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# The National NOTARY<sup>®</sup>

May 2006

*Official Publication of the National Notary Association*

# SECURITY

IN PAPER OR ELECTRONIC TRANSACTIONS



# The National NOTARY

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## PUBLICATION POLICY

The objectives of THE NATIONAL NOTARY are to: (1) publish only quality articles on Notaries, notarization and related subjects; (2) inform our readers of important developments in the field of notarization; and (3) focus on Notary issues and related subjects that are helpful, educational and informative to Notaries and others interested in the field.

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# The National NOTARY

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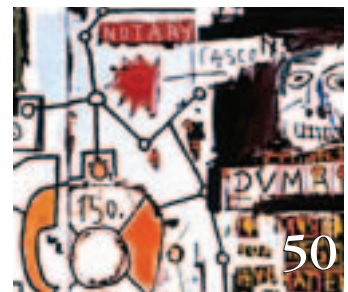
There are recurring words, phrases and concepts that Notaries encounter that can cause confusion. Take our quiz to find out how well you understand some of the distinctive terms involved with notarization.



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### 50 • Basquiat's Notary

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By Deborah M. Thaw  
dmthaw@nationalnotary.org

## From The Executive Vice President Conference Offers Professional And Personal Rewards

**May is a very special time of year.** If April welcomes spring, then May embraces it. If June is the month of weddings, May is its stage. And, for Notaries throughout the country, it is the time of the National Notary Association's annual Conference.

The event is heralded to enhance each attendee's job performance and increase earning potential. But it is much more than expert speakers, hands-on workshops and strategizing seminars on issues such as conflicts of interest and ethics.

Conference attendees will walk out with a certificate of attendance and other evidence of their participation, but they will also depart with something more: a re-invigorated sense of self-esteem.

Self-esteem. At a time when that term has lost meaning from overuse, it is still evident that the search for personal self-validation has never been more important.

We all seek self-improvement, and the most common method is to "take a class." Community colleges are seeing increased enrollments, and there has been a rapid growth of continuing education programs at universities and colleges.

According to the National

Center for Education Statistics, participation in adult education has increased from 40 percent in 1995 to 46 percent in 2001, the last year of available statistics. One can discern the trend, I think.

The number and type of class offerings is constantly increasing, responding to personal and professional interests, feeding our desire for the satisfaction that comes from stretching one's limits to acquire a skill or scholarly insight. We see it in the climbing Conference attendance every year.

And attendees are there for reasons as diverse and different as the states they represent. Unlike most students who may attend a class for some specific purpose, many Notaries seek out the Conference for its multiple offerings.

Some attend for the affinity and sense of community — the good time — they experience by talking and meeting with other Notaries. Some attend for the work-related information and practical skills that the workshops provide. And then there are those who attend just out of curiosity — a feeling that they may be missing out on something important. Many attendees are there not to earn a promotion

or to gain recognition, but with the personal goal of becoming a better Notary.

Each day the Conference is packed with the prospect of new information and new experiences. The luster of professionalism is brightened by the inspiring words of speakers — state officials, industry leaders, high-tech experts — who tell us we are relied on as Notaries more than ever before.

The lure of technology appeals to our sense of innovation. That we are leaders and pioneers in the early stages of an eNotarization revolution is a message in every program.

Self-esteem is not just a warm feeling from the heart, but a realistic appraisal from the head. The information gleaned from the NNA Conference promises to take us far beyond the basic "just notarize my signature" requests.

Improving our professional skills may seem at times like joining a health club and enduring a rigorous exercise program — difficult and demanding. But, as when endorphins are released following heavy exercise, the reward and results of pursuing professionalism can make you positive, optimistic and even blissful.



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A Non-profit Professional Organization

Serving America's Notaries Since 1957

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1922-1995

### 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 only the highest ethical standards of conduct and sound notarial practice.

# Letters

## Frustration With Electronic Documents

I agree with Henry Reiss' letter in the March 2006 magazine about Notary Signing Agents being pressured to do additional "clerical" work for less pay. I'm one of those Notaries who will not accept e-docs unless it's a dire emergency and the package contains less than 40 pages for a single set. Mr. Reiss is so right that lenders are trying to make us do all the clerical work that their staff should be doing.

I do not even accept a signing from any company that only wants to pay \$40, let alone do e-docs for them. Don't these lenders realize that the price of gas has gone way up and we have to travel many miles to get to signings? Not only do we have to wait for the documents to come in, but we never know when that will be. Schedules can be delayed if we have other signings set for that day.

The most lenders want to pay is an extra \$25 for e-docs. That does not cover the cost of paper, ink and the time we lose waiting for e-docs to come in and be printed. It is much cheaper to send documents using overnight delivery. I don't know any Notary Signing Agent out there who has a full-time staff to schedule appointments, answer phones and receive e-docs. The lenders have to understand that our time is valuable, and it is important to us that we give everyone excellent service.

Jacquelyn R. Hayes  
Lacey, Washington

I read Henry Reiss' letter in the March 2006 issue of THE NATIONAL

NOTARY magazine with great interest. The same problem he describes exists here in California.

Lately, I have been getting more and more calls from signing services requesting that I print out loan packages, e-docs, etc., from my home. I refuse them all. In addition, I turn down any assignments that pay under \$50. If enough of us refuse these requests, the signing services, who after all are merely middlemen, would be forced to inform lenders of these refusals.

Shirley Borden  
Pioneer, California

## For The Record

In the March 2006 issue of THE NATIONAL NOTARY, the data in the NNA "2005 Financial Report" chart on page 29 was incomplete. The complete breakdown of membership dues is as follows:

Magazine & Bulletin	21.8 percent
Conference	4.3 percent
Notary Outreach	8.5 percent
Information Services	10.5 percent
Legislative Advocacy	4.6 percent
Professional & Gov't. Alliances	11.8 percent
Public Awareness	3.3 percent
Member Support	18.3 percent
Other Member Benefits	7.8 percent
Research, Analysis & Prog. Dev.	9.1 percent

## Letters To THE NATIONAL NOTARY

We welcome letters, comments and questions from our readers. You may e-mail us at: [publications@nationalnotary.org](mailto:publications@nationalnotary.org). We reserve the right to edit for space and/or clarity.

Fax us at (818) 700-1942 or send mail to: National Notary Association, Editorial Department, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.

# Staying Ahead Of Identity Theft

## Combating Terrorism One Notarization At A Time



**Amid the day-to-day hustle and bustle, it can be easy to forget how critically important Notaries are in protecting our citizens.**

Through proper screening of signers for identity, awareness and volition, Notaries are on the front lines of consumer protection by maintaining property, due process, business and personal rights — the basic principles on which our country was founded more than two centuries ago.

But there is another component to these protections — arguably the most important — that is a significant indication that the Notary's role has evolved into something more important and dynamic than ever before: Notaries are a considerable asset in combating terrorism by helping protect our right to life, liberty and property.

Yes. Notaries can save lives.

That's why it is of the utmost importance that Notaries remain vigilant in positively identifying signers, following the law, and adhering to ethics, integrity and professionalism in the performance of every notarial act.

In December, former members of the 9/11 Commission warned that now, more than four years after terrorists struck the heart of our country's financial and government infrastructure, the nation remains ill-prepared for another attack. While the report focused on the country's national security infrastructure, airport security, chains of command, and communications among law enforcement agencies, it is glaringly clear that there are also wholesale deficiencies in protecting our citizens' identities, as evidenced by the monumental plague of identity theft and fraud that continues to sweep the nation.

The latter area of concern is where Notaries have become a key defensive component in the war on terror. The events of September 11 brought the realization that the impostors who attempt to blend into the American public are not always motivated by financial gain, but can also be motivated by political or religious ideals that drive them to commit murder. These impostors often utilize Notaries to give their affairs the appearance of legitimacy.

Indeed, it's a little known fact that several of the 9/11 hijackers were able to carry out their plans because they obtained fraudulent Virginia driver's licenses by submitting false proofs of residency. They were able to obtain these licenses with the help of two men who ran a DMV scam that had a corrupt Notary, as well as an attorney, on their payroll.

It can only be imagined what went through the mind of former Virginia Notary Kenys A. Galicia — who admitted to notarizing the false residency papers — after it was determined she helped provide several of the hijackers with the opportunity to carry out their plan. She was later sentenced to a year in jail.

Since then, there has been a growing realization in government, in law, and in business that Notaries are a vast, underutilized national resource. But with that outside recognition comes a deep responsibility that rests squarely on the shoulders of every Notary in the nation: the responsibility for accuracy, professionalism, ethics and comprehension of the critical necessity to respond to our ever-changing societal needs. Those needs can be met through such simple actions as traveling to notarize for the house-bound elderly to being equipped to perform electronic notarizations.

But those needs also include an increased vigilance in positively identifying unknown document signers, because fraudsters and terrorists are becoming more creative, technologically savvy and vigilant in furthering their nefarious goals.

There is no doubt that if Notaries follow the letter of the law and perform every notarial act with the utmost care, they will at some point halt a fraudulent act in its tracks.

And they just might save lives.

# Association News

## Annual Notary Conference Rapidly Approaching

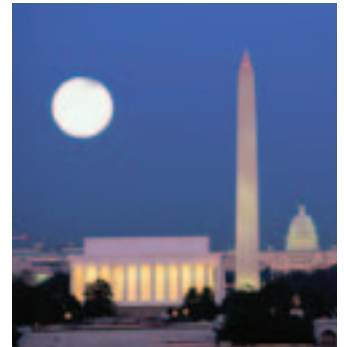
**The National Notary Association's annual Conference has been the professional Notary event of the year for nearly three decades**, and the 28th annual Conference in Washington, D.C., continues that tradition. The event, to be held May 27-31 at the Crystal Gateway Marriott, will feature an array of workshops, activities and programs.

The Electronic Notary Seal (ENS™) Program is changing the landscape of the Notary Public office in Pennsylvania, see firsthand why this “e-revolution” is vital for Notaries at our state-of-the-art eNotarization Lab. NNA staff and other experts will give ENS demonstrations as well as presentations on e-commerce, electronic signatures

and eNotarization process.

Also, Notaries will get an important opportunity to enhance their professionalism in the more than 25 skill-building workshops. Attendees will learn about career opportunities opening up for Notaries, at a “Growth & Opportunity Expo.”

Additionally, the opportunity to network and make new friends makes the



NNA's 2006 Conference the place to be! For more information or to register, visit [NationalNotary.org/conf](http://NationalNotary.org/conf).

## Get Your Nominations In For 2007 Notary Of The Year Awards



**Nominations for the NNA's 2007 “Notary of the Year” awards are being accepted through July 28.**

The Notary of the Year award is bestowed upon an outstanding individual who operates at the highest level of ethical and professional conduct. The recipient, chosen by the NNA's Notary of the Year Selection Committee, truly sets an example of a commitment to excellence through such acts as working to enact needed Notary laws, serving the less fortunate and educating fellow

Notaries. Four “Special Honorees” are also selected.

Besides receiving an engraved trophy, the Notary of the Year will be profiled in the January 2007 edition of THE NATIONAL NOTARY and honored at the NNA's 29th annual Conference. The four Special Honorees will also be recognized in the magazine and at the Conference, and all award recipients will receive an expense-paid trip to the Conference.

Online and downloadable nomination forms can be obtained by going to [NationalNotary.org/NOTY](http://NationalNotary.org/NOTY).

The 2006 Notary of the Year, Frank Marcial of Stevenson Ranch, California, will be featured during the NNA's 28th Annual Conference in Washington, D.C., and will speak to attendees about the importance of trust, integrity and respect.

Not only is he a successful Notary Signing Agent, but Marcial also has

served in the Army National Guard, is an FAA general aviation pilot, is a major in the U.S. Air Force Auxiliary Civil Air Patrol, and is actively involved in food and relief efforts through the Los Angeles Mission and Feed The

Children. He earned a bachelor of science degree in business administration from Columbia State University in Louisiana and a certificate in microcomputer business applications from College of the Canyons in California.

### ENS Program Now In Action

PHILADELPHIA — A new era of secure e-commerce has become a reality in Pennsylvania following the momentous launch of a statewide system for eNotarization that utilizes the Electronic Notary Seal (ENS™) Program — a platform for secure electronic notarization.

The ENS Program was unveiled during a historic event at the National Constitution Center in Philadelphia. Pennsylvania state and county officials, in cooperation with the National Notary Association, pioneered the Program. Secretary of the Commonwealth Pedro Cortés said that he expects all of the state's 67 counties to adopt the system following the Phase I rollout.

The ENS is used by Notaries to perform electronic notarizations and enhance the security. Instead of signing by hand and affixing an official rubber stamp seal, a Notary digitally attaches the Electronic Notary Seal to the electronic document. The ENS enables relying parties to detect additions or alterations to a document after it has been notarized.

For more information about the ENS Program and all of the NNA's eNotarization solutions, visit [NationalNotary.org/enotarization](http://NationalNotary.org/enotarization).



*Pedro Cortés*

# SECURITY

IN PAPER OR ELECTRONIC TRANSACTIONS

By David S. Thun  
[dthun@nationalnotary.org](mailto:dthun@nationalnotary.org)



One of the greatest obstacles for businesses and consumers contemplating a move into the electronic world has been the fear of having electronic files and documents hacked, copied or otherwise accessed by unauthorized people. Despite the significant advances in e-document and e-signature technology, many people still lack confidence that electronic information can be protected in the same fashion as traditional paper-based documents. While solutions for digital document security are continuing to evolve, this attitude has generated great reluctance on the part of some paper-based businesses and government offices to take advantage of electronic systems.

But as digital transactions and commerce continue to broaden their inroads into daily life, mirroring — if not replacing — paper-based processes, security remains a top concern for Notaries and document signers nationwide. Whether the concern is about identity theft or mortgage fraud, corporate malfeasance or terrorism, the Notary as an impartial, third-party witness remains a primary safeguard in lending integrity to paper and electronic document systems that protect the property and due process rights of all Americans.

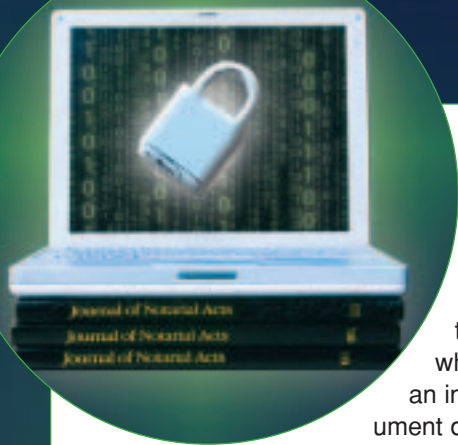
Many Notaries across the nation are seeing an increasing volume of digital documents incorporated into their duties, and the flow will become greater over time. However, paper-based transactions will continue to be around for many years to come. Thus, protecting yourself and document signers in both worlds, while continuing to maintain strict professionalism and ethics, is of the utmost importance.

Despite the fact that paper and electronic documents exist in entirely different formats, electronic documents are more like their paper-based predecessors than most people realize, and the same basic principles are needed to keep them safe. In fact, it is just as likely for an information thief to trick a victim into handing over private personal information on paper as it is for a hacker to steal information from a database or alter an electronic document.

Though it cannot be denied that there are sophisticated criminals out there willing and able to take advantage of computer security breaches, what many people do not realize is that these violations are not usually due to technological failure. They most often occur due to human carelessness.







In a nutshell, sticking to the tried-and-true security basics is the best way for all Notaries to perform their duties successfully, whether they are affixing an ink stamp to a paper document or an Electronic Notary Seal to an electronic file. As long as fundamental security procedures are followed and proper steps are taken to safeguard sensitive documents, both physical and electronic, Notaries should have little fear of working in a paperless environment.

### **Security Risks: They Aren't Always What You Think They Are**

In Hollywood and in the news, identity thieves and fraudsters are typically portrayed as elusive hackers using sophisticated technological know-how to steal data. In real life, the story is often quite different.

"The experts say that the majority of security breaches are caused by insiders," said Beth Givens, director of the Privacy Rights Clearinghouse, a non-profit consumer advocacy group based in San Diego, California. "Most people's fears are misdirected. An awful lot of the security breaches we have been following in the past year have been low-tech or perpetrated by a dishonest insider, as opposed to an outside hacker."

As an example, Givens cited the recent security breach at ChoicePoint. In that case, sensitive information was not stolen electronically — instead, the data thieves posed as a legitimate business and tricked ChoicePoint officials into selling the data to them, Givens said.

Security breaches are far more likely to occur as a result of a careless worker leaving a computer on, a password kept in plain sight, a co-worker sneaking onto another PC while the user is on a coffee break, or people simply being fooled by a phony e-mail claiming to be from their bank and asking for information to clear up a "problem with your account."

Why are people vulnerable to these types of security breaches? Part of the reason is a common misconception

that computers are inherently secure, said Matt Curtin, a Columbus, Ohio, digital security consultant.

"Socially, people are conditioned to accept what comes out of a computer as genuine," Curtin said. "Security systems aren't in place yet on many types of communication, such as e-mail, but people assume they are because it is a computer."

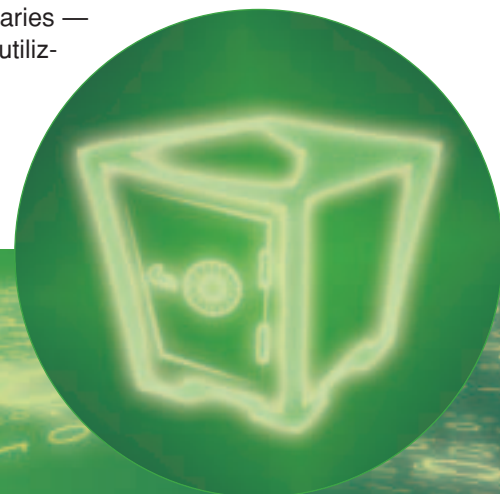
For instance, Curtin described the long-running Nigerian money scheme, which existed before the Internet but recently has been making appearances as e-mails in people's inboxes. The author of the e-mail claims to be a relative or associate of a Nigerian official who has \$15 million in finances, which can only be accessed by paying a fine or fee of some sort. If the recipient donates to the cause, the author promises he or she will receive a large share of the \$15 million. Of course, the victim never actually gets any kind of reward for the donation. However, some people mistakenly assume that because the message came through a computer, it must be authentic, Curtin said.

### **Knowledge: The Key To Securing Privacy**

So how does one solve the problem of human error to ensure privacy and security of information? Knowing how to use technology responsibly in a workplace environment is a vital step in the process, said Phil Wiese, an attorney specializing in intellectual property litigation with the firm Buckingham, Doolittle & Burroughs, which has offices in Florida and Ohio.

"I would say human error is pretty significant," Wiese said. "A lot of people get training on computer issues from their employer. If the employer doesn't train them properly, these kinds of issues are going to arise. One of the most common problems is dissemination of secure information through routine carelessness, such as hitting 'Reply All' instead of just replying to one person when you respond to an e-mail — you've just sent everyone your comment."

It is vital that Notaries — and any employees utilizing electronic communication and documents at an office — be trained



comprehensively on how to use such devices properly and that security policies be clearly understood and followed, Wiese said.

“If your company provides Notary services, have policies in place governing Internet use, e-mail, password use, levels of security and what happens to a computer if an employee using it is terminated,” he said. “These need to be presented to employees, and presented again if they are updated.”

Many steps Notaries can take to secure themselves in either a paperless or electronic environment are simply common sense. Here are some steps the NNA recommends:

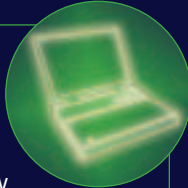
- Notaries should make sure that employers and co-workers understand that their seals — electronic or physical — may not be borrowed and used by other individuals.
- Notary tools and journals, whether paper or electronic, should be stored in a secure and locked location when not in use.
- If Notaries store data electronically, be sure password and other access information is not left where unauthorized individuals can locate and use it without the Notary’s knowledge.
- Do not permit unauthorized access to electronic or written journal entries. If a paper journal entry is being examined, cover unrelated entries on the page with a piece of paper so they cannot be viewed. When using an electronic journal, do not share your password or access codes to your journal with others.

For governments, businesses and industries, it’s equally important to have clear policies for paper-based as well as electronic information and documents, Givens said. The Privacy Rights Clearinghouse recommends the following steps:

- Adopt a comprehensive privacy policy that includes responsible information-handling practices.
- Store sensitive personal data in secure, encrypted computer systems.
- Dispose of documents properly, including shredding paper with a cross-cut shredder, “wiping” electronic files, destroying computer drives and CD-ROMs, and so on.
- Conduct regular staff training, including new employees, temporary employees and contractors.

## PAPER AND DIGITAL SECURITY: A COMPARISON

As digital documents become more and more a part of everyday business and life, it’s important to remember that the same commonsense security measures apply to both paper and digital notarizations.



### JOURNALS

**PAPER:** Traditional paper journals should be kept in a locked drawer, cabinet or storage area to which only the Notary has access.

**DIGITAL:** Electronic journals should be protected by passwords and/or biometric thumbprint scans to prevent access to entries by unauthorized parties.

### SEALS

**PAPER:** A physical ink stamp or embosser should be kept in a locked drawer or carried in a secured carryall or briefcase to which only the Notary has access when not in use.

**DIGITAL:** Electronic Notary Seals (ENS™) can be downloaded onto a computer, laptop or a flash drive, the latter of which can be carried on someone’s person. The ENS should be protected by a password to prevent unauthorized use.

### DOCUMENT TAMPERING

**PAPER:** There are very few safeguards to prevent tampering or alteration of paper documents once they are notarized and removed from the Notary Public’s presence.

**DIGITAL:** Electronic documents notarized with an Electronic Notary Seal are “wrapped” by technological safeguards that will alert recipients if there have been any document changes or alterations.

### PERSONAL APPEARANCE

**PAPER:** Signers must always physically appear before a Notary to have a document notarized.

**DIGITAL:** Personal appearance remains an essential requirement for eNotarizations.

### SIGNATURES

**PAPER:** Paper documents are signed manually using pen and ink, but there are few safeguards to prevent fraudulent copying once the document has been notarized.

**DIGITAL:** Electronic signatures can be created through a variety of methods, including using a stylus and pad that capture a handwritten signature electronically; scanning a fingerprint; creating a password or PIN number; or clicking a button when prompted. Digital signatures are very hard to forge without leaving evidence of such tampering.





- Develop a crisis management plan to be used if sensitive data is lost, stolen, or acquired electronically.
- Regularly audit compliance with all information-handling practices and privacy policies.

In addition to these tips, it's important to note that there are solutions being developed to solidify the integrity of digital documents that have been electronically notarized. One of those solutions is the Electronic Notary Seal (ENS™), developed by the NNA, GeoTrust Inc., and the Microsoft Corp.

Like an embosser or inking stamp, an ENS can help protect a paper document from fraudulent manipulation later on — like unauthorized replacement or addition of pages — and can even point out when such manipulation occurred. Thus, an Electronic Notary Seal protects a notarized electronic document by making evident any future attempts to change its content. In fact, even a fledgling Notary using an ENS can put a tamper-evident “wrap” on a notarized document that can reveal the addition or deletion of even a single comma — a security measure not possible with a traditional embosser or inking stamp.

Regardless of the form information takes, it's a Notary's duty to safeguard it and prevent fraud. To do this, you cannot ignore new technologies, but you don't need an advanced degree, either. By applying the same basic principles of security to both paper and computer documents, Notaries will be able to perform their duties confidently — and securely.

### **You Can't Turn A Blind Eye To Security Issues**

Computers have revolutionized the use of documents in a business environment. In the past, any critical business transaction had to be handwritten or typed on paper. Editing or correction of any errors required either a time-consuming process using corrective tape or fluid, or for the document to be redrawn from scratch. Duplication of a document was similarly time-consuming, even with the later development of carbons.

Computers and word processors have brushed aside many of the inconveniences of paper. Documents can be written, revised and distributed with the press of a key or the click of a mouse. Unfortunately, this convenience has been found to benefit not only businesses and consumers, but criminals and fraudsters as well. While in the past creating convincing forgeries of documents required specialized skills and hard-to-obtain equipment, now anyone with a desktop computer and decent printer can create hard-to-spot counterfeit documents.

The growing number of cases of electronic fraud has changed people's attitudes about security and privacy in recent years. In the past, many people didn't want to bother with security and authentication systems for their electronic documents because convenience was a higher priority, Curtin said. However, now that the problem of identity theft has reached a national level of awareness, attitudes toward keeping electronic documents secure are changing.

However, it's important to remember that the same basic principles of care and common sense apply regardless of whether the information you are trying to protect is on paper or stored electronically, Curtin added.

“I think the most important thing is not to think about what procedure needs to be used, but to ask yourself what does security mean in a paper world? What does it mean in an electronic world? If you are conversant with what you are doing when you provide a service, whether you use pen and paper, cuneiform and stylus or an electronic document, the issues are the same,” Curtin said. “Whatever security system is used, the critical human element is that the people involved follow the correct process. Notaries right now check ID, and they are going to do a similar thing in the electronic world, even though the form obviously may change dramatically. But that fundamental role won't change.”

At the same time, Notaries cannot simply put their heads in the sand and refuse to learn about electronic technology if they expect to continue in their careers, Curtin said. He compared the situation of Notaries today to Western Union, which stopped its long-standing original telegraph services earlier this year to focus on global wire transfers of funds for customers.

*Continued on page 25*

# PASSPORT PROGRAM HELPS VICTIMS OF IDENTITY FRAUD

As more transactions are executed electronically, scam artists are continually finding new ways to steal personal data from unsuspecting people.

However, there has been a major development over the past year in helping victims of personal security breaches: the Identity Theft Passport Program. The Passport Program, which was launched in Ohio in December 2004 by the state Attorney General's Office in cooperation with the National Notary Association, uses a breakthrough in personal identification — the NNA's Enjoa® — to allow police officials to capture identifying information from a person claiming to be a victim of identity theft.

With Enjoa, authorities can take a person's signature, photo and thumbprint electronically to help ensure that the person is not making a phony claim.

Just as importantly, the Passport Program, which has already aided several hundred people whose personal data had been stolen, expedites the process of recovery for an identity theft victim. With the system, a victim can report the crime once, and banks, credit bureaus and other companies can trust that the

victim has already been identified and law enforcement agencies properly notified. Businesses can verify a victim's report with a single phone call to the Attorney General's office.

"The Passport Program provides victims of identity theft with a method of demonstrating to law enforcement and creditors that their identity has been stolen," said Ohio Attorney General Jim Petro. "It also helps victims begin the process of rehabilitating their credit history and identifying any fraudulent criminal charges.

"The Department of Justice provided funding for this unique program in hopes of using it as a pilot for other states to replicate."

And that's exactly what's happening. This spring, Texas launched the Passport Program in several counties where identity fraud is most problematic. Several other states have been in contact with the NNA about launching the Program in the near future.

Victims of identity theft in states where the Passport Program is not yet available may visit the U.S. Federal Trade Commission's ID theft Web site at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft), which is a one-stop national resource providing detailed information on protecting yourself from identity theft and the steps to take if it occurs.

— Nevin Barich

# FTC'S BRODER SLATED TO DISCUSS ID THEFT AT CONFERENCE 2006

Betsy Broder, who oversees the Federal Trade Commission's Identity Theft Program and is one of the nation's top experts in consumer protection and the security of personal information, will be featured at the NNA's 2006 Conference in Washington, D.C. She will offer education and insight at an important working lunch titled "Crime Gets Personal," during which Broder will offer Notaries information and tips on how to protect themselves from identity theft and safeguard their customers' personal and sensitive information.

Broder, who heads up the FTC's Division of Planning and Information, coordinates the FTC's elaborate collection of data and intelligence — including the identity theft database — and supervises law enforcement and education efforts on data security issues. Other impressive milestones of her 14-year history with the FTC include her testifying before

Congress, appearing on television and radio programs to discuss identity theft, and commenting on the country's security concerns in various news publications.

In addition to the working lunch, Broder, along with representatives from the FBI and the Department of Justice, will be participating in an identity theft panel titled "Washington's Response to Identity Theft," which will be open to all Conference attendees.

The panelists will discuss the measures their respective agencies are taking to combat identity theft. Also on the Conference schedule is the presentation of the highly regarded second annual International Forum on eNotarization and eApostilles.

For more information about the NNA's 28th Annual Conference or to register, visit [NationalNotary.org/conf](http://NationalNotary.org/conf) or call us at (800) US NOTARY.

— Stacia L. Ray



## LAW ENFORCEMENT BATTLES DARK SIDE OF TECHNOLOGY

Law enforcement officials across the country are voicing concerns about fraud and the ease with which it can be committed in our digital age. As electronic transactions continue to replace paper-based processes, more people are vulnerable to schemes involving sophisticated technology, forcing law enforcement agencies to focus on helping these victims and finding ways to stop these crimes.

The FBI's statistics on online fraud substantiate this growing problem. The Bureau's Internet Crime Complaint Center received nearly 50,000 complaints of fraud involving a total of nearly \$18 million in 2001. In 2004, the Center received more than 207,000 fraud complaints involving \$68.14 million.

"The cyber threat confronting the United States is rapidly increasing as the number of actors with the tools and abilities to use computers ... is rising" the FBI said in its five-year strategic protection plan published in 2004. "The country's vulnerability is escalating as the U.S. economy and critical infrastructures become increasingly reliant on interdependent

computer networks and the World Wide Web. Large-scale computer attacks on our critical infrastructure and economy would have potentially devastating results."

To counter these crimes, the FBI and state and law enforcement agencies, routinely post on their Web sites information about new schemes aimed at bilking victims out of large sums of money. It's common to encounter on your state attorney general's Web site, for example, a press release warning citizens of the latest Internet scam.

Increasingly, officials look to the public to inform them of instances of electronic fraud. Even the FBI through its Internet Crime Complaint Center encourages people to call if they've been victimized and/or if they know of a scam that's victimizing others.

As we progress in the digital age, law enforcement will continue to search for additional ways to combat electronic fraud. For now, however, educating the public and encouraging citizens to report new scams remain the most effective weapons in this battle.

— Nevin Barich

*Continued from page 23*

Adaptation is a key to long-term success for Notaries in a technological environment.

"If you are only concerned about your own career now, you

won't need to worry about it," Curtin said. "But if you are planning on being a Notary for the next 30 years, you probably won't make it unless you learn. You can hide from technology and it will run you over, you can embrace it too early and risk being too far out on the cutting edge, or you can do the optimal thing and keep yourself out there, detect when the market is ready and provide the service. I think smart Notaries will advertise that they can notarize both paper and electronic documents, and I think you'll see people moving toward that." **NNA**



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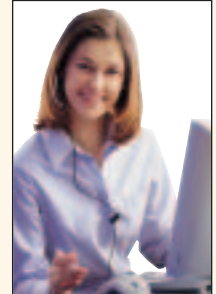
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2006 March Fong Eu

# Achievement Award

## A Champion Of Progress

When it comes to upholding trust, integrity and professionalism in the Notary Public office, it's difficult to find anyone more dedicated to promoting those ideals than North Carolina Secretary of State Elaine Marshall. As her state's top Notary-regulating official, she has worked tirelessly to support Notaries and to keep the office modernized as it adapts to changes in business, law and technology.

These efforts last year culminated in the passage of Senate Bill 671, precedent-setting legislation that laid the foundation for secure performance of eNotarizations and modernized nearly every facet of North Carolina's statutory Notary practices and procedures. The bill was modeled largely after Article III of the National Notary Association's 2002 *Model Notary Act* and marked one of the first efforts by a state to tackle the complex issues of regulating eNotarizations in parallel with traditional paper-based notarial acts.

Marshall has also worked closely with Notary-regulating officials in other states, sharing information to help tackle concerns affecting Notaries throughout the nation. She was instrumental in helping draft a National Association of Secretaries of State (NASS) resolution last year reaffirming that state Notary-commissioning offices should be the primary authority to establish eNotarization standards in their jurisdictions.

"I think North Carolina has had a great influence on other states," she said. "We were one of the first to create instructional courses and sent that information out to many other states interested in establishing training."

She is also serving as chair of the first-ever National eNotarization Commission, which will develop a model state law for legally enforceable, secure eNotarizations. The inaugural meeting of the Commission, which has a membership including state attorneys general and officials from the FBI, Federal Trade Commission and Department of Justice among others, will be held at the NNA's 28th Annual Conference in Washington D.C. this month.

For her ongoing leadership and dedication to progress and professionalism for Notaries in her state, Marshall has been named the recipient of the NNA's 2006 March Fong Eu Achievement Award.


"I am quite humbled and honored," Marshall said. "I want to give credit to my staff also — I look at it as my whole department being honored. I know receiving the award has a lot to do with all the work we put in on the state law revisions and electronic Notary guidelines. It's a team effort — they've earned it."

### Dedication To Notaries

In her youth, Marshall learned a lot about the importance of Notaries and ethics by watching her mother, who was a Notary Public herself.



North Carolina Secretary of State Elaine Marshall



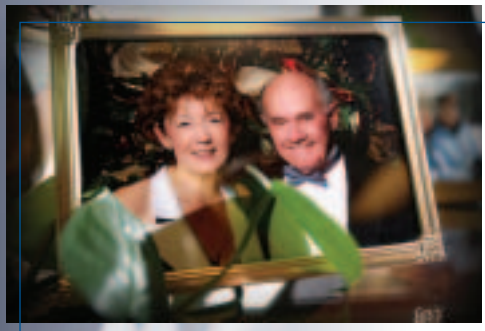
“I remember people coming to our farm and asking my mom to be a Notary,” she said. “They told her they needed a person of high integrity to be a Notary for local people, that it would be a service to the community. She wouldn’t do anything that wasn’t exactly right. People respected her.”

Little did Marshall know at the time that this influence would shape her future as one of North Carolina’s top officials. Through her early experiences, Marshall gained valuable insight into the responsibilities and challenges that face Notaries in her state. In 1997, she became the first woman elected to the office of Secretary of State in North Carolina.

All of her years of championing professionalism in the Notary Public office culminated in the passage of Senate Bill 671. Among its numerous provisions, SB 671 increased the maximum fees North Carolina Notaries may charge for their services, clarified identification procedures for signers and enacted guidelines for mandatory exams for Notary applicants.

Perhaps most importantly for future Notaries, SB 671 also set education requirements for Notaries who wish to perform eNotarizations, authorized the Secretary of State to create security measures to prevent electronic fraud from being committed during such notarizations, and set the maximum fees Notaries may charge for electronic services.

“The creation of the electronic Notary provisions was a giant step forward,” Marshall said. “Notaries are one of our most important industries and we want to support them. SB 671 will bring Notaries who wish it into the electronic era.”



Marshall encountered many other challenges in regulating North Carolina’s Notaries, including modernizing commission records from paper-based files to elec-

tronic databases, and ensuring that the Notary office stayed current with the changing face of business without compromising honesty and good ethics.

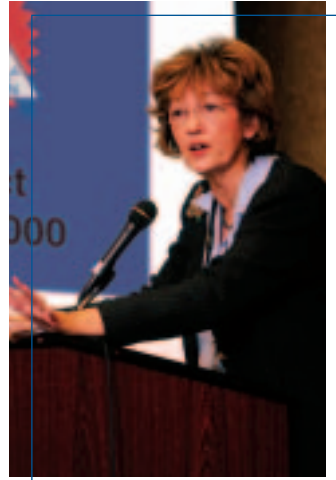
“The Notary office prevents fraud in a tremendous number of transactions,” Marshall said. “They have a certain level of integrity to uphold. In order for the public and other states to recognize and accept notarized documents, they have to do the job right.”

The ability to perform eNotarizations will be a major change in the way Notaries do business, she said.

“I want to make sure the right security measures are there, because transactions will now be moving at warp speed,” Marshall said. “And as they do, there will be a higher chance of fraud. That’s why, as we move into this, we will be building security components for the process. We’re looking forward to setting standards in eNotarization and making sure there’s a balance between the speed of the transaction and the integrity that needs to be there.”

#### **A Desire To Help Others**

Marshall was born and raised in Lineboro, Maryland, a small farming village on the Mason-Dixon Line. She graduated from the University of Maryland in 1968, became a teacher and later started a successful decorating business. But as time progressed, Marshall discovered in herself a desire to seek out new challenges and





adapt to a changing business world.

Going back to school, she received a law degree from Campbell University in 1981 and embarked on a career as an attorney in Lillington, North Carolina. It was during this time that she first began to consider a run for public office. As a business owner and attorney, she had been active in community services, serving on the board of directors for her county's branch of the United Way and later helping to found the Harnett County Rape Crisis Center. But Marshall found herself wanting to do more to help others.

"I hadn't originally envisioned myself as a candidate," she said. "But when I met political candidates, I thought to myself, 'They don't have any more insight than I do!' As a lawyer, I was doing a lot of problem solving one-on-one, but I was thinking to myself that maybe if I got elected, I could do more for people on a larger scale."

Marshall successfully ran for state Senator of North Carolina's 15th District, serving from 1993–1994. This was then followed by election in 1997 to Secretary of State.

Ultimately, Marshall said her goal is to help Notaries in her state garner respect. However, she cautioned, it's not earned for free.

"Notaries are entitled to that level of respect," she said. "But to earn it, they have to monitor what they do."

### Looking To The Future

The challenge for Notaries in the next few years will be keeping up with all the changes in their office, Marshall said.

"The Notary office is not static, though a lot of folks think it is," she said. "I want to help keep them on the ball and make sure they are less easily duped."

Though she puts in a lot of hours working on behalf of her state's Notaries, Marshall said her husband, children and grandchildren help to keep her grounded and focused on balancing family with work.

"If they see me getting what looks like a swelled head, they let me know quickly," she said. "My grandchildren set me straight on my priorities. Their ball games and swim meets are way more important than any grand political activities of mine they can read about in the paper." **NNA**



During her time as North Carolina Secretary of State, Marshall has served as a tireless advocate for improved Notary education, statutory reforms to notarial rules and procedures, and the development of secure eNotarization practices and guidelines.



# Notaries Can Be Called Upon For A Patient's Right To Die

By Nevin Barich  
nbarich@nationalnotary.org

The Supreme Court's recent decision to uphold Oregon's right-to-die law was a landmark ruling not just for Oregon but for the entire nation, as other states now have a legal precedent to enact their own legislation permitting assisted suicide. Though notarization of documents in these delicate matters is not required, Notaries have already been called upon by dying patients — and will be increasingly sought out in the months and years to come — to lend the weight of their unbiased verification to patients' written wishes to take their own lives.

According to the Oregon Hospice Association, 208 people have chosen to end their lives under this law, the nation's first enacted legislation to allow for physician-assisted suicide. Under the statute, which took effect in 1997, terminally ill patients are allowed to take a medically prescribed lethal dose of drugs to end their own lives. Before this lethal prescription can be issued, a patient must give a doctor a written request signed by two witnesses, and this doctor, along with an additional physician, must then confirm that the patient is not only terminal, but also of sound mind.

Of the patients who have exercised their right to die, only a few have chosen to involve Notaries in the validation of their requests, according to the Oregon Department of Human Services.

Yet, involving a Notary in this delicate process adds an additional support and safeguard that terminally ill patients should not ignore, said Robert Kenneth, spokesman for the Death with Dignity National Center, an organization based in Portland, Oregon, which advocates for terminally ill patients' right to end their lives under medical assistance and surveillance.

"I think that having a Notary involved in this process is completely appropriate," Kenneth said. "I think that, in many instances, it is proper to use a Notary as an added measure to make sure that paperwork involving a patient's right to die is appropriately witnessed. The bottom-line goal is to make sure that the wishes of the signer are communicated and granted."

Added Derek Humphry, president of the Euthanasia Research

and Guidance Organization in Junction City, Oregon: "On the principle of being ultra careful with such a serious document, I think it might give added security to have the request-to-die document notarized."

Right-to-die advocates who are dubious about having these documents notarized say it is little more than another obstacle that terminally ill patients must deal with before their wishes to end their lives on their own terms are granted. However, said Charles N. Faerber, NNA Vice President of Notary Affairs, having a Notary stop by for a procedure that lasts just a few minutes can be a reassurance to a patient that his or her final request will be carried out. [NNA](#)

## Provisions Of The Oregon Right-To-Die Law

### A person seeking a prescription to end his or her life must be:

- An Oregon resident.
- At least 18 years old.
- Capable of making and communicating health care decisions for oneself.
- Diagnosed with no more than six months to live.

### To get the prescription, a person must give a doctor:

- A written request signed by two witnesses.
- Two oral requests separated by 15 days.

### Before a prescription is issued, two physicians must:

- Confirm the diagnosis.
- Determine that the person is capable.
- Inform the person of alternatives, including pain control.
- Ask, but not require, that the person tell family members.
- Notify the state after terminally ill patients have taken the drugs — patients must take the prescription themselves.

Source: Oregon Department of Health Services

# Nuts & Bolts: Reasonable Care

## Being A Prudent Notary Ensures Professionalism And Lessens Your Liability



### **Question: Does the following example demonstrate reasonable care?**

*An individual appears in your office and requests that a power of attorney be notarized. He claims to have left his driver's license at home but did meet you a few days ago at a local bar. Nonetheless, you notarize his document.*

The correct answer is no. To have personal knowledge of identity, the Notary must know the signer over a period of time long enough to remove any reasonable doubt. In this case, the individual knew the Notary for only a couple of days, after meeting briefly in a social setting.

### **Reasonable Care: Your Least Expensive Protection Against Liability**

In law, "reasonable care" generally is the degree of attentiveness shown by a person of ordinary prudence and intelligence. Proving use of reasonable care in a court of law normally absolves one of personal liability for negligence. Reasonable care for Notaries means three things: make every effort to practice common sense, never engage in the unauthorized practice of law, and obey all rules and regulations to the letter. The legal definition of reasonable care varies from state to state.

Lawsuits are one of the most adverse repercussions for Notaries who neglect to use ordinary prudence, as Notaries can be liable for the full cost of damages stemming from a faulty notarization. Though Notary errors and omissions insurance is available to protect the Notary against honest mistakes, up to the limits of the policy, exercising reasonable care is the Notary's least expensive and effective protection against liability.

### **Ordinary Prudence**

A Notary demonstrates ordinary prudence while implementing three major precautionary measures when performing a notarization:

*Requiring Personal Appearance.* A Notary should never notarize a document based on the recognition of an absent person's signature, a telephone call, or the word of a third party who is not authorized to act as an attorney in fact or a sworn subscribing witness.

*Identifying The Signer.* Notaries must identify the signer using only legally allowed methods and should carefully examine the signer's ID for indications of tampering or of its issuance to an impostor. Alert Notaries will also inspect the ID for signs of counterfeiting, such as card wear inconsistent with the date of issuance.

*Keeping A Journal Record.* A Notary's most reliable means of proving reasonable care is a Notary journal entry for each notarization performed. Most importantly, descriptions of ID cards, signatures of all document signers and witnesses, and any unusual circumstances should be logged. A Notary journal is essential for all Notaries, regardless of whether it's required by law.

### **Notaries Are Not Attorneys**

With the highest maximum state fee being \$10 per signature, Notaries do not get paid as much as attorneys. Yet many Notaries accidentally engage in the unauthorized practice of law merely by being just a little too helpful. This happens as a result of many signers not understanding the powers of a Notary Public and assuming that Notaries can give advice about any document that requires notarization. Notaries who practice reasonable care should steer clear of imitating attorneys and follow these three guidelines:

*Do Not Choose Certificates For A Signer.* Notaries cannot decide what type of notarial act



or certificate that a document requires, as the Notary could then be held liable for the results of any mistakes. An exception would be when the Notary has been professionally trained or certified in a pertinent field.

**Do Not Prepare Documents.** Non-attorney Notaries should not prepare or complete documents for others unless the Notary has been professionally trained or certified in a pertinent field.

**Do Not Give Advice.** Even the simplest questions have potential liability written all over them. Even seemingly harmless suggestions, such as indicating where a signer should sign on a document, might be considered giving improper advice.

### Master Your State's Notary Laws

Since each state has its own set of Notary statutes and regulations, Notaries can display reasonable care largely by having a firm understanding of their state's rules and procedures. Key components of state law to master include:

**Your State's Definition Of Acceptable ID.** From state to state, there are different guidelines for Notaries to apply to determine satisfactory identification for a signer. For example, Maryland does not have specific identification requirements. California on the other

hand, specifically lists what ID documents may be used to verify who a signer is.

**Inked Stamp Or Embosser?** Each state has its own Notary seal requirements. Some states allow the Notary to

choose between an embosser or an inked stamp to perform their notarizations. Most states specify that Notaries must utilize the inked stamp. Some states stipulate use of black ink, although Utah mandates purple ink for Notary seals. There are even some states that do not require a Notary seal at all; however, some of these states specify that if a Notary chooses to utilize a Notary seal, it has to include certain components.

For Notaries to avoid liability, each notarization must adhere to the three pillars of reasonable care, which are practicing common sense, never engaging in the unauthorized practice of law, and mastering your state's Notary laws. Play it safe, follow the rules and you will protect yourself from trouble. **NNA**

# Saying 'NO' Is Easier Than Ever!

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# GUIDE TO NOTARY COMMISSION ELIGIBILITY

State	Min. Age	Min. Residency	Exam	Endorsement	Other Requirements of Note
<b>ALABAMA</b>	18	None	No	3 county citizens	
<b>ALASKA</b>	18	None	No	None	Must be legal U.S. resident and current Alaska resident/no felony convictions
<b>AMER. SAMOA</b>	18	1 year	No	Employer	
<b>ARIZONA</b>	18	None	No	None	Must be Arizona resident for tax purposes/no felony convictions
<b>ARKANSAS</b>	18	None	No	None	Commuting non-resident may apply
<b>CALIFORNIA</b>	18	None	Yes	None	Fingerprints/proctored exam for each term/background check/mandatory education required as of 7-1-05
<b>COLORADO</b>	18	30 days	No	None	No misdemeanor involving dishonesty/no felony convictions
<b>CONNECTICUT</b>	18	None	Yes	Character reference	Commuting non-resident may apply
<b>DELAWARE</b>	18	None	No	2 character references from DE residents	Commuting non-resident may apply
<b>DIST. OF COLUMBIA</b>	18	None	Yes	3 character references	Letter from employer or, if self-employed, from applicant on own letterhead/must submit 2X2 photo/non-resident must work in district
<b>FLORIDA</b>	18	None	No	1 character witness	Mandatory education course
<b>GEORGIA</b>	18	None	No	2 adult county citizens, (not relatives)	Commuting non-resident may apply
<b>GUAM</b>	18	None	Yes	None	Resident of Guam and U.S. citizen/must read and write English
<b>HAWAII</b>	18	None	Yes	1 letter of justification and 1 letter of character	Must submit letter from non-relative, non-employer resident, letter from employer, and notarized statement from applicant
<b>IDAHO</b>	18	None	No	None	Commuting non-resident may apply
<b>ILLINOIS</b>	18	30 days	No	None	Commuting non-resident may qualify, but only for a one-year term
<b>INDIANA</b>	18	None	No	None	May not hold paid federal or state position
<b>IOWA</b>	18	None	No	None	Must have voting rights/commuting non-resident may apply
<b>KANSAS</b>	18	None	No	None	Commuting non-resident may apply/no loss of professional license/no felony convictions
<b>KENTUCKY</b>	18	None	No	Circuit judge, legislator or county official	
<b>LOUISIANA</b>	18	None	Yes	District judge	Exam for non-attorneys only
<b>MAINE</b>	18	None	Yes	Registered voter plus local municipal clerk or registrar of voters	
<b>MARYLAND</b>	18	None	No	Local state senator	Commuting non-resident may apply
<b>MASSACHUSETTS</b>	18	None	No	Lawyer and 3 other people	
<b>MICHIGAN</b>	18	None	No	None	Commuting non-resident may apply/no convictions
<b>MINNESOTA</b>	18	None	No	None	Commuting non-resident may apply
<b>MISSISSIPPI</b>	18	30 days	No	None	Must have 30 day residency in state and county of residence/no felony convictions
<b>MISSOURI</b>	18	None	No	None	Commuting non-resident may apply/training course required/must be registered voter of county in which commissioned
<b>MONTANA</b>	18	1 year	No	None	No previous commission denied, revoked or restricted in any state/no felony convictions
<b>NEBRASKA</b>	19	None	Yes	None	No felony convictions
<b>NEVADA</b>	18	None	No	None	Commuting non-resident may apply/must not have had civil rights revoked due to felony
<b>NEW HAMPSHIRE</b>	18	None	No	2 Notaries and 1 registered voter	
<b>NEW JERSEY</b>	18	None	No	State legislators, secretary of state or assistant secretary	Commuting non-resident may apply/no conviction for dishonest crime or crime of 1st or 2nd degree
<b>NEW MEXICO</b>	18	None	No	2 character witnesses	No commission revocation in past 5 years/no felony convictions
<b>NEW YORK</b>	18	None	Yes	None	Commuting non-resident may apply/exam for non-attorneys only
<b>NORTH CAROLINA</b>	18	None	Yes	Currently serving elected official	Must pass course of instruction/commuting non-resident may apply/practicing attorneys exempt from course and exam
<b>NORTH DAKOTA</b>	18	30 days	No	None	Commuting non-resident may apply
<b>NORTHERN MARIANAS</b>	25	3 years	No	2 letters of recommendation	U.S. government employees or contractors have no minimum residency requirement
<b>OHIO</b>	18	30 days	Yes	Judge	Judge may require exam, background check unless applicant is personally known
<b>OKLAHOMA</b>	18	None	No	None	Commuting non-resident may apply
<b>OREGON</b>	18	None	Yes	None	Commuting non-resident may apply/no commission revocation in past 5 years/no felony convictions in past 10 years
<b>PENNSYLVANIA</b>	18	None	No	State senator and 2 reputable citizens	Commuting non-resident may apply/mandatory education course
<b>PUERTO RICO</b>	21	None	Yes	None	Must be attorney admitted to Bar Association of Puerto Rico
<b>RHODE ISLAND</b>	18	None	No	Member of local board of canvassers	Must be a registered voter/member of RI Bar Association if non-resident
<b>SOUTH CAROLINA</b>	18	None	No	Half of county legislators or local state senator and representative	Must be a registered voter
<b>SOUTH DAKOTA</b>	18	None	No	None	No felony convictions
<b>TENNESSEE</b>	18	None	No	County Commissioner	Commuting non-resident may apply
<b>TEXAS</b>	18	None	No	None	Must be Texas resident/no felony convictions
<b>U.S. VIRGIN ISLANDS</b>	21	5 years	No	2 character references, Investigation by Lieutenant Governor's office	High School graduate or pass equivalency exam/attorneys need good standing certificate but need no minimum residency
<b>UTAH</b>	18	30 days	Yes	2 Utah residents over the age of 18	Must be Utah resident or legally residing alien
<b>VERMONT</b>	18	None	No	Notaries appointed by superior court judge	Commuting non-resident may apply
<b>VIRGINIA</b>	18	None	No	State official plus 2 voters	Commuting non-resident may apply/no felony convictions
<b>WASHINGTON</b>	18	None	No	3 adult Washington residents eligible to vote	Commuting non-resident may apply
<b>WEST VIRGINIA</b>	18	30 days	No	3 qualified electors	Commuting non-resident may apply
<b>WISCONSIN</b>	18	None	No	None	All U.S. residents may apply/eighth grade education/test encouraged but not mandatory/no Notary-related convictions
<b>WYOMING</b>	18	None	No	None	

# COMPARISON OF NOTARY PROVISIONS

State	Term	Commission Fee	Bond Requirement	Seal Requirement	Journal Requirement
<b>ALABAMA</b>	4 years	\$11-\$25 (vary by county)	\$10,000	Embosser (unnecessary on acknowl.)	Yes
<b>ALASKA</b>	4 years State employee Notary commissions automatically revoked upon termination of state employment	\$40 (waived for state empl.)	\$1,000	Embosser or inked stamp	No
<b>AMER. SAMOA</b>	1 year	None	None	Embosser or inked stamp	No
<b>ARIZONA</b>	4 years	\$25	\$5,000 (\$18 bond filing fee)	Inked stamp	Yes
<b>ARKANSAS</b>	10 years	\$20	\$7,500	Embosser or inked stamp	No
<b>CALIFORNIA</b>	4 years	\$40 (includes \$20 exam fee)	\$15,000	Inked stamp; embosser OK on recorded docs if photocopiable info typed or printed	Yes
<b>COLORADO</b>	4 years	\$10	None	Embosser or inked stamp	Yes
<b>CONNECTICUT</b>	5 years	\$60 (fee waived for state police sergeants, majors, captains and lieutenants)	None	None	No
<b>DELAWARE</b>	2 years (1st term) 2 or 4 years at Notary's request	\$53 (2 yrs.) or \$78 (4 yrs.)	None	Embosser or black inked stamp	No
<b>DIST. OF COLUMBIA</b>	5 years	\$50	\$2,000	Embosser	Yes
<b>FLORIDA</b>	4 years	\$39	\$7,500	Black inked stamp	No
<b>GEORGIA</b>	4 years	\$30	None	Embosser or inked stamp	No
<b>GUAM</b>	4 years	\$50	\$1,000	Embosser and inked stamp	Yes
<b>HAWAII</b>	4 years	\$40	\$1,000	Embosser or inked stamp	Yes
<b>IDAHO</b>	6 years	\$30	\$10,000	Inked stamp	No
<b>ILLINOIS</b>	4 years (1yr for out-of-state residents)	\$10	\$5,000	Black inked stamp	No
<b>INDIANA</b>	8 years	\$5	\$5,000	Embosser or inked stamp	No
<b>IOWA</b>	3 years (1yr for out-of-state residents)	\$30	None	Embosser or inked stamp	No
<b>KANSAS</b>	4 years	\$25	\$7,500	Embosser or inked stamp	No
<b>KENTUCKY</b>	4 years	\$10	Varies per county	None	Yes, protests only
<b>LOUISIANA</b>	Life	\$35	\$10,000; attorneys exempt	None	No
<b>MAINE</b>	7 years	\$50	None	None	Yes, marriages only
<b>MARYLAND</b>	4 years	\$20	None	Embosser or inked stamp	Yes
<b>MASSACHUSETTS</b>	7 years	\$60	None	Embosser or black inked stamp	Yes, attorneys exempt
<b>MICHIGAN</b>	6-7 years (expires on birthday)	\$10	\$10,000	None	No
<b>MINNESOTA</b>	5 years	\$40	None	Inked stamp	No
<b>MISSISSIPPI</b>	4 years	\$25	\$5,000	Embosser or inked stamp	Yes
<b>MISSOURI</b>	4 years	\$25	\$10,000	Embosser or black inked stamp	Yes
<b>MONTANA</b>	4 years	\$25	\$10,000	Embosser or inked stamp	No
<b>NEBRASKA</b>	4 years	\$30	\$15,000	Inked stamp	No
<b>NEVADA</b>	4 years	\$35	\$10,000	Rubber or other mechanical stamp	Yes
<b>NEW HAMPSHIRE</b>	5 years	\$50	None	Embosser or inked stamp	No
<b>NEW JERSEY</b>	5 years	\$25	None	None	No
<b>NEW MEXICO</b>	4 years	\$20	\$10,000	Embosser or inked stamp	No
<b>NEW YORK</b>	4 years	\$60 (+\$15 exam fee)	None	None	No
<b>NORTH CAROLINA</b>	5 years	\$50	None	Inked embosser or inked stamp	No
<b>NORTH DAKOTA</b>	6 years	\$36	\$7,500	Inked stamp	Yes, protests only
<b>NOR. MARIANAS</b>	2 years	\$25	\$1,000	Black inked stamp	Yes
<b>OHIO</b>	5 years	\$15 plus court/bar fee	None	Embosser or inked stamp	Yes, protests only
<b>OKLAHOMA</b>	4 years	\$25 (\$20 for renewal)	\$1,000	Embosser or inked stamp	No
<b>OREGON</b>	4 years	\$20	None	Black inked stamp	Yes
<b>PENNSYLVANIA</b>	4 years	\$40	\$10,000	Inked stamp, embosser optional	Yes
<b>PUERTO RICO</b>	Life	Approx. \$50 (exam fee)	\$15,000	Embosser or inked stamp	"Protocol" maintained instead of journal
<b>RHODE ISLAND</b>	4 years	\$80	None	None	No
<b>SOUTH CAROLINA</b>	10 years	\$25	None	Embosser or inked stamp	No
<b>SOUTH DAKOTA</b>	6 years	\$25	\$5,000	Embosser or inked stamp	No
<b>TENNESSEE</b>	4 years	\$12	\$10,000	Inked stamp required for Notaries commissioned after 7/1/04	Yes
<b>TEXAS</b>	4 years	\$21	\$10,000	Embosser or inked stamp	Yes
<b>U.S. VIRGIN ISLANDS</b>	4 years	\$100 (\$75 for renewal) plus annual \$25 fee	\$5,000 or \$10,000 in property	Embosser	Yes
<b>UTAH</b>	4 years	\$30 (+\$30 exam fee)	\$5,000	Purple inked stamp, embosser optional	No
<b>VERMONT</b>	4 years	\$20 (payable to county)	None	None	No
<b>VIRGINIA</b>	4 years	\$35	None	None	No
<b>WASHINGTON</b>	4 years	\$30	\$10,000	Embosser or inked stamp	No
<b>WEST VIRGINIA</b>	10 years	\$52	None	Inked stamp	Yes
<b>WISCONSIN</b>	4 years (perm. for attorneys)	\$20 (\$50 for attorneys)	\$500 (attorneys exempt)	Embosser or inked stamp	No
<b>WYOMING</b>	4 years	\$30	\$500	Inked embosser or inked stamp	No

# GUIDE TO NOTARY FEES

State	Acknowledgments	Jurats	Oaths and Affirmations	Notaries Authorized to Certify Copies?	Other Information of Note
<b>ALABAMA</b>	\$.50	\$.50	\$.50	No	
<b>ALASKA</b>	No fee schedule			No	
<b>AMERICAN SAMOA</b>	No fee schedule			Yes	\$5 per notarial act recommended; \$25 for corporate acknowledgment recommended
<b>ARIZONA</b>	\$2	\$2	\$2	Yes, \$2	Travel fees must not exceed amount allowed for state employees. (\$.40.5 cents-per-mile)
<b>ARKANSAS</b>	\$5	\$5	\$5	Yes, \$5	
<b>CALIFORNIA</b>	\$10	\$10	\$10	\$10, power of attorney only	No fees for veterans' claims
<b>COLORADO</b>	\$5	\$5	\$5	Yes, \$5 (must be requested in writing)	
<b>CONNECTICUT</b>	\$5	\$5	\$5	No	Travel fee: \$.35/mile
<b>DELAWARE</b>	\$5	\$5	\$5	Yes, \$5	
<b>DIST. OF COLUMBIA</b>	\$2	\$2	\$2	No	
<b>FLORIDA</b>	\$10	\$10	\$10	Yes, \$10	Matrimonial ceremony: \$20
<b>GEORGIA</b>	\$2	\$2	\$2	Yes, \$2	Notaries who advertise must post fee schedule
<b>GUAM</b>	\$10 (1st sig.) \$8 each additional signature	\$10	\$10	Yes, \$10 (Notary must retain a copy)	
<b>HAWAII</b>	\$5	\$5	\$5	\$5, protest & journal records only	
<b>IDAHO</b>	\$2	\$2	\$2	Yes, \$2	
<b>ILLINOIS</b>	\$1	\$1	\$1	No	Post fee schedule for non-English ads
<b>INDIANA</b>	\$2	\$2	\$2	No	No fee for absentee ballot
<b>IOWA</b>	No fee schedule			Yes	Notaries may charge a "reasonable fee" for services
<b>KANSAS</b>	No fee schedule			Yes	
<b>KENTUCKY</b>	\$.50	\$.20	\$.20	No	No fee for veterans' benefit papers
<b>LOUISIANA</b>	No fee schedule			Yes	
<b>MAINE</b>	No fee schedule			Yes	Fees cannot be "unreasonable or unfair"
<b>MARYLAND</b>	\$2	\$2	\$2	\$1, journal entries only	Travel fee: \$5 + \$.31/mile
<b>MASSACHUSETTS</b>	No fee schedule			Yes	
<b>MICHIGAN</b>	\$10	\$10	\$10	No	Post fee schedule
<b>MINNESOTA</b>	\$1	\$1	\$1	Yes	
<b>MISSISSIPPI</b>	\$5	\$5	\$5	No	Minimum fee for any notarial act: \$2
<b>MISSOURI</b>	\$2	\$2	\$1	Yes, \$2	
<b>MONTANA</b>	\$5 (1st signature) \$1 each additional signatures	\$5	\$5	Yes, \$5	State rate for travel fee allowed
<b>NEBRASKA</b>	\$5	\$5	\$5	No	
<b>NEVADA</b>	\$5 (1st signature) \$2.50 each additional signature	\$5	\$2.50	Yes, \$2.50	Post fee schedule; Travel fee is \$10/hour (6 a.m.-7 p.m.); \$25/hour (7 p.m.-6 a.m.)
<b>NEW HAMPSHIRE</b>	\$10	\$10	\$10	No	No fee for town officer oath of office
<b>NEW JERSEY</b>	\$2.50	\$2.50	\$2.50	No	One fee (\$15 or \$25) for all notarizations in real estate transaction
<b>NEW MEXICO</b>	\$5	\$5	\$5	Yes, \$.50/page; minimum \$5	Travel fee should not exceed \$.30/mile
<b>NEW YORK</b>	\$2 (plus \$2 for each witness sworn in)	\$2	\$2	No	No fee for oath of office
<b>NORTH CAROLINA</b>	\$5	\$5	\$5	No	No travel fee allowed; maximum fee of \$10 per signature for eNotarization; post fee schedule
<b>NORTH DAKOTA</b>	\$5	\$5	\$5	Yes, \$5	
<b>NOR. MARIANAS</b>	\$.50	\$.25	\$.25	Yes, \$2	
<b>OHIO</b>	\$2	\$1.50	\$1	No	
<b>OKLAHOMA</b>	\$5	\$5	\$5	Yes, \$5	No charge for absentee ballots
<b>OREGON</b>	\$5	\$5	\$1	Yes, \$5	Post fee schedule; travel fees must be negotiated in advance
<b>PENNSYLVANIA</b>	\$5 (1st signature)	\$5	\$5	Yes, \$5	Post fee schedule
<b>PUERTO RICO</b>	Fees generally are fixed percentage of property value involved			Yes	
<b>RHODE ISLAND</b>	\$1	\$.25	No fee schedule	No	Travel fee: \$.10/mile
<b>SOUTH CAROLINA</b>	\$.50	\$.25	\$.25	No	Taking a renunciation of dower or inheritance: \$1
<b>SOUTH DAKOTA</b>	\$10	\$10	\$10	No	
<b>TENNESSEE</b>	\$2.25	\$2.25	\$2.25	No	These fees based on Attorney General's opinion
<b>TEXAS</b>	\$6 (1st signature) \$1 each additional signature	\$6	\$6	Yes, \$6	Post fee schedule
<b>U.S. VIRGIN ISLDS.</b>	\$5	\$5	\$5	No	
<b>UTAH</b>	\$5	\$5	\$5	Yes, \$5 per page	Post fee schedule; travel fee not to exceed federal mileage rate
<b>VERMONT</b>	No fee schedule			Yes	Certificates under seal: \$.50; protests under seal: \$2
<b>VIRGINIA</b>	\$5	\$5	\$5	\$5	Employer may not require fee split
<b>WASHINGTON</b>	\$5 (total for 1st and 2nd signatures, plus \$5 each for every signer after two)	\$5	\$5	\$5	Post fee schedule; \$5 for certifying an event or act: \$1 per mile travel fee
<b>WEST VIRGINIA</b>	\$2	\$2	\$2	\$2	
<b>WISCONSIN</b>	\$.50	No fee schedule	No fee schedule	Yes, \$.50	For drawing any affidavit; \$.50 per folio and \$.12 per folio copy
<b>WYOMING</b>	\$2	\$2	\$2	No	

# NATIONAL INDEX OF NOTARY OFFICIALS

## **ALABAMA (334) 242-7205**

Administrator: Virginia Bunn,  
Notary Registrar, Central Filing  
Office of the Secretary of State  
P.O. Box 5616  
Montgomery, AL 36103  
virginia.bunn@sos.alabama.gov

## **ALASKA (907) 465-3509**

Administrator: Scott Clark, Notary  
Administrator  
Office of Lt. Governor  
240 Main St., Rm. 301  
Juneau, AK 99801  
notary@gov.state.ak.us

## **AMERICAN SAMOA**

(684) 633-4116

Administrator: Aitofele Sunia,  
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Office of Lt. Governor  
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governorsoffice@asg-gov.net

## **ARIZONA (602) 542-4758**

Administrator: Gene Palma,  
Business Services Director  
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1700 W. Washington, 7th Fl.  
Phoenix, AZ 85007-2808  
gpalma@sos.state.az.us

## **ARKANSAS (888) 233-0325**

Administrator: Charolett Martin,  
Manager  
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State Capitol Bldg.  
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charolett.martin@sos.arkansas.gov

## **CALIFORNIA (916) 653-3595**

Administrator: Alicia Stewart,  
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Office of the Secretary of State  
Notary Public and Special  
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P.O. Box 942877  
Sacramento, CA 94277  
notaries@ss.ca.gov

## **COLORADO (303) 894-2200**

Administrator: Amanda Minoza,  
Notary Public Clerk  
Office of the Secretary of State  
1700 Broadway, 3rd Fl.  
Denver, CO 80290  
licensing@sos.state.co.us

## **CONNECTICUT (860) 509-6100**

Administrator: Michael Kozik,  
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michael.kozik@po.state.ct.us

## **DELAWARE (302) 739-4111**

Administrator: Veronica Holmes,  
Administrative Specialist II  
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Veronica.holmes@state.de.us

## **DISTRICT OF COLUMBIA (202) 727-3117**

Administrator: Rosslyn P. Brown,  
Notary Commissions and  
Authentications Section Chief  
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rosslyn.brown@dc.gov

## **FLORIDA (850) 413-4368**

Administrator: Heather Slager,  
Notary Education Coordinator  
Executive Office of the Governor  
Notary Public Section  
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heather.slager@myflorida.com

## **GEORGIA (404) 327-6023**

Administrator: Jack Griffin, Notary  
Division Manager  
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## **GUAM (671) 475-3324**

Administrator: Douglas B. Moylan,  
Attorney General  
Office of the Attorney General  
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law@mail.justice.gov.gu

## **HAWAII (808) 586-1216**

Administrator: Shari Wong, Deputy  
Attorney General  
Department of the  
Attorney General  
425 Queen St.  
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hawaiiag@hawaii.gov

## **IDAHO (208) 332-2810**

Administrator: Debbie Farnsworth,  
Notary Administrator  
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dfarnswa@idsos.state.id.us

## **ILLINOIS (217) 782-0705**

Administrator: Penny Cooper,  
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Index Department  
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## **INDIANA (317) 232-6542**

Administrator: Rebecca Miller,  
Notary Clerk  
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Business Services Division  
302 W. Washington St., Rm. E018  
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notary@sos.in.gov

## **IOWA (515) 281-5170**

Administrator: Syeta Glanton,  
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Lucas Bldg., 1st Fl.  
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sglanton@sos.state.ia.us

## **KANSAS (785) 296-2239**

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Administrator  
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## **KENTUCKY (502) 564-2848**

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## **LOUISIANA (225) 922-0507**

Administrator: Cynthia Cotten,  
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## **MAINE (207) 624-7650**

Administrator: Tim Poulin,  
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tim.poulin@maine.gov

## **MARYLAND (410) 974-5521**

Administrator: Richard Morris,  
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## **MASSACHUSETTS (617) 727-2836**

Administrator: Patricia Rastellini,  
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## **MICHIGAN (517) 241-3961**

Administrator: Ramona Putnam,  
Legal Policy and Procedures  
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## **MINNESOTA (651) 296-2803**

Administrator: Mary Kiffmeyer,  
Secretary of State  
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## **MISSISSIPPI (601) 359-1633**

Administrator: James Anderson,  
Attorney for Business Services  
Office of the Secretary of State  
Notary Division  
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## **MISSOURI (573) 751-2336**

Administrator: Brenda Rieke,  
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# NATIONAL INDEX OF NOTARY OFFICIALS

## **MONTANA** (406) 444-5379

Administrator: Lori Hamm, Notary Compliance Specialist  
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sosnotary@mt.gov

## **NEBRASKA** (402) 471-2558

Administrator: Debbie Pester, Deputy Secretary of State for Business Services and Licensing  
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Notary Public Section  
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dpester@nol.org

## **NEVADA** (775) 684-5708

Administrator: Bru Ethridge, Notary Administrator  
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nvnotary@govmail.state.nv.us

## **NEW HAMPSHIRE** (603) 271-3242

Administrator: Kathy Carlson-Bailey, Notary Clerk  
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## **NEW JERSEY** (609) 633-8294

Administrator: Robert Benco, Chief of Business Support Services Bureau  
Division of Revenue  
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## **NEW MEXICO** (505) 827-3637

Administrator: Patricia Herrera, Operations Director  
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## **NEW YORK** (518) 474-4429

Administrator: Keith Stack, Deputy Secretary of State  
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## **NORTH CAROLINA** (919) 807-2131

Administrator: Gayle P. Holder, Certification and Filing Director  
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## **NORTH DAKOTA** (701) 328-2901

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## **NORTHERN MARIANAS**

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Administrator: James Livingstone, Assistant Attorney General  
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# Quiz

By Stacia L. Ray  
sray@nationalnotary.org

## The Fundamentals

How well do you know these basic concepts and terms?

**There are several words, phrases and concepts that Notaries encounter that can cause confusion.** Take our quiz to find out how well you understand some of the distinctive terms involved with notarization. (See answers, page 42)



### Multiple Choice

#### 1) What is an “embosser”?

- a) An ink stamp that places a photocopyable image onto a paper surface to serve as a notarial seal.
- b) A plier-like device that presses a raised image onto a paper surface to form a notarial seal.
- c) A device that affixes a piece of gummed or adhesive paper to a surface to form a notarial seal.
- d) A tool that engraves or etches an indented image onto a paper surface to form a notarial seal.

#### 2) Which of these is considered “personal knowledge” of the signer?

- a) A Notary being casually introduced to the signer by the Notary’s trusted friend.
- b) The signer being a respectable business client of the Notary’s brother.
- c) A signer and Notary having two casual friends in common.
- d) A signer’s repeated interaction with the Notary over a long period of time.

#### 3) What is a “loose certificate”?

- a) A certificate on which the preprinted notarial wording is missing or inaccurate.
- b) A certificate on which the notarial wording is loosely interpreted.
- c) Appropriate notarial wording on a separate sheet of paper attached to the document.
- d) Preprinted wording on the actual document, typically following the document’s signature space.

#### 4) What is the “venue” on a Notary certificate?

- a) The state and county where the notarization took place.

- b) The state and county where the Notary’s commission is filed.
- c) The state and county where the document was prepared.
- d) The state and county where the document will be filed.

#### 5) What is a “subscribing witness”?

- a) A person who signs the principal’s name on the document in the principal’s absence.
- b) A person who swears or affirms that information in the document is accurate and true.
- c) A person who sees the principal sign or takes the principal’s acknowledgment, then signs his or her own name to the document and appears before the Notary on the principal’s behalf.
- d) A person who appears with the document signer to verify the signer’s identity for the Notary.

### True/False

6) **An acknowledgment and a jurat are essentially the same, and the terms are used interchangeably.**

7) **“Notario Publico,” Spanish for “Notary Public,” is the correct term to use when advertising your Notary services in a Spanish-speaking U.S. community.**

8) **The “statement of particulars” is the section of the wording on the notarial certificate that states when the Notary’s commission expires.**

9) **An oath is a spoken, solemn promise to a Supreme Being, whereas an affirmation is a spoken, solemn promise on one’s own honor.**

## The Fundamentals

(Quiz on page 39)



1. **(b)** Embossers create relief (three-dimensional) images of the seal on paper, but the image won't readily appear in a photocopy. So in situations where notarized documents must be photographically reproduced, the embossed image needs to be inked, darkened or "smudged." Embossment inkers, pencil or carbon, respectively, are often used for this. Some states require inked stamps, some require embossing seals, and some allow either.
2. **(d)** The Notary needs to be sure — beyond a reasonable doubt — that the signer is who he or she claims to be. If the Notary is not familiar enough with the individual through multiple interactions over a significant period of time, another method of satisfactory identification prescribed by state law — such as a government-issued photo ID — should be used.
3. **(c)** A loose certificate is used when no certificate wording is provided, when the provided wording does not comply with state requirements, when preprinted certificate wording has already been used by another Notary, or when there is no room for the seal on the document. The loose certificate is typically stapled onto the document's signature page.
4. **(a)** The venue on a certificate is where the notarization occurred. If the venue, typically written next to the letters SS (for *scilicet*, Latin for *namely*), is preprinted with the wrong state or county, the Notary should line through the incorrect words and initial and date the correction.
5. **(c)** A subscribing witness must sign his or her own name to the document after the principal has signed. In most states, the subscribing witness must be personally known by the Notary and ideally should also personally know the principal signer and have no interest in the document or transaction. A notarial act involving a subscribing witness is called a "proof of execution." The term "subscribing witness" is occasionally confused with a credible identifying witness — a person who vouches for a signer's identity when the signer is present before the Notary.
6. **False.** An acknowledgment is a notarial act in which a Notary certifies having positively identified a document signer who personally appeared before the Notary and admitted having signed the document freely. A jurat is a notarial act in which a Notary certifies having watched the signing of a document, and administered an oath or affirmation to the signer. Increasingly, states are requiring the Notary to identify the signer for a jurat. Many persons mistakenly refer to all notarial certificates as jurats.
7. **False.** A *Notario Publico* is a person in Spanish-speaking civil-law countries with attorney-like powers and markedly different duties than a U.S. Notary Public; therefore, the NNA strongly dissuades Notaries from using this term in ads. In many states, in fact, laws expressly prohibit its use in foreign-language advertising.
8. **False.** A statement of particulars is the portion of the notarial certificate that describes what the Notary has certified. On a typical jurat certificate, the venue is on top, followed by the statement of particulars and ending with the signature and seal of the Notary. A jurat statement of particulars might read, "Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year), by \_\_\_\_\_ (name of signer[s])."
9. **True.** An oath or affirmation is often indicated on a certificate by the words "sworn to or affirmed before me on this day." The Notary gives or administers an oath or affirmation, while a signer takes it. Neither act legally requires the actions of raising a right arm or placing a hand on the Bible, but such ceremonial gestures are often helpful in reminding people taking the oath or affirmation how serious their promise is.



# TipSheet

## For Use In Court

**Affidavits and depositions both require jurat certificates in some form, which any Notary may complete.**

However, only a few states authorize Notaries to “take” affidavits and depositions, in which case only a qualified shorthand reporter should perform the transcription.

Affidavits and depositions are mainly associated with court proceedings. However, affidavits are used for many other purposes, including declaring U.S. citizenship before traveling to a foreign country and declaring losses to an insurance company.

An affidavit is a document that contains a statement voluntarily signed and sworn to or affirmed before a Notary or other official with oath-administering powers.

Depositions typically require Notaries to transcribe oral questions and answers between attorneys and a witness involved in a lawsuit.

If oath wording is not prescribed by law, the NNA recommends that Notaries use this language in administering an oath (or affirmation) for an affidavit or deposition:

- Do you solemnly swear that the statements made in this affidavit (or deposition) are the truth, the whole truth, and nothing but the truth, so help you God?
- Do you solemnly affirm that the statements made in this affidavit (or deposition) are the truth, the whole truth, and nothing but the truth?

## Legalize My Will?

**Some people are under the wrong impression that a Notary’s seal will make the contents of their document valid.**

In many cases, those mistaken impressions relate to wills. However, notarizing a will in certain cases may actually void the document. Any writing on the document other than by the testator (maker of

the will) may invalidate a holographic — or handwritten — will.

With that in mind, Notaries should avoid notarizing last wills and testaments unless they have been given clear instructions and a notarial certificate has been provided. If possible, the signer should follow the specific directions of an attorney.

The common document called a “living will” is not actually a will at all and does not demand the special attention that is outlined above. Living wills are written statements of a signer’s wishes concerning medical treatment in the event the signer cannot give instructions on his or her behalf as a result of an illness.

## Copy Certification Not Allowed Everywhere

**Copy certification requires the Notary to attest that a copy of an original document is a complete and true reproduction of the original.**

The NNA strongly recommends that the Notary personally make the attested photocopy — not a hand-transcribed copy — after being presented with the original by the document’s custodian. If a photocopy is presented to the Notary for certification, the copy should be carefully compared to the original to ensure that it is an accurate reproduction.

Not all states and jurisdictions give Notaries the power to certify copies. The District of Columbia, for instance, expressly prohibits copy certification by Notaries. Other jurisdictions, meanwhile, may allow copy certification for certain documents; California, for example, authorizes Notaries to certify only copies of powers of attorney and, when requested by the state, particular entries in their own journals. Still other states make no reference to copy certification at all.

When asked to perform a copy certification of any document, the Notary should always follow the laws of his or her own state.

### Note

*The tips provided in this section are based on established notarial customs and practices. They are intended only as general guidelines and may not reflect the laws of your state. Always refer to state statutes if you have a question about any notarization.*

— The Editors

# Adviser

**I follow the NNA's advice to complete journal entries first, prior to notarizing any documents, but what happens if the signer calls off the transaction after the journal entries have been completed?**

**C.S., Cross City, Florida**

You should make a notation in the "Additional Comments" section of the journal entry that the act for that entry was not completed, then give a brief explanation. If necessary, use the unused spaces in any additional entry lines to record these notes. Entries in the journal should never be deleted (e.g., covered by correction fluid or lined out), because they may provide valuable evidence if the reason for terminating the document signing is questioned.

**When I complete an acknowledgment or a jurat for a loan signing, do I write the county I am commissioned in or the county**

**where the property is located?**

**J.D., Gilbert, Arizona**

No matter where you filed your commission or where the property involved might be located, the venue ("State of Arizona, County of \_\_\_\_") *always* indicates where the notarization is *performed*.

**I may be required to notarize for a blind person in the near future, and I need to know how to establish the signer's identification.**

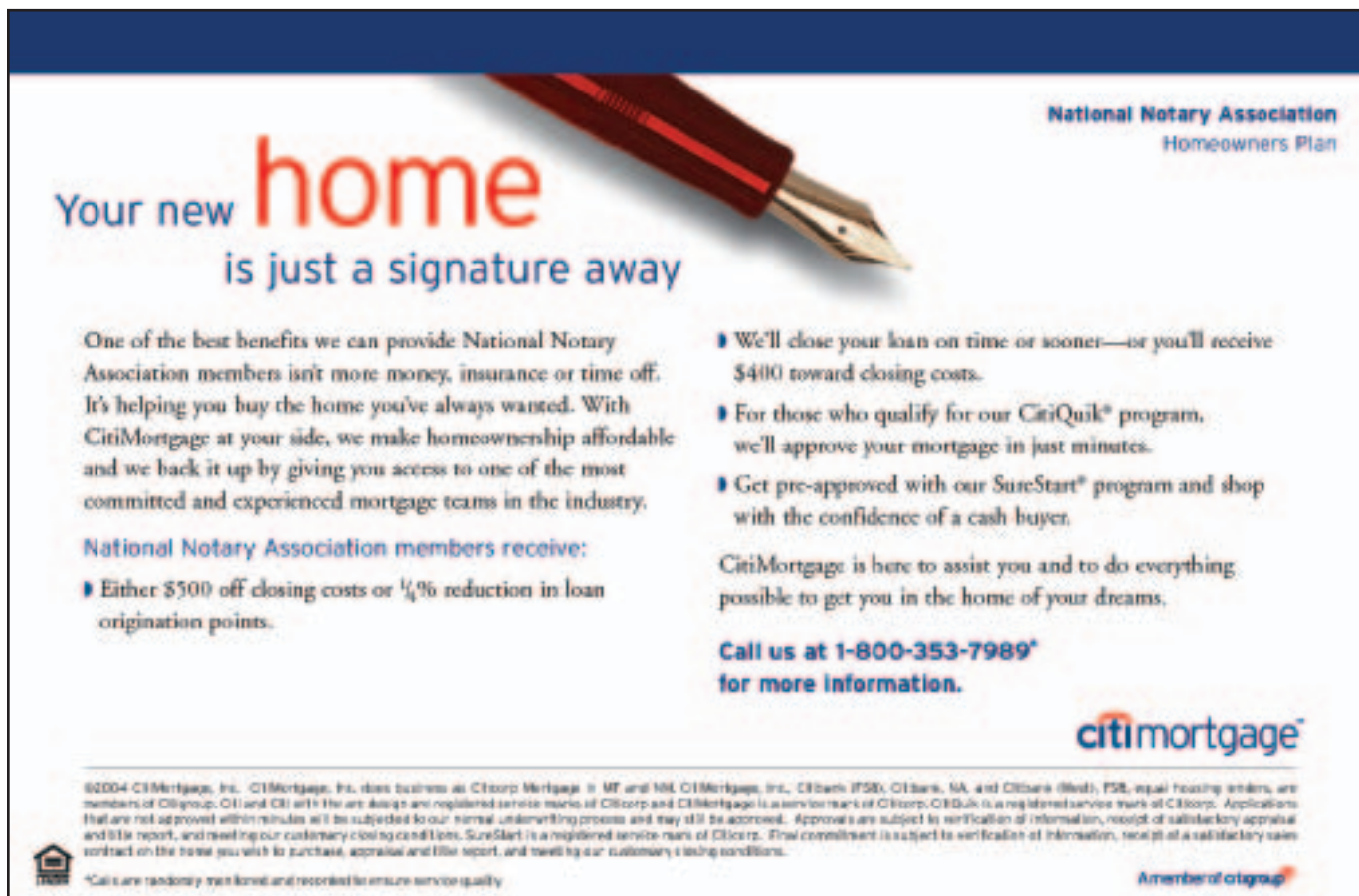
**D.L., Mill Valley, California**

The same identification procedures are used when performing notarizations for blind signers as would be used with any other signer. If the signer is personally known to you, no other evidence of identity is required. Otherwise, an acceptable ID document must be relied on or, if that is not possible, a personally known credible identifying witness or two credible identifying

## Note

*Adviser answers are based on laws in the state where the question originated and may not reflect the laws of other states. If in doubt, always refer to your own state statutes.*

— The Editors



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witnesses who have valid IDs may be used.

You should note in your journal entry that the signer was blind. You should also ask the sightless person to describe to you what he or she is signing and, if there is uncertainty, be prepared to read the document aloud to the individual to ensure awareness. You must not explain or answer questions about the document.

**I have legally changed my last name. Can I keep my old stamp, or what do I need to do to get a new one?**

**M.M., Tulsa, Oklahoma**

You have two choices. You may continue to use the name as it exists on the current commission until it expires, or you may change to the new name by completing and filing an application with the Secretary of State with a fee of \$25. A new commission expiration date will be established. You will also need to purchase a new

seal and obtain a new bond to file with the county clerk.

**If I am notarizing a document for two people, do both parties have to be present, or can I notarize for each as they appear?**

**C.D., Palm Harbor, Florida**

While personal appearance by each signer is required, it is acceptable for two signers of a document to have their signatures notarized at separate times. You may notarize for two signers of a single document who appear before you at different times by completing a separate notarial certificate for each one.

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# CourtReport

## Adoption Set Aside

*Bridges v. Bush*  
CA 05-352 (Ark. App. 2005)

An Arkansas appellate court affirmed a decision to nullify the adoption of a young girl — a ruling based partly on the adopting mother’s failure to have a Notary present when the child’s legal guardian signed a form of consent and relinquishment of parental rights.

Legal guardian Denise Bush, who signed a document relinquishing her parental rights, filed a motion in 2004 to nullify the document based on her assertion that the potential adoptive parent, Dana Bridges, obtained her consent through fraud, duress and intimidation.

The appellate court found indisputable evidence that Bush signed the consent forms in the presence of Dana Bridges, but not in the presence of a Notary. The forms were not notarized until Bridges later took them to her attorney without Bush being present. The court contended that the adoption was correctly set aside based on fraud.

## Client’s Signature Forged

*Milligan v. Board of Professional Responsibility*  
166 S.W. 3d 665 (Tenn. 2005)

The Tennessee Supreme Court suspended the law license of a Knoxville lawyer who was accused of forging a client’s signature on a form, then procuring a Notary to improperly notarize it.

James L. Milligan, Jr., was brought before a disciplinary board following multiple complaints, including allegations that he misappropriated funds from Kerry Johnson’s personal injury claim, which Milligan had contrived to be falsely signed and notarized.

The disciplinary board recommended

disbarment, but Milligan appealed, claiming he had prior oral authorization from Johnson to deposit the settlement funds in his personal account. During the initial appeal, a trial court accepted Milligan’s testimony and recommended public censure instead of disbarment.

However, on further review the state Supreme Court said that whether or not Milligan had obtained Johnson’s permission, his conduct in falsifying documents and obtaining improper notarizations was highly unethical.

“We find these violations to be very serious and indicative of conduct that should not and will not be tolerated,” the court said in its ruling, and a two-year suspension of Milligan’s law license was imposed.

## Libel Claim Rejected

*Oparaugo v. Watts*  
894 A.2d 63 (D.C. 2005)

A libel claim made by a Washington, D.C., man of Nigerian descent against his ex-wife — who was accused of circulating a false notarized statement about him — has been rejected by the District of Columbia Court of Appeals because the statute of limitations ran out.

In February 2001, Cletus Oparaugo filed a libel complaint against his ex-wife, Victoria Oparaugo, after she filed a notarized affidavit with Nigerian officials in which she alleged that Cletus Oparaugo was arrested five times for drug possession and gave her a “loathsome disease.”

Victoria Oparaugo filed that affidavit in April 1998 as part of a series of tense international legal wranglings related to their divorce, the custody of their five children and serious allegations of domestic violence — including one incident in which Cletus Oparaugo was reportedly shot nine times by Victoria Oparaugo’s brother while in Nigeria.

Cletus Oparaugo’s appeal was rejected in trial court and later by the appellate court, because his claim exceeded the one-year statute of limitations in the District of Columbia.

# Basquiat's Notary

## Authenticity Depicted In Modern Art

By Ravon Taylor III  
rtaylor@nationalnotary.org



The term “Notary” has gained widespread distinction since the first Notary was established in the Roman Empire. Beyond their important roles as protectors of property and personal rights and as a trusted and impartial third-party witness, Notaries throughout history have at times been featured prominently in art, whether opera, theater or paintings

One cutting-edge, late 20th century New York painter in particular, Jean-Michel Basquiat, often used the word “Notary” and depictions of Notary seals to add a sense of approval and authenticity to his work.

Basquiat took the art community by storm and was one of the most admired artists to emerge from the 1980s art boom. Born in Brooklyn, New York, in 1960, Basquiat developed his very own style of art in his early 20s, which was influenced by urban graffiti and inspired by his Afro-Latino heritage. Referred to as “the Jimi Hendrix of the art world,” Basquiat gained international prominence

for his works that blended text and visuals into a dynamic whole. At the height of his popularity, Basquiat’s life came to a sudden end at age 27 as a result of a drug overdose.

One of Basquiat’s most acclaimed works is called *Notary* (shown above), named appropriately to depict authority and authenticity. Fred Hoffman, a contributor to the book *Basquiat*, believes *Notary* was Basquiat’s attempt to reveal his own inner turmoil, his conflict with the contradictions between a realization of inner truths, and the responsibilities accompanying public notoriety.

Painted in 1983, *Notary* is a collage of different images, elements, words and ideas, from Greek mythology to African tribal culture. Making sense of this multitude of images has challenged art aficionados for years, since the piece is open to interpretation. One might even say the painting is proof that Notaries are an integral part of our world — even the world of modern art. [NNA](#)