumping in the travel trailer and catching up on some quality time with family.

"With retirement coming up, it's really an honor to be recognized for work that you've done," Stewart said. "We're not always recognized, and we don't necessarily need it, but it's nice to receive an acknowledgement that you've done something well." ■

DETECTING AND DEALING WITH

FAKE IDs

By David Thun



THE TOUGHEST PART OF A NOTARY'S JOB is preventing fraud. Document fraud can cost victims thousands of dollars and can leave a Notary liable if the Notary is found to have been negligent, or failed to properly screen a signer's identity. State commissioning officials don't offer Notaries formal training in how to spot impostors or fake IDs.

But if you adhere to the following steps you stand a much better chance of spotting a scammer and avoiding being taken in by someone trying to use false credentials.

The Two Main Types of ID Fraud

There are two primary types of ID fraud attempts Notaries encounter.

The first is use of a counterfeit ID. In this situation, the signer is using a falsified identification document that has been tampered with or created from scratch in order to appear legitimate. Technology has made it possible to create fake IDs that are almost indistinguishable from the real thing — but there are clues to look for.

Examining a Signer's ID

When a signer presents you with an identification document for a notarization, the first thing you should do is ask to examine it yourself. As you look over the ID, be sure to check the following:

Check if the signer's appearance matches the description on the ID. Does the signer's appearance match the photo on the ID, or do they appear completely different? Does the signer's height, weight and hair and eye color appear to correspond to what's printed on the ID? If they do, the signer is most likely who they say they are. If there are discrepancies, you may need to ask the signer a few questions to help confirm their identity. (See "Questions You Need To Ask A Signer" below.)

Look for signs the ID has been tampered with. If the signer's photo on the ID seems unusually thick or stands out from the ID, it's possible a second photo has been pasted or glued on top of the original. Other signs that an ID may have been tampered with are peeling or damaged laminate on the card, blurry, smeared text or spelling errors. Another sign of possible tampering is if the ID itself seems thicker than normal, or the clear laminate is peeling off or rough around the edges or corners —

these are warning signs that the ID may have been tampered with and a second coat of laminate applied afterwards.

Check for state-specific watermarks and security features. State-issued driver's licenses and ID cards often include security features and special images as protection against tampering such as holographic images that appear when viewed at certain angles. Check the ID to see if holographic images or watermarks are present — if not, it may be a fake. Other security features often found on genuine IDs are letters, numbers or symbols printed with raised text on the card. For example, a California driver's license uses raised type for the bearer's date of birth that you can feel by running your finger over the birth date on the license. A reference book such as the NNA's *Keesing Documentchecker Guide* can help you familiarize yourself with the security features and elements of IDs from different states and spot discrepancies in fake IDs.

Check for signature discrepancies. Before you start the notarization, take down the signer's information in your journal entry and have them

sign in your journal. When examining the signer's ID, compare the signature in the journal to the one on the ID to see if they look similar or if they are significantly different.

Questions You Need to Ask a Signer

If the signer's appearance doesn't match the photo or description on the ID, or if something about the ID doesn't feel right to you, ask the signer some questions while you are examining the ID. For example, you could ask the signer to tell you their birthday, address or current age while you are holding the identification document. If what the signer tells you doesn't match what's printed on the ID, that's a red flag that fraud is taking place.

If the signer presents you with an out-of-state ID, you can also ask them questions about where they claim to come from, such as "What's the capital of your state?" Again, if the signer can't answer simple questions about the information on the ID, it's likely something is wrong.

Other Useful Tools for Spotting Fake IDs

A magnifying glass and a portable ultraviolet blue light can be helpful

when examining an ID for discrepancies. The blue light will make hidden ID features like holograms and ghost photos visible when you shine it on the ID. A magnifying glass will help you examine micro-printing and small details on the ID and make it easier to see errors. Use these tools in front of the signer to show you're serious about what you're doing.

What to Do if You Suspect Fraud

After you examine the ID, you will have to make a judgment call whether it appears satisfactory or not. If the ID and the signer appear genuine to you, return the ID to the signer and proceed. If you find discrepancies and something still seems wrong, stop the notarization, but don't put yourself in a situation where you might be at risk of harm. If the signer tries to leave, let them — don't try to stop them, and don't try to take the suspect ID from them. Instead, contact your local law enforcement and file a report after the signer leaves. ■

The F.E.A.R. System

A good way to remember the right steps when checking an ID is to use the "F.E.A.R." method, which stands for "Feel, Examine, Ask, Return."

- 1 Feel the document for thickness and whether it has raised type as a security feature.
- 2 Examine the elements of the ID, including the photo, description, type and security features to see if they match the signer and appear correct.
- 3 Ask the signer questions to see if their answers match the information on the ID.
- 4 Return the ID if you're satisfied with the ID. Refuse to notarize if you're not.

5 Details to Look at When Checking an ID

- 1 Look at the photo on the ID and then look at the signer. Then do it again. Make sure the photo and physical description reasonably match the signer.
- 2 Check the expiration date on the ID.
- 3 Make sure all informational elements on the ID are present — both front and back.
- 4 Use a blue light and magnifying glass to check if security features such as holograms, watermarks and micro-printing are present.
- 5 Have the individual sign your journal so that you can compare the signature in the journal with the one on the ID. Like the photograph and physical description, check the signatures to see if they are reasonably similar.

WHAT WOULD YOU DO?

THREE STRANGE BUT TRUE STORIES
FROM OUR NOTARY COMMUNITY

By NNA Staff



WHETHER YOU'RE A BEGINNER OR A SEASONED VETERAN with years of experience, you've likely run into a few notarizations that didn't go quite by the book. But every now and then, Notaries find themselves in a situation so unusual that there's no easy answer in state law or training.

We started the “What Would You Do?” series of *Notary Bulletin* articles to help Notaries deal with these unique challenges. Each article describes a strange or confusing issue that’s been faced by Notaries in real life, and we then invite our readers to share how they would handle it and share the NNA’s recommended solution.

Here’s a look at three of the most popular and heavily discussed “What Would You Do?” situations in the online Notary community.

The Hard-Drinking Signer

A Notary contacted the NNA Hotline asking how to deal with a signer who began drinking heavily during an appointment to sign and notarize several documents. The signer had proper ID and seemed lucid and coherent at first. But as he continued to drink, he began to slur his speech and appeared steadily more distracted and inattentive. The Notary was no longer sure if the signer was alert enough to continue the appointment as planned.

Several other Notaries said they’ve had similar experiences. Virginia Wells voiced the most popular suggestion: Postpone the notarization for another time when the signer has sobered up. “I’d let him know that I’m uncomfortable continuing with the notarization, because I don’t believe he is clear on what he’s about to do,” she said.

Another reader, James Martin, said that when he had encountered a heavily intoxicated signer during a loan document signing, he pretended to complete the notarization, left, and notified the title company what had happened. The signing was rescheduled, and the signer was sober and very apologetic the next time Martin met with him.

Resolution: If a signer appears to be under the influence of alcohol, the NNA recommends halting the notarization and rescheduling for a time when the signer is not inebriated. An intoxicated signer is potentially vulnerable to fraud and exploitation by others due to impaired judgment. Your state may have a law on the matter. Florida prohibits notarizing a signature if it appears that the person is mentally incapable of understanding the nature of the document at the time of notarization. Georgia law states a Notary is not obligated to notarize if the signer is incapable of knowing the consequences of a document requiring notarization.

An intoxicated signer is potentially vulnerable to fraud and exploitation by others due to impaired judgment.

Identifying a Transgender Signer

Perhaps one of the most unusual and difficult “What Would You Do?” situations one of our readers encountered was identifying a signer who claimed to be in the process of a gender reassignment surgery. The description and photo on the ID indicated a male signer whose appearance did not match the middle-aged woman standing before the Notary. What made this situation exceptionally hard was that the Notary wanted to be very careful to avoid discrimination based on the signer’s gender or sexual preferences. At the same time, the fact that the signer’s ID didn’t match the current appearance raised warning signs about possible fraud.

Our community talked about how they would handle this situation at length. Some, like Colleen Cranor, suggested using credible identifying witnesses to identify the signer, if permitted by state law. Julie Brickley said she would have asked for additional forms of ID to help confirm the signer’s claim, while Adam Garibaldi recommended asking for medical documentation for similar reasons.

“It may not necessarily be accepted by all, but as Notaries we should not discriminate at any level, regardless of our personal convictions,” Garibaldi said. Others said that they would refuse the notarization due to inability to properly identify the signer using the ID presented.

Resolution: This can be a tough situation, but as a reminder, Notaries must comply with their state’s ID requirements when notarizing. If the ID does not satisfactorily describe and depict the person, and you can’t reasonably verify identity, or you have a reasonable suspicion that the person is not who she says she is, then you cannot accept the ID. If your state law allows, you may request a more recent or alternative form of acceptable ID. If this isn’t possible, the law may offer the option of using one or two credible witnesses to identify the signer. Do not let personal feelings or beliefs influence you into unfairly discriminating against a signer or refusing service simply because you do not agree with aspects of a signer’s lifestyle, beliefs or preferences.

When a Signer Dies Before the Notarization is Completed

Another tough situation occurred when a seriously ill woman needed an important trust document notarized.

The signer was confined to bed but appeared lucid and willing to sign when the Notary spoke with her. Because the signer was physically impaired, she made a signature by mark on the document in the presence of two witnesses. But before the notarial certificate was completed, the signer passed away. The Notary was left in a very confusing situation. The signer had been properly identified and signed the document, but should the notarization be completed or stopped as a result of the signer's passing?

Dorothy Melton said that since the Notary had identified the signer and witnessed the signing as required, it was appropriate

to complete the certificate to confirm these actions happened before witnesses. Most of our readers talking over the issue agreed.

Resolution: Generally speaking, the three key events for a notarization — the signer being physically present before the Notary, the signer providing satisfaction of identity and the signer verifying the signature (or mark, in this case) on the document was hers — appear to have been fulfilled in the situation described above. However, the situation might not be clear-cut in California because the Secretary of State has said that all steps of a California notarization must

be completed in the presence of the signer. It could be argued that once the signer dies, the Notary was no longer in her presence.

Whatever the Notary's decision, the NNA strongly recommends recording detailed notes in the journal as evidence if questioned about the notarization later. Because trust documents typically direct how a person's assets are to be distributed after they die, this document could easily become embroiled in a legal case regardless of what the Notary chooses to do.

You can read more "What Would You Do" articles and answers at NationalNotary.org/bulletin. ■

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Know the Facts about Copy Certification



Notaries are often asked to verify that a photocopy of a document is a true copy of the original. This is called “certifying a copy” or “copy certification.” Here are some important facts about copy certification all Notaries need to know.

How Does Copy Certification Work?

Some steps may vary depending on individual state laws, but here are the basics:

1. The document’s custodian requests a certified copy
2. The Notary compares the original and the copy to confirm they are identical
3. Once the Notary confirms the copy matches the original, the Notary completes and attaches a notarial certificate to the copy stating that the copy is true, accurate and complete.

Not All States Allow Notaries to Certify Copies

Whether you are authorized to certify copies of documents depends on

where you are commissioned. Notaries in the following states may not certify copies: Alabama, Alaska, Illinois, Indiana, Kentucky, Michigan, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, South Carolina, South Dakota and Tennessee.

Certain Types of Documents Are Off Limits

Several states restrict Notaries from certifying copies of certain documents. Some states, such as Florida and Pennsylvania, prohibit certifying copies of vital records such as birth, death and marriage certificates. Texas does not allow Notaries to certify copies of any publicly recordable document.

California limits Notaries to only certifying copies of powers of attorney or, if requested by the Secretary of State or a court, entries in the Notary’s journal. Hawaii and Maryland limit Notaries to certifying copies of their Notary journal entries only. Rhode Island prohibits Notaries

from certifying copies of any document that can be recorded publicly, while Maine allows only “private” documents to be copy certified by a Notary. Virginia prohibits certifying a copy of court-issued documents.

It’s illegal to make unauthorized copies of certain immigration forms — such as a Certificate of Naturalization, Certificate of Citizenship or Declaration of Intention to Become a Citizen. Doing so may carry criminal penalties whether or not the copies are certified by a Notary.

Alternatives to Copy Certification

If a Notary can’t directly certify a copy, an alternative procedure called “copy certification by document custodian” may be permissible. With this procedure, the document’s custodian or holder signs a statement attesting to the accuracy of the copy, and the Notary notarizes the custodian’s signature on the statement. The difference is that rather than directly certifying the copy, the Notary is notarizing the custodian’s signature on

a statement vouching for the copy’s accuracy.

If you can’t perform a copy certification, you should only use this alternative if asked by the signer. Telling a signer that they must use copy certification by document custodian can be considered unauthorized legal advice.

For example, if a signer asks for a copy certification and you can’t do it, you should never say something like, “I can’t certify a copy of this document. You need a copy certification by document custodian instead.” However, if you told the signer you can’t certify the copy, and the signer asked, “Can I sign a statement that the copy is accurate and have you notarize it?” then you may do so if your state law permits.

Copy certification by document custodian cannot be used for vital records such as birth, death and marriage certificates. Only the recording office that holds the original record is authorized to issue certified copies.



Notarizing Wills, Journal Entry Errors, Changing Name, Witnessing Documents ...

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

Q Are South Carolina Notaries able to notarize powers of attorney and wills?

F.D., South Carolina

A Yes, you can notarize powers of attorney. For wills, it is important to note that notarizing a will does not make it legal or valid. In South Carolina, wills must be signed by the testator and two witnesses (SCC 62-2-502). However, you may notarize the acknowledgment of the testator and affidavit of at least one of the witnesses, an additional step that makes a will "self-proving".

Q I put the wrong date of notarization in my journal entry. May I cross it out and put new date with my initials or do I have to redo a new journal line?

C.A., California

A Professional practice suggests drawing a line through the incorrect

information, printing the correct information and then initialing beside it.

Q I was recently married and I changed my last name. Do I need to notify the state?

N.Z., Florida

A Yes. If you change your name during the term of your commission, you must request an amended commission from the Secretary of State's office by submitting:

1. A completed notice of name change form (DS-DE 77A)
2. Current commission

(Original commission certificate or a letter explaining why)

3. A rider to current Notary bond from your bonding company
4. \$25 check or money order (payable to Department of State)

Q In the state of New Jersey, can a Notary witness and notarize the same document?

M.K., New Jersey

A New Jersey law does not address this situation. Professional practice suggests that you should not serve as a witness on

a document you are also notarizing. A better solution would be for the signer to find an additional witness.

Q I use ditto marks in my journal for a signer's address when they are signing multiple documents. The ditto marks are after I have entered the information with the first notarization. Is this acceptable?

L.R., Pennsylvania

A While ditto marks for required entries make things simple and are not prohibited in Pennsylvania, they may not be the best practice. Ditto marks





make providing certified copies of journal records a challenge and make it difficult to limit journal inspection requests only to specific entries.

Q I have a signer who wants to use her new married name. She has ID with her maiden name and marriage license. Can I do that or do I need to use witnesses?

L.T., California

A No. You need one form of satisfactory evidence (an acceptable ID with her new name on it or one or two credible witnesses) to support the married name

on the document. The marriage license is not an acceptable form of identification under California law. In lieu of an acceptable ID card, you may rely on the oath of two credible witnesses that can vouch for her identity.

Q Can I notarize a document written in another language if I can't read that language?

M.F., California

A Yes, you may notarize a document in a foreign language. However, the Notary certificate on the document must be in English.

Q Do I need to turn in my Notary seal when it is expired? Or do I destroy the seal myself?

L.R., Pennsylvania

A The professional practice would be to destroy the seal to eliminate the chance for fraud. You can do this by taking something sharp, such as a razor blade, cut up the rubber part of the seal to render it unusable, and then throw it away.

Q Can I notarize a probate document that includes handwritten paragraphs?

S.F., Georgia

A Yes, you may notarize a document that has handwritten paragraphs included. Make a note in your journal that the document included handwritten information.

Q I am a California Notary, and I filed my oath of office and bond at the county clerk's office, but I did not purchase a seal. Does this void my commission?

R.A., California

A No. Your commission would not be voided. You may purchase a seal at any time by presenting the Certificate of Authorization to Manufacture Notary Public Seals, which you received when you were commissioned, to a licensed seal manufacturer.

Q If someone mistakenly signs a document needing a jurat before they are in the presence of the Notary, can it be crossed out and re-signed? Or should the document be redone?

K.V., New York

A The signer may simply re-sign the document in front of you. The other signature should not be crossed out. If a date is requested, the signer should include the current date they appeared before you.





The Difference Between Acknowledgments and Jurats

Acknowledgments and jurats are the two most common types of notarial acts. But many people don't understand that there are significant differences between them — and sometimes even Notaries get confused.

What Is an Acknowledgment?

The purpose of an acknowledgment is for a signer, whose identity has been verified by the Notary, to declare before the Notary that he or she has willingly signed a document. It requires the following steps:

1. *The signer must physically appear before you.*
2. *You must positively identify the signer according to your state's rules.*
3. *The signer may either sign the document before appearing before you, or in your presence.*
4. *The signer must declare (acknowledge) signing the document for its intended purpose.*

Except in Arizona, the signer must be able to directly communicate with you that he or she

willingly signed the document. Arizona permits a signer to communicate with a Notary through a translator.

What Is a Jurat?

The purpose of a jurat — also known in some states as a "verification upon oath or affirmation" — is for a signer to make a legally binding promise of truthfulness about a document's contents to a Notary or notarial officer. It requires the following steps:

1. *The signer must appear in person before you and sign the document in your presence.*
2. *In some states, you are required to positively identify the signer.*
3. *You must administer a spoken oath or an affirmation, and the signer must respond out loud.*

When performing a jurat, the signer may choose to take an oath (a promise of truthfulness to a higher power) or an affirmation (a promise of truthfulness made on personal honor).

While not required by law, it is strongly recommended that you have the

signer raise his or her right hand to emphasize the seriousness of the oath or affirmation.

It is never acceptable for a third party to execute a jurat or take an oath or affirmation in someone else's name.

Acknowledgment and Jurat Certificates

Because acknowledgments and jurats are different notarizations with different purposes, each requires its own certificate wording. You cannot use a jurat certificate for an acknowledgment, or vice versa.

Make sure you use certificate wording that is acceptable under your own state's rules. The wording requirements for certificates vary from state to state.

In general, an acknowledgment certificate will contain the words, "acknowledged before me" or words like that. Jurat

certificates will contain the words, "subscribed and sworn to (or affirmed) before me."

What if the Signer Doesn't Know What's Needed?

If the document doesn't clearly indicate what type of notarization is needed, and the signer isn't sure, you may describe how an acknowledgment differs from a jurat and let the signer decide which one they want.

Remember, you can't tell them which one they should use. Choosing a notarial act for a signer is considered the unauthorized practice of law, and could lead to disciplinary action against you for violating your state laws.

If the signer still isn't certain, the signer may have to contact the agency that issued or will receive the document to ask what type of notarization is required.

Learn more about best practices and procedures in the NNA's Notary Essentials course:
NationalNotary.org/notary-essentials

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