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The National NOTARY[®]

July 2008



THE MAGAZINE FOR PROFESSIONAL NOTARIES

**The Quirky Side Of
Notarizations P.36**

**Swiss Banks Defy
Their Image P.34**

**The Politics Of
Identity Theft P.20**

eNOTARIZATION



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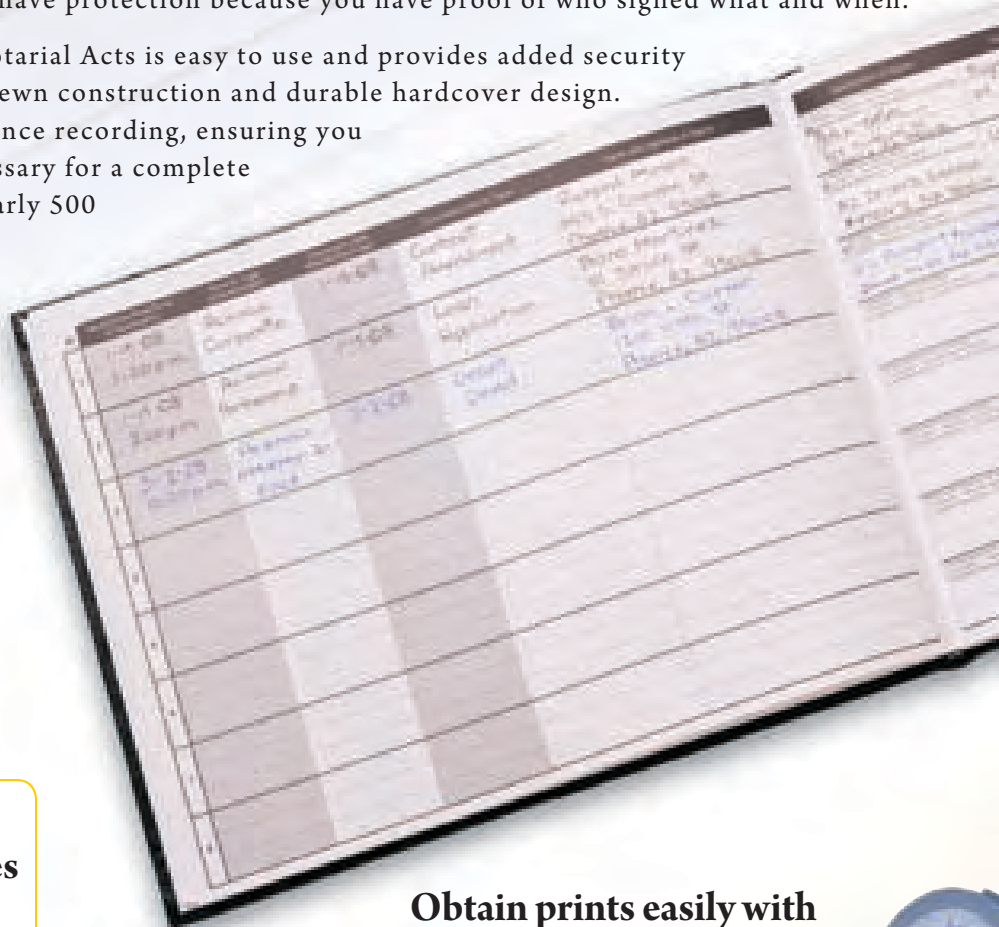
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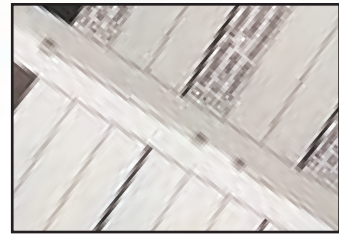


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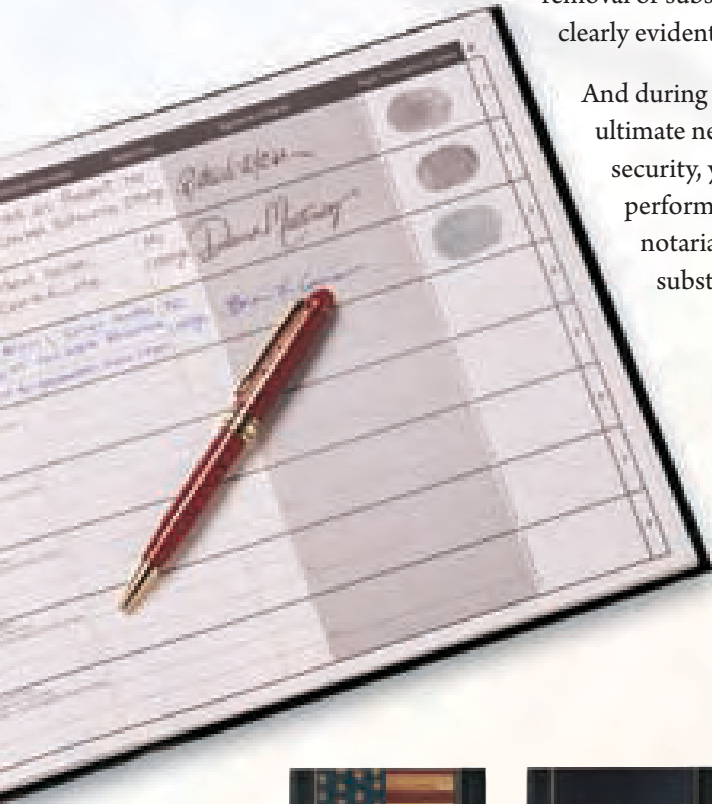
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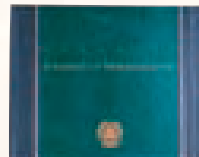
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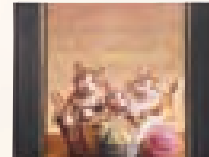
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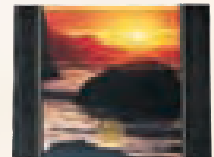
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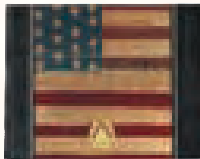
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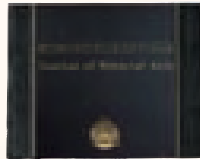
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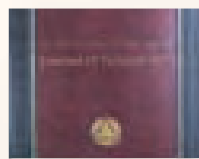
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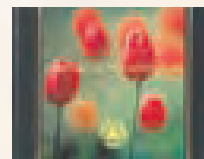
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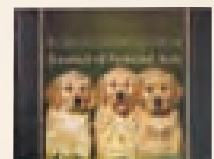
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THE NATIONAL NOTARY is the official publication of the National Notary Association. We enjoy a nationwide circulation, with subscribers in several foreign countries as well, and welcome the readership of all those interested in the important work of Notaries.

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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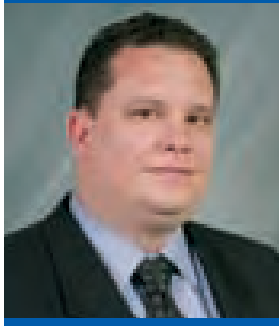
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From The Managing Editor



The Value Of Notaries Greater Than Ever

Made strikingly evident by the developments of the past year, Notaries have reached unprecedented levels of importance across the country

as individuals, industries and governments now value the protections you provide more than ever before.

A longtime, lucrative career as a Notary is now a reality with the introduction of the Trusted Enrollment Agent™ program (page 32), major statutory changes in several states that increase Notary professionalism, legislative efforts introduced in eight states to strengthen Notary recordkeeping practices, and increasing implementation of eNotarization into everyday transactions.

Certain business and government sectors are even seeking out Notaries to perform non-notarial services like field inspections, phantom shopping, asset audits, foreclosure representations, fact verifications, and much more — all because of the Notary's reputation for trust, integrity and impartiality.

But that attractive road to opportunity and earnings is only available to you if you're prepared to traverse it with hard work, education, commitment and professionalism.

Notarial best practices, ethics, professionalism and sound recordkeeping are in demand by multibillion dollar corporations, professional organizations and government agencies, et al. By upholding your duties, you are doing your part to keep America safe.

And, at the core of the nation's increasing notarial needs is eNotarization (page 26) and the vital requirement to verify a signer's identity (page 20) through both personal appearance and solid, unquestionable identity documents.

The time has come for the American Notary. You are now widely recognized as the nation's guardians of document security and trust.

By upholding your
duties, you are
doing your
part to keep
America safe.

COVER STORY

26 • eNotarization ... It's Here, It's Now

Electronic notarization is revolutionizing the way Notaries are fulfilling their duty. As more states pass legislation and establish standards for the use of eNotarization technology, Notaries will be handling paper documents less often. A total of 39 states now allow for the eRecording of documents with more expected to follow pioneering states Pennsylvania and Florida.

30 • eNotary Certification Program

The NNA offers an eNotary Certification Program tailored to each state. The program gives Notaries in-depth training about their state's laws and how to work with digital documents.



FEATURES



20 • Working Toward A Common Goal

Identity theft has become a top priority for state and federal lawmakers. Unfortunately, passing laws to help consumers hasn't been easy.

32 • Security Demand Creates New Avenue

The NNA's Trusted Enrollment Agent™ Program will create a new career path for Notaries as identity proofers for key business and government organizations.

34 • Movie Myth Meets Financial Reality

Contrary to their Hollywood image, Swiss banks aren't bastions of high-tech security gizmos. Instead, a tradition of privacy and old-fashioned protective measures — including Notaries — underly the banks' security.

36 • Beware — Strange Documents Do Exist

Certifying rock band KISS' blood is among the unusual requests that Notaries have handled.



38 • Private Property: Proceed With Caution

Notaries have a duty to fulfill legal requests for journal information, but must deter "fishing expeditions" by limiting access to other entries.

40 • Finding Work In A Slow Economy

Handling "Cash for Keys" agreements and working as a foreclosure poster are two ways NSAs can profit during the mortgage slowdown.

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THE PATH TO SUCCESS: 15 CARL KALISZEWSKI

Notary Carl Kaliszewski spends his time helping his clients as well as the less fortunate. As a volunteer with the Gift of Life New England, he has assisted in bringing ill children to the U.S. for live-saving medical treatment.



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OUR MISSION

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

OUR READERS' RIGHT

Signing Service Hassles

I have not had good experiences with signing services. My reasons are first, that I get calls on the same day for which the signing is scheduled. This causes me to rush and leaves me feeling very unprepared. I have to download approximately 200 documents (one copy for the loan officer and one for the customer), scan them for signatures, initials, notarial signing, wording on certificates and so forth.

Second, at times, I have to sign a paper for a document that states closing Agent/Notary Public certification. I don't believe I should have to sign under any title except Notary Public. Third, the fees paid are very low considering the work involved. Fourth, I have to wait too long to be paid — more than 30 days. Only once did I get paid without calling the agent. And fifth, I will be filing a case in small claims court for one company that did not pay me.

However, on the positive side, I had one customer who was having difficulty sitting down for the signing. He was an ice hockey instructor and could not come out at the appointed time. I called the loan officer, and he said that maybe we could wait another day. I reminded him that we had a holiday on an upcoming Monday and that would change the date on the Notice of Right to Cancel. I told him I would wait until he was free if they paid me an extra amount. He agreed. The signing occurred in the men's locker room! Of course, I had to call to get paid, but when I reminded them that I had gone over and above my job duties, they apologized and paid me right away. They also sent me a thank you letter for doing a good job.

Pauline Dristas, Anaheim, California

Thumbs Up To The NNA

I'm going to be taking the test to become a National Notary Association Certified Notary Signing Agent® soon, and the NSA Seminar I recently attended in Phoenix, Arizona, gave me the confidence and know-how I'll need to pass the test.

The Seminar instructor was easy to understand, and when he explained something, I got it right away. The format of the course was easy to follow, and I give a "five-star rating" to the Seminar content, the workbook we used in the class and in overall satisfaction.

Mattie Basham, Laveen, Arizona

Letters To THE NATIONAL NOTARY

We welcome letters, comments and questions from you. We reserve the right to edit for space and/or clarity.

Contact us at publications@nationalnotary.org or by fax at (818) 700-1942. Mail can be sent to National Notary Association, Editorial Department, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.

Dollars And Sense

It is possible that at some time in your career as a Signing Agent, a title company or lender may lose a borrower's money order or check that has been fastened to and returned with the loan documents.

As a Signing Agent for seven years who has closed around 10,000 loans, this has happened to me three times; the last time involved a lost money order for \$80,000. Everyone was calling me for two days accusing me of having it. After that, I never heard from anyone again to say they found it, or to apologize to me for the accusations.

The lawyer who I keep on retainer is nationally renowned and is a publisher of many articles in law publications; he has advised me never to handle any documents with money attached to them because my errors and omissions insurance does not cover me in this regard. When money is going back, it is now the borrower's responsibility to return the package.

Be careful to scrutinize and to not accept every duty that someone thinks is your job as a Signing Agent.

Dan Serbin, Rohnert Park, California

Insightful And Helpful Article

Thank you staff of THE NATIONAL NOTARY magazine for the great article, "Notarizing for Inmates," published in the May 2008 edition of the magazine.

I found the information in the article very useful and interesting!

I have never been asked to notarize for an inmate yet, but when I do, I will be prepared and will have insight to know what to expect thanks to your article!

Claudine C. Osborne, Madison, Ohio

Best Practices Can Prevent Terrorism

I was very interested to read your article regarding the potential use of Notaries to help with the "soft power" need in the United States ("Uncle Sam Needs Notaries," March 2008).

Can you please let me know how I might become more involved in this project, or who I should contact. Thank you!

Anne Riney, Los Angeles, California

**"I did nothing wrong,
and still got **SUED**"**

NNA Notary Errors & Omissions Insurance

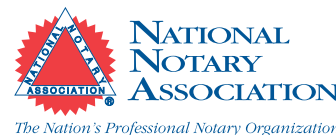
As you may know, Notaries face many groundless and frivolous claims each year. You are not immune from them. Even if you do nothing wrong, you could still face spending large amounts of time and money defending yourself.

Don't risk catastrophic financial loss — savings, home, business — when you could be protected for just pennies a day. Get peace of mind and the protection you need. Start your Notary Errors and Omissions Insurance coverage today.

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Georgia	Item #5148	Nevada	Item #5134	Tennessee	Item #5142
Hawaii	Item #5132	New Hampshire	Item #5151	Texas	Item #5123
Illinois	Item #5137	New Jersey	Item #5131	Utah	Item #5127
Massachusetts	Item #5146	New Mexico	Item #5145	Virginia	Item #5150
Michigan	Item #5135	New York	Item #5125	Washington	Item #5124

More states coming soon.

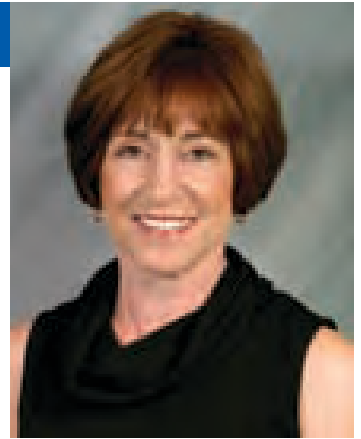
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Don't Fear The Future — Confidently Embrace It!

Thirty years ago, I wrote a fantasy about the nation's commerce coming to a halt if Notaries were to go on strike ... even for one day.

Fifteen years later, I was sitting in an American Bar Association Committee meeting suddenly fearing that the once far-fetched prospect of eliminating the Notary office might become a permanent reality.

It was an uncomfortable moment. Technology appeared poised to replace handwritten signatures. Electronic documents promised to make handwriting obsolete, perhaps even imperiling the existence of the Notary.

No allusion to “Buck Rogers” or “The Jetsons” was needed. The future suddenly appeared highly organized and efficient. The nation's commerce and business documents would speed through cyberspace and the Notary would be relegated to obsolescence along with the anonymous Egyptian scribe from 2,500 B.C. whose statue sits in the Louvre — a symbol of defunct technology.

Today, we know that technology is not the final answer. It took nearly another 15 years to show that while electronic documents and signatures can solve many problems, speed and cost-savings being the most obvious, they also have some weaknesses.

A computer or software application does not offer guaranteed security or trust, and we now know that the Notary, the trusted human third party, ensures the integrity of the witnessing and signing process.

Yet, while challenges to the Notary office persist, opportunities for Notaries are opening up in the field of electronic notarization. As we are discovering,

electronic notarization and its related functions entail a lot more than just adding the ubiquitous “e” prefix to a given word. It also requires careful study and a bold openness to new things.

Like learning a new language, eNotarization requires a new way of thinking. The seal is now electronic and your journal entry may be captured by hitting the “enter” key, but the procedures for a notarial act remain the same.

In the new world of computers, digital certificates and the Internet, the understanding and competence required to perform an eNotarization are still grounded in basic notarial principles you've understood ever since you received your commission.

There is a natural tendency to fear the unknown, particularly one teeming with terms we don't understand. What is important, however, is that we don't allow ourselves to be bullied and intimidated by words like “algorithms” and “gigabytes” any more than we were by terms like “jurat” and “testimonium clause.”

Eight years ago, when the nation's federal E-Sign law was passed, none of us really knew what it meant for Notaries. Only now is it taking shape and only now is it evident that each of us has a part to play.

As many have observed, though you cannot predict the future, you can help create it — but only if you have the confidence and boldness to embrace it.

*Deborah M. Thaw can be reached at
dmtbaw@nationalnotary.org*

Not All Immigration Bills Become Law



With the political season moving into high gear, state legislators are lining up to make it another banner year for immigration-related proposals. But it's anybody's guess of how many of them will ever see the light of day.

More than 350 state proposals dealing with immigrants have been unveiled during the first two months of 2008, and the bipartisan National Conference of State Legislatures (NCSL) expects the final tally will match last year's record of 1,560 bills. However, only a fraction of these bills — 244 — were enacted. The same held true in 2006.

According to the NCSL, state legislatures are writing immigration laws to make up for the federal government's failure to reform immigration statute and policy on the national level.

The deluge of proposals has created confusion among immigrants, many of whom seek help in clarifying their legal status, and immigrant rights groups in numerous states have issued warnings about unscrupulous individuals advertising themselves as "Notarios Publicos."

In many Spanish-speaking countries, *Notarios* have powers and training akin to an attorney's and are allowed to provide legal advice and assistance. As a result, immigrants in America ask Notaries for legal guidance and assistance in filling out immigration forms, which is illegal.

Most states prohibit Notaries from advertising themselves as *Notarios*, and authorities in Nevada, New Jersey and other states recently launched crackdowns on violators.

States Tackle Immigration Issues

Forty-six state legislatures enacted 244 immigration-related laws in 2007, up from 84 in 2006. Here is a breakdown of some of the topics addressed:

Category	No. Of Laws	No. Of States
Education	20	17
Employment	31	20
Human Trafficking	18	13
ID/Driver's Licenses	21	20
Public Benefits	32	19

Source: National Conference of State Legislatures



States Turn To 'Enhanced' Passport Alternative

Drivers in several states could soon benefit from a new enhanced driver's license that would be acceptable identification at America's borders in lieu of a passport and, as an added benefit, would help Notaries more securely and confidently identify document signers in those states.

Michigan Secretary of State Terri Lynn Land took the lead by getting a bill approved by the state legislature and signed by Governor Jennifer Granholm authorizing the creation of an optional enhanced driver's license. The move comes in light of the federal Western Hemisphere Travel Initiative (WHTI), which requires all travelers to produce a passport or similar document to enter the country by land as early as June 1, 2009.

WHTI caused a massive surge in passport applications from U.S. citizens who frequently traveled to Canada and Mexico, and previously only needed a standard driver's license or similar ID to re-enter the country.

The U.S. Department of Homeland Security has approved pilot projects in Arizona, New York, Vermont and Washington.

Drivers in these states also could soon start using the new enhanced license.



Data Breach Inaugurates New Threat To Card Information

What started off as one message to a Maine-based grocery store turned into a sophisticated attack on the entire chain.

During a three-month period in late 2007 and early 2008, computer viruses, or "malware," were used to steal 4.2 million credit card numbers and their expiration dates while in transit from Hannaford Brothers grocery stores to credit card companies.

The attack hit all 274 Hannaford stores in New England, New York and Florida, plus another 24 selling Hannaford products. More than 1,800 of the credit card numbers were reported as having been used. And according to law enforcement officials, the number is rising. Officials are also investigating as many as 50 other similar attacks on people's credit card information in the Northeast.

Conflicted About Data Security

Sixty-four percent of U.S. banking institutions feel they adequately protect private consumer data, but can't support such claims. Consider:



21 percent have either or don't know if they suffered a security breach during the past two years.



35 percent have been a victim of a "phishing" attack during the past year.



61 percent do not test their Incident Response Plan annually.



Two-thirds outsource Internet banking systems to third-party service providers, yet admittedly have only moderate confidence in their vendors' security controls.



73 percent grade themselves as "average" to "failing" for fostering security awareness among their customers.

Source: Information Security Media Group, Corp.

Don't Count On Your Bank To Protect You From Identity Thieves

People who think their bank reimburses them when identity thieves loot their accounts often are in for a rude awakening. Worse yet, their losses could mount if the bank is slow to respond.

A big reason for this may be that the federal government does not hold banks to the same standard as credit card companies. By law, credit card holders are only liable for up to \$50 in losses from card fraud. There are no such limits on debit cards.

According to Javelin Strategy & Research, consumer costs for identity theft have increased from \$554 in 2007 to \$691 to date in 2008. Javelin credits the increase to criminals finding more sophisticated techniques to commit fraud.

Victims who detected fraud within a day lost about \$428 or about a third of those who detected it up to five months later.



By The Numbers

\$250.7 billion How much businesses spent on information and communication technology equipment and computer software in 2006 — a 6.3 percent increase from 2005, according to the U.S. Census Bureau.

Percentage of complaints against tax preparation companies that allege the preparer made an error or mistake in a tax return, according to the Better Business Bureau. **32.5%**

4.83 million The total number of Notaries in the United States, based on the NNA's 2007 Notary Census.

The increase in mortgage fraud cases the FBI investigated in 2006 compared to 2005. **64%**

\$2.1 trillion The spending power of the nation's 76 million baby boomers, those born between 1946 and 1964, according to the MetLife Mature Market Institute.

The U.S. unemployment rate during the Great Depression in the 1930s. In February 2008, it was reported at 4.8 percent. **25%**

\$652 BILLION The amount of money U.S. organizations lost as a result of fraud in 2006.

Health Records Not As Private As You May Think

Consumers looking to digitize health records beware: Not all providers of electronic records are bound to the same federal security and privacy rules designed to protect consumers.

Currently there are more than 200 vendors, including insurance companies, Internet companies and tech companies that are trying to provide digital health records.

But not all are required to abide

by the federal Health Insurance Portability and Accountability Act (HIPAA), which provides minimum national privacy and security standards, according to the World Privacy Forum.

Typically, HIPAA can prevent the use or disclosure of health information for marketing purposes. These rules, however, only apply to “covered entities” such as health-care providers, health insurers and healthcare clearinghouses.

Other companies, however, operate personal health records services but are not required to abide by HIPAA. Even if these companies adopt privacy policies similar to HIPAA, consumers should know these companies can change their policies at any time.



Mobile Phones For The Notary On The Go

Entrepreneurs once thought connecting cell phones to laptops was the hottest way to do business. Then laptops went wireless. Now, the latest generation of cell phones — smartphones — are poised to replace laptops and revolutionize the way we do business.

Current mobile communications technology enables everyone from corporate CEOs to mobile Notaries to send and receive eMail, modify documents and synchronize calendars with business partners.

According to the research and consulting firm In-Stat, 8 percent of regular business travelers have cancelled their land lines and rely solely on mobile devices to stay in touch with the world.

Smartphone users can perform many of the functions they would normally do on a home or office computer. Users can view PDFs, work on Microsoft Word documents, take pictures, browse the Internet and watch videos without the burden of carrying a laptop around. The day may come when electronic notarizations may be performed with the help of a smartphone.

U.S. Tightens International Adoption Rules

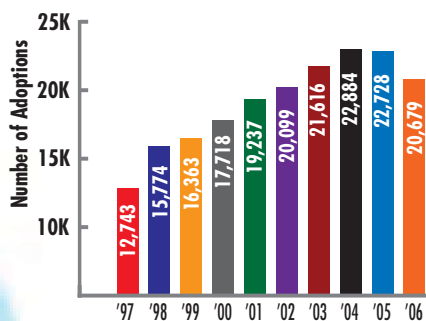
In an effort to crack down on abuses in international adoptions, federal officials are implementing stricter guidelines for American parents to take foreign-born children into their homes.

Under the new guidelines — established by the 75-nation Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Adoption Convention) — all international adoption applications in the United States are being reviewed by a special unit of the U.S. Customs and Immigration Service (USCIS).

Immigration and adoption officials are increasingly relying on professional Notaries to screen signers and verify identity to prevent abuses.

U.S. Couples Look Overseas to Adopt

After increasing during the last 10 years, the number of foreign children being adopted by U.S. couples has begun to decrease.



Source: U.S. State Department

Fraud Plays Big Role In Current Market

Mortgage fraud is not getting the credit it deserves for the current market environment, according to the Mortgage Asset Research Institute (MARI), a provider of mortgage fraud data, analysis and loss-mitigation services.

In its 10th annual report on mortgage fraud, MARI said fraud issues have to be addressed if investors are to regain confidence in mortgage-backed securities — which replenish the funds used to make home loans.

In 2007, the most common types of fraud reported were related to employment history and claimed income, which was also the case the year before. The report blamed much of the fraud on several groups, including homebuyers who felt that rising prices threatened their ability to qualify for their dream house.

Real estate speculators often stretched the truth on applications for multiple properties, especially in active markets such as Florida and Nevada. These states ranked first and second, respectively, for mortgage fraud incidents last year.

Many industry professionals also overlooked or contributed to the fraudulent applications. They expected to avoid blame if a loan turned bad because the sale of the property could cover the value of the mortgage. In this environment, lenders loosened credit standards, and, more important for fraud, eased documentation requirements.

The Mortgage Bankers Association sees anti-fraud initiatives as a high priority. The group is pushing Congress to give the U.S. Department of Justice and the FBI \$31.25 million over a five-year period just to combat mortgage fraud.



Mortgage Fraud Booming

Reports to federal agencies of suspected mortgage fraud are continuing to rise at a blistering pace.

2007	52,868
2006	37,313
2005	25,989
2004	18,391
2003	9,539
2002	5,387
2001	4,696
2000	3,515

Source: The U.S. Treasury Department



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Simple Ways To Protect Your Computer's Health

No one doubts that a computer is an important investment. Like any conscientious owner, you certainly want to take the necessary precautions to preserve its life and keep it from crashing when you need it most — such as when you're paying bills or doing a job for a client.

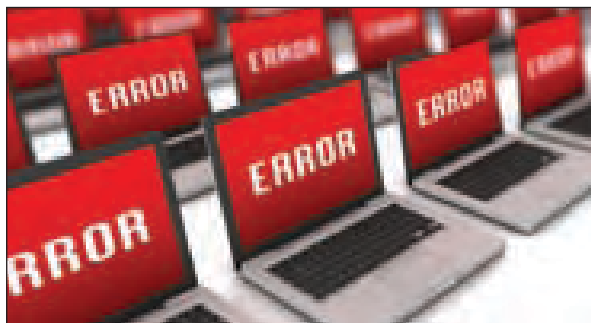
There are certain simple tasks that anyone can do to keep computers in good condition, according to Chip Reaves, national director of Computer Troubleshooters.

One common problem is old hardware. After two or three years, you might start noticing your hard drive is getting sluggish. Consider replacing your system every three

years. Nowadays, a major repair can cost as much as a new computer.

Drops in power can damage your machine's sensitive components and data. To avoid this, use a surge protector, and replace it as often as you replace your computer.

Surfing the Internet without firewalls and other security measures is dangerous. We've all heard about hackers who break into computer systems. Once they get in, you're at their mercy because they can access all your files and records; they even can delete your data. Make sure



firewalls are installed and maintained properly.

Notaries involved in eNotarization and eRecording should use only encrypted, protected applications for their sensitive tasks.

To combat problems, make sure you have good virus protection software, spam filters and anti-spyware on your computer. About 80 percent of service calls are directly linked to these issues.

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Massachusetts Notary Always Sees The Bigger Picture In His Work And In His Life

Carl Kaliszewski Dedicates His Time And Energy To Helping People From All Over The World

To those who know Carl Kaliszewski, it comes as no surprise that he's a Notary for his financial planning business. It's his way of providing extra convenience for clients.

What sets him apart is the fact that he often can be found traveling the globe, helping others who are less fortunate. From building homes and orphanages to providing critical medical assistance to those in need, Kaliszewski's life is about so much more than just making a living.

"If I died suddenly, where would I rather be, in my office or painting an orphanage? I'd be painting the walls at an orphanage," he said.

Kaliszewski, born and raised in Massachusetts, doesn't know what inspired his volunteerism. He cites no mentor or first-hand example.

"I think it's something innate within me. I don't think it's something you can learn; you just feel that way," Kaliszewski said.

The founder of Navigator Financial Services, he became a Notary more than two decades ago because his clients needed acknowledgments or jurats for numerous financial documents.

Part of the reason he enjoys being a financial planner is because it's a service that makes a positive difference in people's lives. His goal is to help people retire with dignity.

Outside of his work, Kaliszewski makes a difference in people's lives through his prolific volunteer work.

He's had a longtime involvement in Rotary International and currently serves as vice president of the Sturbridge chapter. Rotarians like Kaliszewski evaluate the needs of their

community and decide how they can give back. Rotary International is in 166 countries and has 1.2 million members. Kaliszewski has raised more than \$180,000 for the organization.

He also serves on the Board of Directors for the Gift of Life New England, which works with Rotary International to bring children from Third World countries with heart problems to medical facilities and physicians in the United States for open-heart surgery. The organizations provide the transportation, housing and medical care at no cost to the child's family.

"We brought back the first child in 1999. He was 18 months old then. In 2004, I was able to hug him. That was the highlight of my work," he said.

Kaliszewski often takes his volunteerism on the road. Among other things, he has delivered medical

supplies to the Dominican Republic and has made several trips to Mexico to build homes for the needy in conjunction with Habitat for Humanity. On one trip, a fellow public servant named Jimmy Carter stopped by.

Kaliszewski maintains a very positive outlook on life. He doesn't like the word "problems," and says he sees only challenges. He doesn't dwell on mistakes — his or other people's. He'd rather fix them. And no matter what happens, he says, he'll continue to do his part to make the world a better place for those less fortunate and make his life count. "I'm not afraid of dying. I'm afraid of not living."

Carl Kaliszewski *Notary, Owner of Navigator Financial Services*

- **Community:** Southbridge, Massachusetts
- **Education:** BA in Business Administration from University of Massachusetts Amherst. Graduated Cum Laude
- **Motto:** "I'm not afraid of dying. I'm afraid of not living"
- **Most Influential Person:** Abraham Lincoln, Pope John Paul II
- **Personal:** Single, no children
- **Interests:** Collecting sports memorabilia, cooking, barbecuing



Decker Receives Coolidge Award



NNA Director of eNotarization and Best Practices William A. Anderson presents Philadelphia Commissioner of Records Joan Decker with the 2008 Calvin Coolidge Notary Award.

In recognition of her contributions to the successful pioneering of eNotarization in the Commonwealth of Pennsylvania, Philadelphia Commissioner of Records Joan Decker has been honored as a 2008 recipient of the NNA's Calvin Coolidge Notary Award.

Decker was one of four Pennsylvania recording officials instrumental in helping develop and launch eNotarization and eRecording in her state, along with Lancaster County's Steve McDonald, Terence Farrell of Chester County and Westmoreland County's Tom Murphy.

The Commonwealth of Pennsylvania was the first in the nation to launch a full-fledged, successful eNotarization initiative and has been a pioneer in the field of electronic recording.

The Coolidge Award, which honors government officials who heighten the professionalism and effectiveness of the American Notary Public office, was formally presented to Decker April 29.

SigningAgent.com Now Includes Advanced Search

To help lenders and signing services more efficiently find the best personnel to take on loan document assignments, SigningAgent.com's search features are now enhanced to locate Notary Signing Agents with special qualifications.

The new search feature will make it easier for businesses to find Notary Signing Agents with background screening and specialized skills — an important asset in today's competitive business environment.

Companies seeking Signing Agents with these specialized qualifications can access the new features by selecting the "Directory Search" option at SigningAgent.com. To check a Signing Agent's background screening status, searchers can use the pull-down menu marked "Background Screening" and choose a category. Signing Agents who are

also lawyers can be located by selecting the check box marked "Attorneys Only."

Current NSA Section members who are attorneys can add that information to their SigningAgent.com listing by logging in at NationalNotary.org/NSAsection and selecting "Profile Manager" from the menu on the left-hand side of the screen.



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Conference 2009 Announced: Las Vegas!

Notaries desiring fun and excitement with a dash of neon-bathed glitter and glamour should start making their plans to attend Conference 2009 right now. This is a not-to-be-missed experience.

That's right, next year's locale is among the most exciting places to visit in the world — Las Vegas, Nevada!

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Though 2008's Conference, with its combination of innovative training, technology workshops, fun and fellowship has concluded, the 2009 edition of the "Notary Event of the Year" is just around



the corner — and promises to be better than ever!

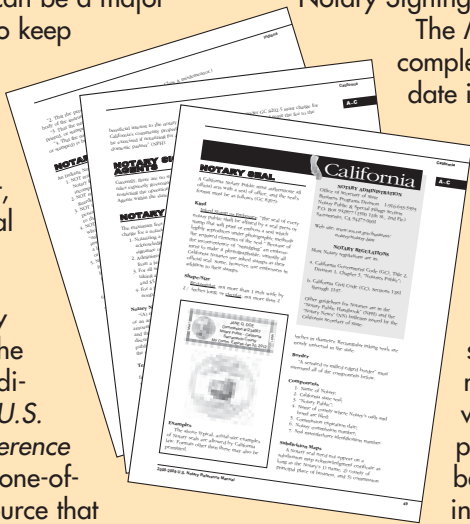
THE NATIONAL NOTARY® will keep you updated on new developments, workshops, events and schedules for Conference 2009 in upcoming issues.



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Reference Manual Covers Everything

With Notary laws and regulations differing from state to state, it can be a major challenge to keep up with the myriad of requirements. In light of that, the National Notary Association has recently published the 2008-09 edition of the *U.S. Notary Reference Manual*, a one-of-a-kind resource that contains state-by-state information on Notary laws and statutes,



as well as important information regarding eNotarization and Notary Signing Agent rules.

The *Manual* provides complete and up-to-date information on notarial laws and procedures in every state as well as U.S. territories.

It includes descriptions of seal requirements, certificate wording and procedures for becoming or finding a Notary.



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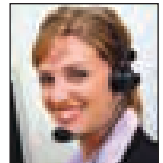
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Seeking Notary Of The Year

The search is now underway for the NNA's 2009 Notary of the Year. The process starts with you, our members, submitting nominations for a Notary you believe sets a level of ethical and professional conduct that all Notaries can emulate and admire. The recipient, chosen by the NNA's Notary of the Year Selection Committee, truly sets an example with a commitment to excellence — perhaps working to enact a needed Notary law or serving the disabled.

Notary of the Year candidates should have uncompromising integrity both as a Notary and as an individual. In addition, nominees should abide by Notary laws in their

state and should follow all Notary best practices.

Candidates also should be active in improving the state of the Notary Public office — whether through mentoring, being involved in legislative initiatives or making a positive difference in other ways.

For more information, eMail NOTY@nationalnotary.org or mail submissions to:

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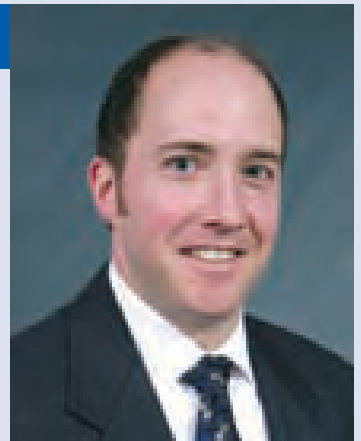


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Notaries Are The Key To Trusted Global eNotarization

By Timothy S. Reiniger, Esq.
treiniger@nationalnotary.org

As the world moves toward an increasingly electronic environment, in which routine business transactions are executed in seconds via computer and the Internet, the need for secure,

trustworthy, reliable eNotarization will grow ever more important.

Electronic notarization already is emerging in countries as diverse and separate as Brazil, the United Kingdom and the United States.

The major challenge facing the global move toward eNotarization is establishing uniform standards for issuing and managing Notaries' electronic credentials. The goal is to create the highest levels of trustworthiness and security for electronically notarized documents. In other words, the average consumer anywhere in the world should know that the electronic signature and credential of one Notary is as valid and trustworthy as the electronic signature and credential of every other Notary. Otherwise, all seals lose their meaning and value.

In the European Union, the Notary societies of member nations already have set standards, determining what applicants have to do to obtain the electronic credentials that permit them to perform eNotarizations. The standards also establish how those credentials will be managed, renewed or revoked.

Who should set those standards in the United States? Government regulators or Notary professional organizations? The answer is simple: We should follow Europe's example and let Notary organizations — such as the National Notary Association — set them.

Even the most cursory review of state laws suggests a wide disparity in how regulators view Notaries Public. In Washington,

Notaries can certify events. Notaries in Maine, Florida and West Feliciana Parish, Louisiana, may officiate at weddings. Notaries in many states may certify documents, but not in California.

When it comes to the most basic best practices — such as identifying signers, keeping records of notarizations and requiring applicants for Notary commissions to obtain even a modicum of education — states laws are every bit as uneven. Only 23 states and the District of Columbia, for example, require Notaries to keep a journal of notarial acts for at least some transactions. Some states require background checks and education for Notary applicants. Others do not.

Allowing individual states to set eNotary credentialing standards will result in such a confusing hodgepodge that documents electronically executed in the United States will be rejected overseas.

Notaries worldwide, as professionals, are in a position to set assurance and trust standards for electronic credentials. They also are positioned to set common international standards that make sure digital credentials are trusted and accepted around the world.

Among the standards the NNA advocates are criminal background checks, minimum educational requirements and minimum trust levels for Notaries' electronic credentials.

NNA officials and Notary representatives from 22 countries and six continents recently began developing a global assurance standard at the 4th International Forum on eNotarization, eApostilles and Digital Evidence in May.

Working Toward A C

Individual States Strive For Legislative Identity Theft Solutions

By Marci Wormser
mwormser@nationalnotary.org



Just about any politician will tell you more needs to be done to curb the \$45 billion-a-year identity theft epidemic. But that's where agreement ends.

Given the extent of the problem, it would be natural for the federal government to take the lead ... but that is not happening.

While Congress debates a handful of data security bills, more than 200 identity theft and privacy rights bills are pending before states' legislatures on top of the hundreds already passed.

"Congress has been an embarrassment in ID theft legislation," said Ed Mierzwinski, consumer program director of the consumer advocacy group U.S. Public Interest Research Group (U.S. PIRG) in Washington, D.C. "But I would like to see Congress do nothing. Whenever Congress does something about privacy, it messes things up because they don't understand it."

Eric Bourassa, a consumer advocate at Massachusetts PIRG, agrees: "We're afraid that if Congress passes legislation, they will preempt state laws with a weak, watered down law."

Common Goal



Case in point: To date, 37 states and the District of Columbia have enacted laws requiring companies to notify all affected parties of data breaches that compromise personal consumer information. Back in 2005, while PIRG aggressively lobbied for these data breach notification laws, Congress considered a retailer-friendly bill that would have required businesses to notify consumers of data breaches only if the firms determine for themselves the breach posed a “reasonable risk.” The bill, which counted Senators Hillary Clinton and John McCain among

its sponsors, died in committee due to vocal opposition from advocacy groups.

Data breaches — and how organizations respond to them — have become a hot topic in identity theft, especially following a raft of high-profile incidents that put tens of millions of consumers at risk. In the largest reported breach to date, hackers stole nearly 46 million credit card and debit card numbers from TJX Companies Inc., which owns the T.J. Maxx and Marshalls retail chains. The hackers also made off with the driver’s license and Social Security numbers of 455,000 customers. TJX officials estimate the incident will cost the company \$150 million.

What was so disturbing about this particular breach is it went undiscovered for nearly 18 months — from July 2005 to December 2006. The breach was responsible for thousands of cases of credit card fraud, according to Bourassa.

The incident also spurred the passage of Massachusetts’ security breach notification law in August 2007.

Pedro Morillas, a legislative advocate with the Sacramento, California PIRG, says part of the breach frenzy stems from the fact that hackers often are one step ahead of companies. He added, however, “Companies aren’t doing a good enough job of securing the information.”

Data breaches reported during the first quarter of 2008 potentially affected more than eight million Americans, according to the Identity Theft Resource Center (ITRC) in San Diego, California. Major data breaches at the Hannaford Brothers supermarket chain, GE

Money and Georgetown University were a few of the reported 167 incident in the first three months of this year.

ITRC founder Linda Foley said stricter state laws and the fear of embarrassing media exposure are spurring companies to be more willing to report data breaches.

Chris Merida, director of congressional public affairs with the U.S. Chamber of Commerce in Washington, D.C., takes issue with the data breach notification laws. Unlike PIRG, Merida said the Chamber would like to see a federal data breach notification law preempt the state laws.

“It’s difficult to keep track of all the nuances of all the different state bills,” Merida said. “We would love to see a preemptive bill that would preempt the states but that would still not be hard for businesses to comply with.”

In addition to finding it difficult to keep track of all the individual state notification laws, Merida said businesses take issue that some states’ breach laws require consumers to be notified if any of their personal information has been

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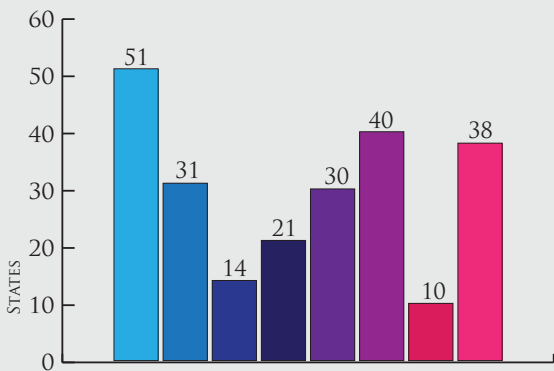


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States Tackle Identity Crimes

Law enforcement officials recommend for states to pass laws addressing a number of identity crime issues. Alaska and South Carolina are the only states that have not adopted any laws to date. Arkansas has enacted all the recommendations.

Prosecuted As A Felony	51
Scanning Devices Outlawed	31
Phishing Outlawed	14
Social Security Number Protection	21
Restitution	30
Security Freeze Law	40
ID Theft Passport Law	10
Security Breach Notification Law	38

Source: International Association of Chiefs of Police

breached — even if the “breach” just consisted of their name and can’t be used to commit ID fraud.

“Publicly available information should be exempt from these laws,” he said. “We think there needs to be some risk of theft for that breached entity to notify consumers.”

Merida also takes issue with the way that breach notifications are delivered. A bank customer, for instance, who would normally receive communication via eMail should receive breach notifications via eMail as well, instead of through regular mail.

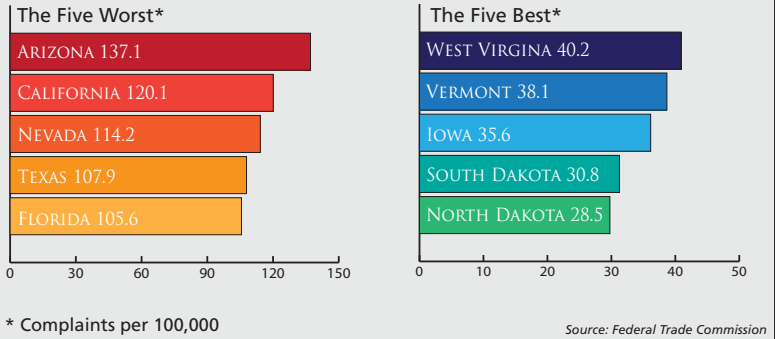
A Plea For Uniform Laws

Although advocacy groups and politicians often are at odds when it comes to identity theft legislation, both agree more needs to be done. A recent study on ID theft conducted by the Federal Trade Commission (FTC) and the Aite Group found that in 2005, 8.3 million American adults — or 4 percent of the adult population — were victims of ID theft. According to the FTC, complaints about identity theft rose 5 percent in 2007. Although adults ages 18-49 are typically the targets of this crime, 5 percent of the victims are younger than 18, and more than half that number are younger than six.

PIRG and other consumer groups are working to strengthen identity theft and consumer protection legislation at the state level. More than three-fourths of states have passed legislation based on a PIRG/Consumers Union model law, which allows consumers to freeze access to their credit reports so ID thieves can’t obtain their information. CalPIRG was also instrumental in passing California’s 2005 “Shine The Light Law,” which requires companies to tell customers who

ID Theft Complaints

Identity theft affects the entire nation but there is a wide disparity from state to state in the incidence of ID crimes. Here are the states with the least and most complaints:



they’re sharing their consumers’ information with and what information is being shared. The law also gives consumers the right to opt out of information sharing.

Although many proposed Congressional identity theft bills have been shot down in recent years, the issue hasn’t slipped entirely to the backburner. The latest measure — the Identity Theft Prevention Act, introduced by Senator Daniel Inouye of Hawaii — would require organizations that use sensitive personal information to develop and enforce a program to safeguard the information and report security breaches to the FTC. It also would permit consumers to place security freezes on their credit reports. The bill, if enacted, would supersede all similar state laws.

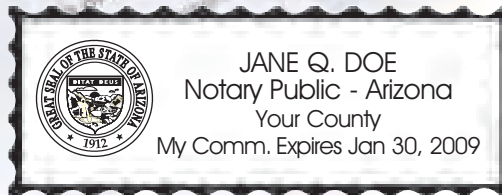
Several other federal laws to curtail identity theft have been implemented, including the Fair and Accurate Credit Transactions Act of 2003, which allows consumers to obtain free credit reports once a year. The Gramm-Leach-Bliley Act requires financial institutions to protect the privacy of consumers’ personal financial information. The Internet False Identification Act of 2000 added computer-aided false identity crimes to federal law. The Identity Theft Prevention Act of 2005 protects the confidentiality of Social Security numbers and prohibits the establishment of any uniform national identifying number.

The identity theft issue also has not escaped the attention of the major presidential candidates in recent years. Two bills that Senator Hillary Clinton introduced in 2006, the Privacy Rights and Oversight for Electronic and Commercial Transaction (PROTECT) Act and the Debit and Check Card Consumer Protection Act, never made it to the floor of the Senate. The PROTECT Act would have made organizations potentially liable for \$1,000 in damages to a consumer whose data was compromised, would have prohibited financial institutions from sharing data without consumers’ consent and would have allowed credit file security freezes for a fee. The latter would have limited liability for victims of credit card theft.

In 2007, Clinton, McCain and Senator Barack Obama voted against a measure that would have denied legal status to undocumented immigrants who had been convicted of identity theft or fraud, among other things.

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To date, Obama has been the only major candidate to detail a comprehensive plan to combat identity theft. His nine-page “Technology and Innovation Plan,” issued in 2007, concentrates on database management, strengthening international cooperation to track down cyber criminals and restricting how information databases can be used.

For his part, Morillas believes uniform data breach laws are vital, as they would help consumers protect themselves and would also enforce a universal standard for businesses to follow when they disclose data breach information.

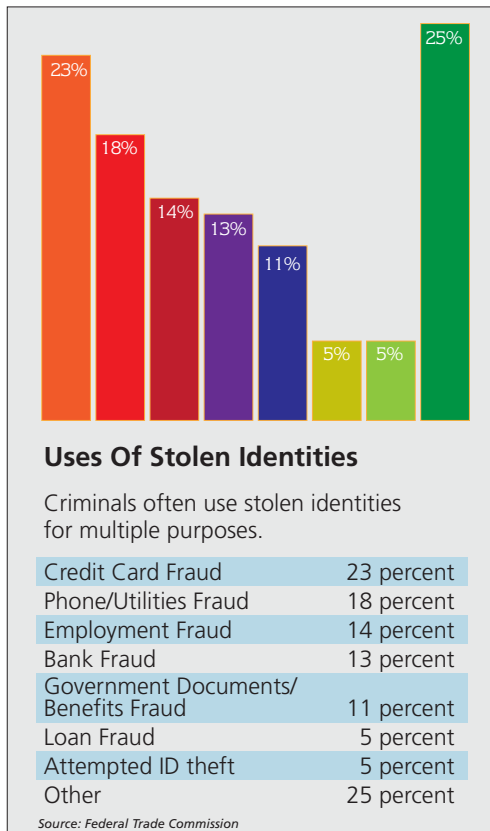
But most consumer advocates remain leery of federal intervention.

The International Association of Chiefs of Police (IACP) has taken a leadership role, urging individual states to pass legislation that would create uniform ID theft policies across the nation. Among the policies and legislative changes the Alexandria, Virginia-based organization advocates:

- Nationwide Social Security number protection;
- Banning the use of scanning devices used to obtain or record encoded information from the magnetic strip of a credit or debit card;
- Giving consumers the ability to freeze credit reports;
- Enacting security breach notification laws;
- Banning “phishing,” or the use of electronic equipment to commit fraud; and
- Issuing ID theft passports to victims, which would provide proof to law enforcement officials and creditors that the holder is a victim of ID theft.

Crackdown In The States

California, say Morillas and Bourassa, is serving as the model state for identity theft legislation. The state, which experiences one-eighth of all ID theft in the nation, was the first to pass security breach notification laws. California Senator Joe Simitian is seeking to strengthen the existing law. His proposed Senate Bill 364 would require written notification of security breaches to include when the security breach happened and what information was leaked or stolen so the potential victims can take the necessary steps to ensure they don’t become victims of theft or ID fraud. This piece of legislation is vital, Morillas said, to create standards in data breach notification letters. Currently, companies can disclose any information they



choose in their correspondence to potential victims.

Other states have been noticing California’s crackdown. Alaska — one of only two states that have not adopted any of the IACP’s ID theft prevention standards — is considering a bill that would ban the sale or trade of Social Security numbers; mandate companies to disclose data security breaches; and would allow identity theft victims to freeze their credit files.

In Virginia, Governor Timothy M. Kaine is proposing security breach and credit report freeze legislation. Pending laws in New York include increasing the penalties for ID theft when the victim is a member of the Armed Forces and issuing ID theft passports. In Pennsylvania, a House bill would make identity theft a more serious offense if the victim is younger than 18.

Although Morillas commends state legislators for taking action to combat fraud, he is frustrated by the opposition from industry and retailers, which is responsible for the failure of 13 states to pass security breach legislation. “They say it’s too hard to notify people of a data breach,” he said. “That’s unacceptable. Lawmakers are taking steps to pass the laws in other states.”

This, Bourassa said, is one of a consumer advocacy group’s toughest challenges. “You have to strike the right balance of protecting consumers while not making the laws so strict that you’re hurting businesses,” he said. [NNA](#)



eNOTARIZATION THE FUTURE IS NOW

By Alejandro Guzmán
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Remember pay phones? When was the last time you popped a few coins into a public phone to call someone? Chances are, not recently. Nowadays, millions of Americans rely on the convenience of cell phones. In similar fashion, Notaries Public across the country are relying more on computer technology than physical stamps and embossers to perform their notarial duties.

Just as cell phone technology has transformed the way we communicate with each other, the technology of electronic notarization is revolutionizing the way we transact business.

Proof of this lies within the growing use of eNotarization, which has experienced remarkable growth across the country in recent years — especially in states that have enacted eNotarization laws and where businesses have made eNotarization the standard.

To see if eNotarization is available in your state, log on to www.nationalnotary.org/eNotarization.

Gregg Kreizman of Gartner, Inc., an information and technology research and consulting company based in Stamford, Connecticut, said businesses in all industries have a growing appetite for signing documents electronically. They are drawn to the technology for its potential to save time and money.

In Pennsylvania, for example, electronically recording real estate and mortgage-related documents — or eRecording — has become common practice. Lancaster County Recorder of Deeds Steve McDonald estimates his office records an average of 225 eNotarized documents a month.

“We’ve seen a 10 percent increase over the last year in the number of electronic documents submitted,” he said. McDonald expects those numbers to rise as momentum for electronic documents continues to build. “eNotarization makes my office more efficient.”

Currently, 39 states authorize the Electronic Notary Seal (ENS™), and a good number of others are in the process of incorporating eNotarization standards into their laws. In these states, any document can be electronically notarized as long as the receiving organization will accept it.

Nationwide, 335 county recorders and clerks' offices in 26 states have established electronic recording systems, according to the Property Records Industry Association, and the number is steadily growing.

Pennsylvania pioneered electronic notarization, in partnership with the National Notary Association, when it put key legislation and infrastructure in place and launched the nation's first statewide eNotarization Initiative in 2006. Since then, the program has expanded to 19 counties, and the Department of State is moving aggressively to involve more of the state's 80,000 Notaries and all of its counties.

The eNotarization Initiative has paved the way for other types of electronic documents to be signed digitally, McDonald said. Currently, county recorders are negotiating with state officials to go beyond notarizing real estate documents.

Florida also has been an eNotarization trailblazer. In June 2007, Governor Charlie Crist signed a bill that allowed the Florida Department of State to adopt eNotarization standards established by the National Association of Secretaries of State. By doing so, Florida avoided a long, cumbersome process of coming up with its own do's and don'ts for Notaries, instead adopting a trusted set of eNotarization rules.

Because of the large Notary presence in Florida — about 440,000 — this was an important milestone for electronic notarization. Already, the mortgage industry in Florida has been raving about the benefits of using eNotarization.

Even though some states may not have eNotary laws in place, the Uniform Electronic Transactions Act

(UETA) makes eNotarization permissible.

"Electronic notarization laws serve to supplement the UETA by adding security provisions," William A. Anderson, Director of eNotarization and Best Practices for the National Notary Association said. "But, all a state needs to authorize eNotarization is the UETA or if it has not passed then the federal E-SIGN Act applies."

Arizona, Minnesota, North Carolina and other states are already following the example of Pennsylvania and Florida by implementing eNotary laws and preparing businesses and institutions on how to utilize it.

The Arizona Department of State currently is fostering to spread eNotarization through a state-wide pilot program, which will allow all counties and Notaries to use it.

The NNA is working with officials in North Carolina to create eNotarization solutions there. The Tar Heel State adopted standards for eNotarization in 2007, and so far has trained 250 eNotaries. As part of the training, Notaries learn how to electronically notarize documents and transmit them to the register of deeds offices throughout the state.

Even though some states still lack eNotarization legislation, the response and successes of so many might soon have them creating standards of their own and bringing their Notaries into the 21st century as paperless transactions become the rule.

How eRecording Works

eRecording has become common in hundreds of county recorder's offices across the country. Currently, eRecording exists on three levels.

- Level 1 — A paper document is physically signed and notarized, then sent to a county recorder's office. The recorder's office manually inputs the data into its computer system.
- Level 2 — A paper document is physically signed and notarized. It is scanned with an Extensible Markup Language wrapper or XML. The XML data is used to transfer designated information from a scanned image into an electronic database. When the recorder receives the scanned document, the XML data automatically uploads into the database for automated filing.
- Level 3 — A document is electronically created, revised, signed, notarized and delivered for recording. The process is fully automated, with security features in place and XML data automatically pushed into the recorder's file.

Source: NNA Research Center

REAFFIRMING THE NOTARY ROLE

eNotarization is just like any other notarial act, except it's executed electronically through a digital format. In other words, the document remains on a computer and is notarized on a computer. Because there is no need to print out documents and send them to various interested parties in paper form, organizations can use eNotarization to streamline the signing process.

Before eNotarization, some prognosticators thought that technology would eliminate the need for the Notary Public. After years in practice, the exact opposite has occurred. eNotarization has solidified the Notary's role as the guardian against fraud and identity crimes. In fact, the marriage of the centuries-old tradition of a Notary's physical presence combined with technology reaffirms what Notaries have known

all along: Nothing is more secure than a trustworthy individual witnessing an act in person.

"The only way to know for sure whether someone signed a particular document — paper or electronic — is for a trusted impartial witness, such as a Notary, to be present at the time of the signing," said Anderson.

The beauty of eNotarization is that it not only preserves the Notary's role in society, but also enhances the way a Notary serves the public. In Florida, mortgage industry professionals who work with eNotaries say the process saves time and money while increasing the security and reliability of mortgage transactions.

In order to remain competitive, more and more Notaries are realizing that they must embrace eNotarization and understand how it can help them meet the growing demands of their clients.

GEARING UP

Notaries Public typically sign and stamp or emboss the paper documents they notarize. This practice traditionally has made it difficult to forge, modify or erase a document because the signatures and seals are impressed or embossed into the very fabric of the paper.

With eNotarizations, a digital document — on Word, Adobe Acrobat or accessed online through a Web services application — and an Electronic Notary Seal are the only tools required.

The ENS essentially is the Notary's digital version of the stamp and signature. Only Notaries with current commissions and whose identities have been verified in person can obtain an ENS.

eNotarizations require all the traditional elements of a notarial act. The document signer must personally appear before the eNotary and be properly identified. The Notary also should create a journal entry – recording all the relevant information in an electronic journal or traditional paper journal – and follow any other applicable laws governing notarization. When ready, the Notary attaches – or uploads – the ENS to the electronic document.

Depending on the software used to create the digital document, the ENS either locks the content or alerts any reader if the content subsequently is altered. This feature gives eNotarization greater security because the notarial certificate cannot be changed without detection.

But that is only one of the ways eNotarization provides more security than traditional notarization.

As crucial as the Notary seal is to countless transactions, it is far too easy for anyone to obtain a fake ink or embosser stamp that looks real even to the most diligent observer. There also are incidents where real stamps are stolen or “borrowed.”

With an ENS, that can't happen. In order to apply an ENS, the eNotary first must enter a password. Without the required credentials, the ENS cannot be uploaded.

The security advantages do not stop there. Anyone can electronically verify the bona fides of the Notary who actually performed the electronic notarization by checking the NNA's National eNotary Registry™ management system.

The Registry allows receiving agencies to verify the validity of the Notary's electronic seal. It also allows a notarized document to be traced back to the eNotary, who can then attest to a document's validity or provide a record from his or her notarial journal. With paper documents, it's impossible to immediately verify the validity of a notarization apart from accepting it on face value.

Both the ENS and the National eNotary Registry have been nationally accredited for use in the mortgage industry by the Secure Identity Services Accreditation Corporation,

Now That You've Become An eNotary, What's Next?

You've done well by becoming a certified eNotary. But before you can start performing eNotarizations, you'll need clients:

1. Obtain your electronic Notary seal, which will serve as your stamp and signature for secure electronic notarial acts.
2. Seek out businesses, lenders or title companies in your area that are performing electronic transactions and offer your services.
3. If you live in a county that does not have established guidelines for eNotarization, check with your county recorder to see if they are equipped to accept electronically notarized documents.
4. Market yourself within industries in your state that benefit from using electronic documents. For example, market yourself through a Web site or local trade publication to reach specific audiences. In particular, mortgage companies have been known to create, revise, sign, notarize and record digital documents.
5. Be sure to use a secure password that only you know, so that your ENS™ is not misused.

eNotary Certification Program

As the implementation of eNotarization continues at its rapid pace in business and government, the demand for Notaries trained in the technology's full potential is increasing dramatically.

Everyone from local mortgage brokers to election officials to multinational conglomerates will need eNotaries who are capable of wielding the power of eNotarization and are knowledgeable about applicable laws.

The National Notary Association offers an eNotary Certification Program that is tailored to each state's requirements. The Certification Program is designed to give members the highest, most valued credential available in the field.

Through the program, Notaries receive in-depth training on how their state laws apply and how to work with digital documents. Notaries can avoid costly and embarrassing mistakes

by understanding how to troubleshoot unforeseeable issues.

Notaries learn what tools are necessary, how to get them and how to use them. They'll also learn how to register as an eNotary and how to obtain, store and use the Electronic Notary Seal (ENS™).

In Florida, where Notaries are adapting to a new electronic notarization law, the NNA currently is offering a free, one-hour online course that provides eNotaries with insight and understanding of opportunities created by the new eNotarization law. Florida eNotarization Laws Demystified covers several topics related to the new law. The course includes an in-depth discussion of eSignatures, as well as how to apply for, install and use the ENS™; how to work with electronic notarization platform Enjoa®; and how to register with the National eNotary Registry™.

a subsidiary of the Mortgage Bankers Association.

One of the biggest benefits computer technology in general has brought society is greater convenience. eNotarization is no different. It can streamline cumbersome transactions, such as mortgage closings, into fast, efficient processes in which the paperwork is signed, sealed and recorded in a matter of hours — if not minutes — instead of days or weeks.

The convenience also extends to the eNotary. An ENS, for example, can be stored in a number of ways: on a desktop computer's hard drive, on a laptop's hard drive or on a portable USB flash drive. The flash drive probably is the most practical option because it allows a mobile Notary to take it anywhere to meet a client. And while a paper document would require the seal and signature of the Notary, an ENS makes the Notary's job easier by functioning as both.

If eNotaries want

added convenience and security in their work, they can use the Enjoa electronic journal and signing solution. The Enjoa allows clients to sign documents digitally, and it records thumbprints for electronic journal entries.

Also, an ENS is not limited to use with one particular type of software. Among the more popular: Microsoft Word documents and Adobe Systems' Portable Document Formats — or PDFs, as they're widely known — can support the "stamping" or uploading of a digital certificate. PDFs are widely accepted in the mortgage, legal and medical industries.

As more and more organizations come to rely on eNotarization technology, the more security it will bring to society's transactions and the more people will come to depend on eNotaries.

"It'll take a few years of work," but (eNotarization) will dominate the common way to do business, McDonald said. **NNA**





DATA SECURITY CREATES NEW NEED FOR NOTARIES

IMPORTANT BUSINESS AND GOVERNMENT ORGANIZATIONS
NEED NOTARIES' HELP TO SECURE ACCESS TO CRUCIAL DATA

ANYONE WHO HAS EVER PURCHASED A BOOK online or paid bills via a bank Web site has had the protection of a digital certificate to prevent information from falling into the wrong hands. The certificates act as a lock on the page, securing bank account numbers, birthdates and addresses from would-be thieves spying remotely from another computer.

When a customer walks to the front counter of a bookstore to buy the latest best-seller, the clerk can check a credit card against a photo ID, but it's a different world online where impostors assume identities and no one is standing nearby to examine the difference.

To keep data secure, companies create intricate Web-based systems that can safely be used to collaborate and share data with business partners and clients. These online systems can be accessed only by individuals who possess digital credentials.

Digital credentials generally consist of a multifaceted verification system — incorporating any

number of elements, such as passwords, biometrics and security questions — which only permits approved users to log into a particular system. Once the digital credential is verified, the individual has the power to unlock the information, which may be highly sensitive, such as defense industry data or medical records.

As computer networks and the Internet increasingly become the mechanisms that replace face-to-face interaction, governments and businesses are staring down a growing number of security threats and are turning to Notaries for a solution.

ENTER THE TRUSTED ENROLLMENT AGENT™

The National Notary Association will provide Trusted Enrollment Agents™ (TEAs) to identify individuals who work in the bio-pharmaceutical and medical research fields as well as the aerospace and defense industries and need digital credentials to sign and encrypt electronic records and documents,

render them tamper-evident and access secure areas of Web sites.

Already, nearly 5,000 Notaries have enrolled in the TEA program. They will be assigned to travel to an applicant's place of business or corporate office. There, the TEA will conduct an in-person ID-proofing session with the company's one or more applicants. During this session, the TEA will positively identify a digital credential applicant or applicants, following the policies of the digital credential issuer.

A MATTER OF SECURITY

TEAs will play a crucial role in the security process for some of the most important companies in the world. They will receive \$35 per single enrollment assignment, which takes about 15 minutes to complete. TEAs may perform three enrollments at the same location and time and be compensated \$85, or even more if the numbers increase.

The demand for Enrollment Agents is expected to explode as more and more organizations do business digitally and fraud online proliferates.

Aerospace and defense companies such as BAE Systems, Boeing, Lockheed Martin, Raytheon and Rolls-Royce frequently collaborate with sub-contractors, and want to feel safe when they share top secret data.

Organizations within the medical research and pharmaceutical industries are also looking for similar solutions to make sharing sensitive health data over the Internet safer. For example, the Internet is becoming a critical tool in sharing data from clinical trials but it must be kept confidential and restricted only to authorized researchers.

One of the key players in providing a secure online venue on which companies can share information is Exostar. Exostar creates systems which allow manufacturing and aerospace and defense organizations to coordinate projects with their customers and supply partners in a centralized, secure environment.

Exostar's services are used by various government agencies including the U.S. Department of

Defense, U.S. Defense Logistics Agency and the United Kingdom Ministry of Defense.

Another key player in the identity-proofing field is Science Applications International Corporation (SAIC). SAIC issues digital credentials to people in the medical and pharmaceutical industries.

Like Exostar, SAIC provides a secure place online where medical and pharmaceutical research organizations can share information without compromising confidentiality. For example, if a researcher conducting a clinical study of a new drug needs to get input from a colleague at another location, she needs to know the information she's sending over a digital network is protected. The digital certificate acts like an envelope, and only a person who is equally authorized to handle the data has access to the letter opener.

With both Exostar and SAIC having signed on to the TEA program, NNA Notaries will be the exclusive providers of third party in-person proofing for their clients.

As the TEA program is fully implemented, more industries are expected to take notice. This will provide TEAs with an enormous potential for business. For example, 1.2 million new jobs are expected to be created within a number of high-demand healthcare and technology industries in the decade ending in 2012. Many of these new hires will require digital credentials.

Notaries interested in becoming certified TEAs can begin the process online at www.nationalnotary.org/TEAinfo. [NNA](#)

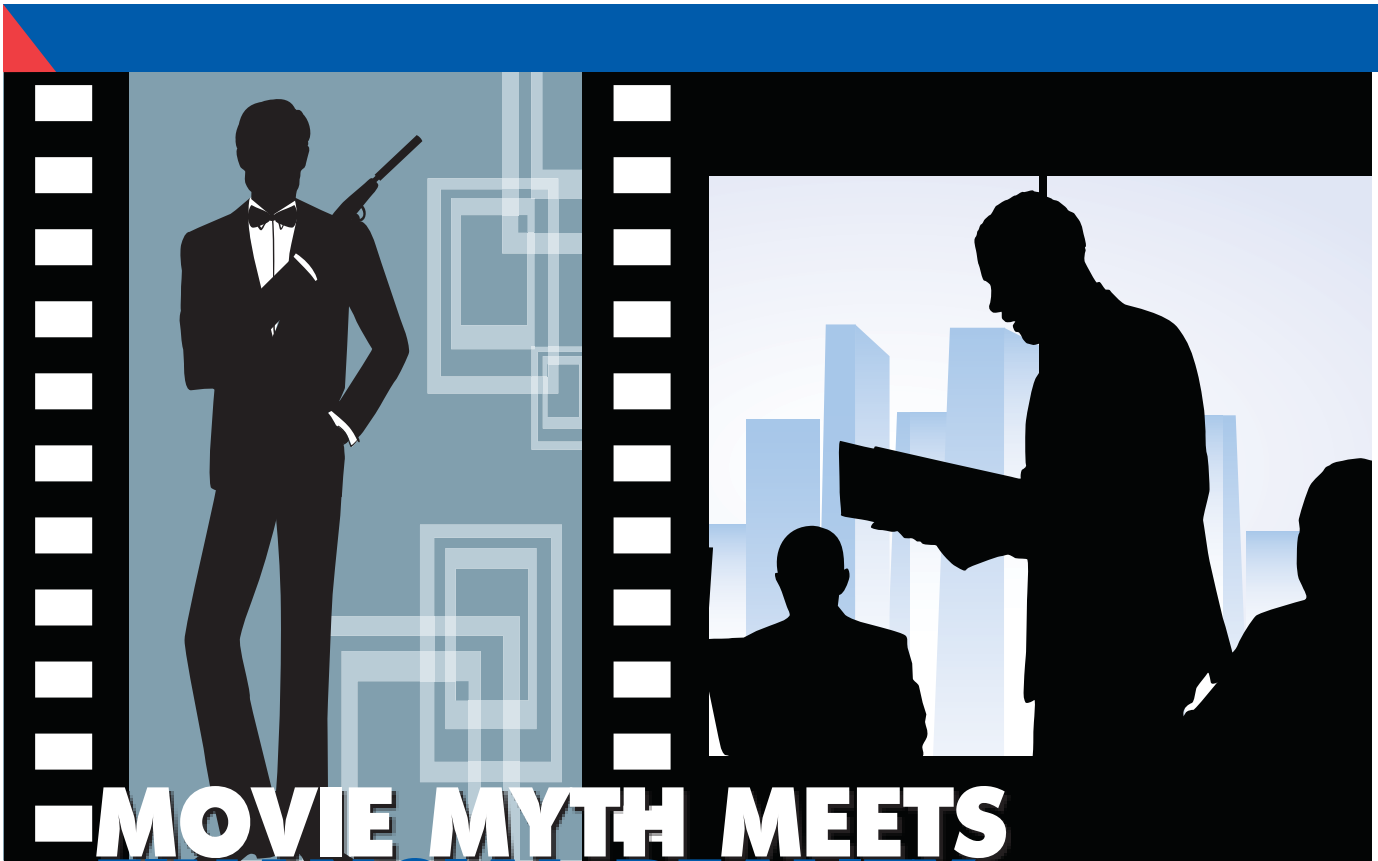
Hot Demand For Trusted Enrollment Agents™

Below are five of the hottest markets where job growth is surging over the next four years. Many of these jobs will require digital certificates, creating new and increasing assignments for Trusted Enrollment Agents™.

	<u>Projected Employment</u>	<u>Change from 2002</u>
1. Management, scientific and technical consulting services	1,137.4	55 percent
2. Social and human service assistants	454	49 percent
3. Medical records and health information technicians	216	47 percent
4. Internet & information services	773.1	46 percent
5. Computer software engineers	982	45 percent

(Numbers in thousands)

Source: U.S. Bureau of Labor Statistics



MOVIE MYTH MEETS FINANCIAL REALITY

By David S. Thun
dthun@nationalnotary.org

CONTRARY TO THEIR HIGH-TECH SPY MOVIE IMAGE, SWISS
BANKS ARE BASTIONS OF TRADITIONAL DOCUMENT SECURITY

POPULAR CULTURE WOULD HAVE US BELIEVE that Swiss banks are hotbeds of international intrigue, where super spies, exiled dictators and criminal masterminds pass through computerized retina scans and robotic blood sampling to deposit ill-gotten wealth in anonymous accounts or hide the evidence of their nefarious deeds in impenetrable safe deposit boxes.

In reality, banks in Switzerland are not the high-tech centers of global espionage transactions. Contrary to Hollywood myth, a Swiss bank account is not necessarily anonymous. Banks in the mountainous, land-locked nation, however, do have a long and proud history of protecting the privacy of their customers — whose names they know. They rely far more on tried-and-true methods to protect their clients — including the use of notarized documents — than on fancy espionage gadgets.

The reputation Swiss banks have for discretion and reliability goes back nearly three centuries. In 1713, the Great Council of Geneva established regulations

that required banks to keep records of clients, but prohibited them from sharing this information unless given permission by the city council. Since then, Swiss banks have maintained a sterling — and often misunderstood — reputation as bastions of financial reliability and privacy. Several U.S. states have adopted laws with similar basic principles, requiring Notaries to protect the privacy of information in their journal entries.

The years leading up to World War II were difficult ones for Swiss banks and many of their German clients. In 1933, the Nazi government of Germany created a series of laws obliging German citizens to declare their foreign assets and seize the property of German Jews. Nazi agents also sought to discover the identity of German Jews who held Swiss bank accounts. After three German account holders were executed in 1934, Swiss authorities made client privacy policies the law of the land. They also made it a crime for financial institutions to violate the privacy of their clients.

After the war, families of Holocaust victims claimed that Swiss banks refused to return the money of deceased relatives because of the lack of death certificates. After the World Jewish Commission filed a lawsuit in the United States, the U.S. and Swiss governments negotiated a settlement in 1998. The banks paid \$404 million to victims of Nazi persecution and their families. Despite the controversy, Swiss banks in the 21st century remain among the most prestigious financial institutions in the world, building on their centuries-old traditions.

THE ENDURING MYTHS

The public still holds the media-fueled image of an anonymous stranger who walks into a Swiss bank with a suitcase stuffed with cash, and opens an account without any questions asked. This image couldn't be more wrong, says James Nason, head of international communications for the Swiss Bankers Association. While there are indeed such things as "numbered accounts" at a Swiss bank, Nason emphasized they are not anonymous. Banks in Switzerland are obliged by law to verify the identity of potential clients and establish the legitimacy of any assets deposited with the bank.

Numbered accounts are used as an internal security and privacy measure. Any business relating to an account refers to its number instead of the account holder's name, thereby restricting knowledge of the customer's identity to a small group of employees, Nason said. Apart from this, a "numbered" account enjoys no additional privileges in terms of confidentiality.

Nason smiles at the scenes in movies such as "The Da Vinci Code" in which characters drop in at midnight to retrieve a key piece of evidence from a safe deposit box. While Nason says safe deposit boxes are very attractive plot elements for filmmakers — and he gets many calls from writers asking for technical details about safe deposit boxes — in reality, access to boxes is restricted to normal business hours. The real access process would be much more familiar to Notaries than to computer hackers or spies. The bank requires a box holder to present identification such as a passport or security card. There are some other measures that can't be described for security reasons, Nason says, but the reality falls far short of the fantastic movie imagery.

This is not to say, however, that Swiss banks don't have high-profile clients. Nason says celebrities of all stripes — from rock

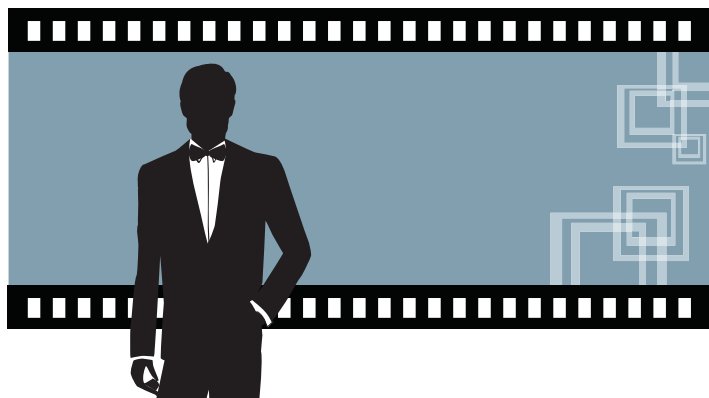
stars and actors to athletes and industrialists — open numbered accounts for the additional privacy they provides. In principle, any adult can open an account at a bank in Switzerland, but banks reserve the right to reject customers. A bank might turn away a prospective client if it fears the client would pose a risk to the bank's reputation. Swiss law also forbids banks from accepting money they know or suspect stems from a crime.

Despite what Jason Bourne or Q might try to tell you, Nason says Swiss banks rely far more on a client's personal appearance and traditional identification documents to verify their credentials. A client expecting futuristic X-ray scanners or DNA analyzers is likely to be disappointed.

NOTARIES AND SWISS BANKS

The strict rules for opening accounts mean that Notaries play an important part in verifying the identity of potential clients. Clients who cannot open their accounts in person must be identified through a certified copy of an official identification document such as a passport or driver's license. This copy certification may be provided by a Notary Public, by a branch or representative of the Swiss bank, or by a financial intermediary appointed by the Swiss bank. However, for U.S. Notaries, it's important to note that the ability to certify copies of identification documents varies widely from state to state. For example, New York doesn't authorize its Notaries to perform copy certifications, so a New York resident would have to contact the Swiss bank to obtain the copy certification by other means.

Despite the persistence of their glamorous Hollywood depiction, Swiss banks will continue to embrace the best practices they share with Notaries, including privacy protection and positive identification. As a result, it's no surprise that in the real world prospective clients are far more likely to visit a Notary than a spy when seeking to open an account. **NNA**





BEWARE – STRANGE DOCUMENTS DO EXIST

By Michael Mink
mmink@nationalnotary.org

THE LONG HISTORY OF NOTARIAL RECORDS HAS REVEALED A NUMBER OF PECULIAR REQUESTS

ON ANY GIVEN DAY, NOTARIES ENCOUNTER a multitude of different documents that are regularly needed to keep society working. From time to time, however, a truly strange request comes along.

Consider the rock band that wanted its blood notarized, the wife who signed an agreement turning herself into her husband's slave, or the celebrity couple who wanted their marriage to last beyond the grave.

KISS AND BLOOD

In February 1977, the country's bicentennial celebration had just ended, Jimmy Carter was newly inaugurated as our 39th president and the rock band KISS was an international sensation.

Fans flocked to stadiums and arenas to experience the group's elaborate stage shows and signature costumes as much as their music. By then, KISS also had made its mark branding everything from T-shirts to make-up. One of the hottest KISS ventures was a partnership with Marvel Comics to issue the first Super

Special KISS comic book. To make it truly special — and create unprecedented marketing hype — the four members of the group decided to mix their blood with the ink used to print the first edition.

KISS member Gene Simmons recalled that a Notary Public, who could not legally certify the event, acknowledged the band members' signatures on their statement, which read:

"This is to certify that KISS members Gene Simmons, Ace Frehley, Paul Stanley and Peter Criss have each donated blood, which is being collectively mixed with the red ink to be used for the first issue of the Marvel/KISS comics. The blood was extracted on February 21, 1977, at Nassau Coliseum, and has been under guarded refrigeration until this day when it was delivered to the Borden Ink plant in Depew, New York."

POST-NUPTIAL AGREEMENT

It may have been the late 20th century, but the notarized agreement between a District of Columbia

married couple seemed more like an attempt to turn back the clock — and women’s rights — to the 19th century.

Myles and Yvonne Spires were just another seemingly happy couple in love when they married in 1984. By 1991, financial problems and mutual suspicions of infidelity had greatly damaged their marriage.

To save what was left of their marriage, both parties signed an agreement that gave Myles Spires control over the couple’s affairs. Among the provisions of this dark document, Yvonne was not permitted to withdraw money from the bank without her husband’s consent. Further, she was not to dispute his word on any matter in public, nor could she receive loans or gifts from others without his expressed permission.

When the couple finally divorced in 1999, the agreement called for Myles to get sole custody of their children along with absolute power to determine Yvonne’s visitation rights. Apparently, Mr. Spires felt this notarized document would sway the judge in a divorce proceeding. He was wrong.

The divorce court judge granted custody of the children to Yvonne Spires, a decision which was upheld by

an appeals court. In its ruling, the appeals court noted that the terms of the agreement were “against public policy of this jurisdiction. It may not be enforced in our courts, nor can it be permitted to affect adversely the rights of the oppressed wife or her children.”

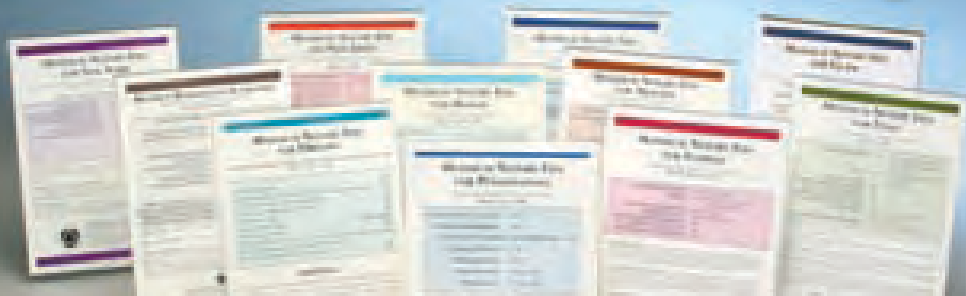
THE HOLLYWEIRD MARRIAGE

Actress Angelina Jolie and her then-husband, actor Billy Bob Thornton, weren’t particularly interested in the part of their wedding vows that had to do with “until death do us part.”

Jolie had her will changed to read that she and Thornton would be buried together. She then had the document notarized. Thornton one-upped his wife: He drew up a statement that said he would be married to her for eternity, signed it in blood and had it notarized.

The notarizations imparted an air of seriousness and importance to the documents, signaling the couple’s intent to make their marriage on May 5, 2000, last an eternity. At least that’s what they intended at the time. Apparently, eternity in Hollywood means three years, because that’s how long their marriage lasted. **NNA**

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PRIVATE PROPERTY: PROCEED WITH CAUTION

IT'S THE NOTARY'S RESPONSIBILITY TO PROTECT A
CLIENT'S PRIVATE INFORMATION FROM PRYING EYES

WHEN CONSUMER PRIVACY RIGHTS ADVOCATE Paul Stephens needed to get a document notarized a few years ago, he was dismayed when the Notary didn't bother to cover up the previous entries in his journal. All his clients' personal information, including their home addresses and driver's license numbers, were in full view for anyone to see.

As the director of policy and advocacy at the Privacy Rights Clearinghouse in San Diego, California, Stephens has seen firsthand how easy it is to exploit such carelessness. Criminals can use information gleaned from driver's licenses and identification cards to piece together false identities and commit fraud.

"Just getting a name, address and driver's license number creates significant potential for fraudulent activity," Stephens said.

To protect signers' privacy, Stephens wants legislation enacted to tighten requirements for protecting journals and restricting public access to notarial records. But with or without new legislative mandates, experts

say it is imperative for Notaries to follow sound practices to safeguard their clients' privacy. Using eNotarization technology is very effective in protecting the privacy of the notarial journal.

A LARGER RESPONSIBILITY

As a public official, a Notary has a duty extending beyond the immediate tasks involving a document's notarization. A Notary's certificate, seal and signature are just the beginning. Protecting the integrity of each notarization means protecting its details long after the transaction occurred.

"Securing the journal is a big part of the Notary's responsibility in protecting clients," said Charles N. Faerber, vice president of Notary affairs at the National Notary Association. He makes several specific recommendations: cover up previous entries when a client signs the journal; cover other items on the page when fulfilling a request for a copy of a specific journal entry; and shield the journal when filling it out so signers can't

“look over your shoulder” to read other entries.

When a request comes in for information from a journal, Notaries should follow their state’s regulations. If Notary laws do not address this, Faerber suggests for the Notary only to fulfill the request if it is in writing and specifies the name of the signer, the type of document notarized and the approximate date of the notarization. This would deter “fishing expeditions” by unethical people for potential identity theft abuses.

Faerber suggests for Notaries to keep their journals and seals under lock and key when they aren’t being used “so they won’t fall into the wrong hands and be fraudulently exploited by someone.”

In some states, such as California, Notary law spells out requirements for the safekeeping of journals. But too many states lack any journal requirements and the laws in others are ambiguous. Because even the most prudent Notary may be unsure on how to protect clients’ privacy — especially in states where pertinent laws are unclear or even nonexistent — Faerber recommends following the guidelines contained in *The Notary Public Code of Professional Responsibility*.

According to the *Code*, Notaries should not just physically keep the information in their journals from prying eyes; they should be conscientious about not telling others about interesting documents or transactions they have encountered. Notaries also should refrain from keeping copies of documents they notarized, as well as of driver’s licenses or other identifying documents. “That’s an unnecessary, utter invasion of a signer’s privacy,” Faerber said.

“THE WILD WEST”

Notaries in states that don’t have journal laws face extra challenges.

“In all those states, it’s like the Wild West — anything goes,” Faerber said. For the protection of both the Notary and their clients, he recommends for all Notaries to describe each client’s IDs and ensure the client signs the journal — before completing the notarization.

Faerber acknowledges such best practices are a problem in some states. Texas, for example, adopted a new regulation in 2007 prohibiting Notaries from recording ID serial numbers in their journals. The NNA endorsed this rule because Notary journals in the state are considered public records and are open to anyone for examination.

Still, the rule goes against the highest professional standards for Notaries as the protectors and guardians of many of society’s most important transactions. That role is underscored by the fact that law enforcement agencies investigating mortgage fraud and other transaction crimes increasingly are approaching Notaries for information about suspect document signers.

The *Model Notary Act*, now under revision, will help

address the problem by allowing Notaries to record identifying information in their journals but with increased penalties if they aren’t careful about protecting their clients’ personal information, Faerber says.

In states where public record laws allow anyone to examine notarial journals on demand, Faerber suggests for Notaries to identify the requesting parties and have them sign the journal to make a record of who has looked at it, whether or not such measures are required.

Some signers may fear their privacy is being violated when a Notary examines their documents. It is not necessary to read a document prior to its notarization. However, the Notary needs to skim each document to “know enough about it to describe it in the journal,” Faerber said. That means making sure there are no blank spaces, and verifying the title and signers’ names.

TECHNOLOGY AND PRIVACY

One of the most promising advances in the Notary world is the development of electronic notarization. Apart from enhanced efficiency and convenience, it can help solve many privacy concerns of Notaries and signers. Electronic notarization systems allow a Notary to call up only one journal entry at a time on a computer screen, eliminating the need for Notaries to cover up previous entries.

“Technology and privacy go hand in hand,” said Dr. Richard J. Hansberger, special eNotarization adviser at the NNA.

“Electronic records are ultimately better because we can do a better job of keeping them private and preserving them over time,” Hansberger said. “Paper records are easier to steal and harder to preserve. In the future, we will be able to protect ourselves more effectively.” **NNA**





FINDING WORK IN A SLOW ECONOMY

BUSINESSES ARE LOOKING FOR NOTARIES WHO CAN HELP WITH SPECIALIZED HOME FORECLOSURE TASKS

FOR MANY NOTARIES, THE SLOWDOWN IN THE mortgage and real estate markets has come with a comparable drop-off in their own business. But, ironically, the economic downturn offers business opportunities uniquely suited to the skills of Notaries.

Among them is a pair of tasks related to real estate foreclosures: handling “Cash for Keys” deals and working as a foreclosure poster.

CASH FOR KEYS

In the current real estate climate, many homeowners are defaulting on their mortgages, forcing lenders to institute foreclosure proceedings, which can be long and expensive — especially if the borrower fights the process. That’s where the “Cash for Keys” option, also called “relocation assistance,” enters the picture. Whether the property is occupied by a homeowner or a renter, the borrower wants it vacated so it can be sold.

In this scenario, a lender pays tenants to leave the foreclosed property. The money is an incentive to tenants who might otherwise initiate lengthy legal

proceedings to stay in the home since they don’t have the funds to move.

Sometimes simply filing certain documents can prevent a tenant from being evicted.

In order to make a “Cash for Keys” transaction work, the person seeking to have a tenant removed may need a facilitator, or the borrower or renter may negotiate the details of the agreement himself.

After evaluating rental costs in the area, the Notary makes a recommendation as to how much money the tenant should be offered as incentive to leave. The facilitator negotiates with the tenants the amount of money that will be paid and the date they will leave the property, usually between 20 and 30 days from the time of negotiation. An eviction takes 45 days or longer.

The Notary then meets with the occupant and presents two documents prepared by the plaintiff or their law firm. The first is a “Cash For Keys” agreement that states a move-out day and the agreed-upon payment. The second document, called a “stipulation,” is legally binding. The stipulation is drawn up by a law firm and signed by the plaintiff’s attorney. Once everyone has



signed the document, it's filed with the court and becomes legally binding. Some real estate brokers who are involved in a "Cash For Keys" transaction will have the documents notarized.

If the tenant doesn't fulfill his end of the bargain, the lender can immediately take possession of the property and the tenant forfeits the cash.

FORECLOSURE POSTER

When a property falls into foreclosure, a third party is needed to post a foreclosure notice in an area that is visible to the public. The "poster" then photographs the property and records the date and time the photo was taken and the location of the property in addition to the poster's name and contact information. The poster then sends the picture to the foreclosing entity.

The poster must file the notice with the court that has jurisdiction over the area in which the property is located.

Some states might also require that images of the foreclosed property be published in a local daily newspaper.

Notaries should be aware that legal requirements regarding posting foreclosure notices vary from state to state.

While posting foreclosure notices is generally considered safe primarily because there is no direct contact with the homeowner, posters on occasion face challenges. These may come in the form of an irate resident or a vicious dog that doesn't want to move either.

Companies that might hire posters include local foreclosure companies and law firms specializing in foreclosures and real estate transactions. Other national companies that act much like a signing service for the foreclosure business include Residential Services Validated Publications, MK consultants and Fidelity National Agency Sales and Postings. [NNA](#)



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Spotting The Fake ID Among The Real Ones

ENSURING SOMEONE IS WHO THEY SAY THEY ARE IS ONE OF THE MOST IMPORTANT NOTARY FUNCTIONS. BUT HOW CAN YOU BE SURE A SIGNER'S IDENTIFICATION DOCUMENT IS REAL?

SCRUTINIZE IDs

Always make sure ID documents are government-issued and have a photo, physical description and signature of the bearer, as well as a serial number. Check the ID card for evidence of tampering. Letters or numbers with different fonts or type sizes, or raised edges around the photograph, can be evidence of alteration. Also, make sure the wear is consistent with the issuance date. Cards normally show signs of wear along the edges. If there is wear across the entire card, or if an older card shows no sign of wear, those could be signs of a counterfeit. A misspelled word usually is also a red flag.

It's also important to check for discrepancies between the birth date and photo on the card and the signer in front of you. For instance, it's a safe bet there's a problem if the ID contains a photo of an African-American woman and the signer is Caucasian, or if the card indicates the signer is 65 but she appears to be in her 20s. Also, compare the signature on the ID with the signatures in your Notary journal and on the notarized document.

You should never accept an ID card that was not laminated when it was issued by the governmental agency. Subsequent laminations can hold new photos in place. Always ask the signer to take his or her ID document out of a wallet or plastic sleeve so you can examine it to

ensure the signer didn't place a different picture over the original.

USE YOUR RESOURCES

Many driver's licenses and state ID cards contain holograms, state seals, ghost images and other security features. Become acquainted with the features of IDs in your state. Many Notaries find that an up-to-date *I.D. Checking Guide*, which includes photos and descriptions of the driver's licenses in every state and U.S. territory, is an invaluable resource. If you don't have a *Guide* at your disposal, most departments of motor vehicles publish sample ID cards and driver's licenses from their state on their Web sites. Using an ultraviolet scanner is also recommended, since many states use imprinted patterns on the ID cards they issue, which are only visible under ultraviolet or infrared light.

GET SECONDARY ID

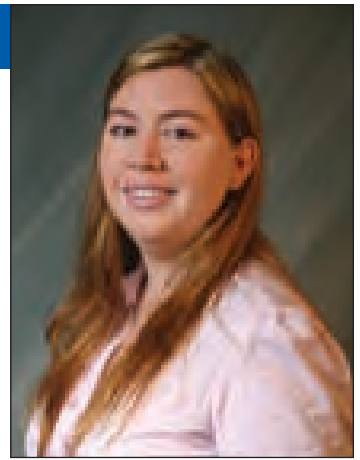
If you still are unsure if an identity card is valid, don't be afraid to ask for a second form of ID. If the signer doesn't have another ID, a credible identifying witness can be used in place of an ID document in most states. The credible identifying witness must personally know the signer and should also be personally known to you. The witness should not have a beneficial interest in the document, and he or she must take an oath or affirmation to ensure truthfulness.

As a Notary, one of your most important rights is the option to refuse to notarize a document if you have a reasonable suspicion that the transaction is improper or involves fraud.



Protecting Your [Single] Journal Is Very Important

By Lori Farmer
NNA Hotline Counselor
lfarmer@nationalnotary.org



Being a Notary is a big responsibility, and it's important to take your duties seriously. One of the biggest functions of the NNA — and the Hotline in particular — is imparting this to

our members by helping them stay on the right side of laws, statutes and best practices. As a valued NNA member, you can always call us at Hotline if you are unsure about the correct thing to do. Unfortunately, **K.W. from Henderson, Nevada**, contacted us too late. We can't stress enough how important it is to become familiar with your state's Notary laws and comply with them.

I am a Notary in Nevada, and the Secretary of State's office is requesting a copy of my journal because they want to confirm that certain signers personally appeared before me during two separate notarizations. Here's the problem: I was working out of two journals at the time, as many of my signings were done outside my office. The book I kept in my car was stolen, but I didn't report this to anyone except my boss. That's where the two notarizations in question were documented. What should I do?

There are a couple of potential problems here. First of all, according to Nevada law, the Notary journal must be a bound book — not books. Since you were keeping two journals, you could face a penalty of \$2,000 (NRS 240.150[4]). The second issue is the law requires Notaries to notify the Secretary of State if their journal is lost or stolen, and failure to do so could result in a \$2,000 penalty (NRS 240.120[6] and 240.150[4]). We recommend you seek the advice of an attorney, since in addition to penalties, you could be held liable for civil damages.

I work in the corporate office for a large credit union in Utah that has 49 branches. Since we have a shortage of Notaries at the branch level, can I have my co-workers check IDs and then send me the signed documents for notarization? This is getting to be quite a crisis, and I trust my co-workers to be careful about identifying the signers.

J.O., West Jordan, Utah

Even though you feel comfortable that your co-workers have verified the signers' identification properly, signers must personally appear before a Notary to have their signatures notarized. Utah Notaries are strictly prohibited from performing any notarization without personal appearance. Until you can provide Notaries in each of your branch offices, you will need to refer your members to another Notary.

A signing service is requesting that I place my Notary stamp on the bottom of their agreement. I don't think this is allowed. Isn't the safest way to verify my commission is to provide them with a copy of my Notary commission certificate?

D.D., Sacramento, California

A Notary should only stamp a document that is being notarized. If the signing service is requesting the information on your Notary seal, you may write the information from your seal on the document, but you should never leave your seal impression.

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Monday through Friday.*

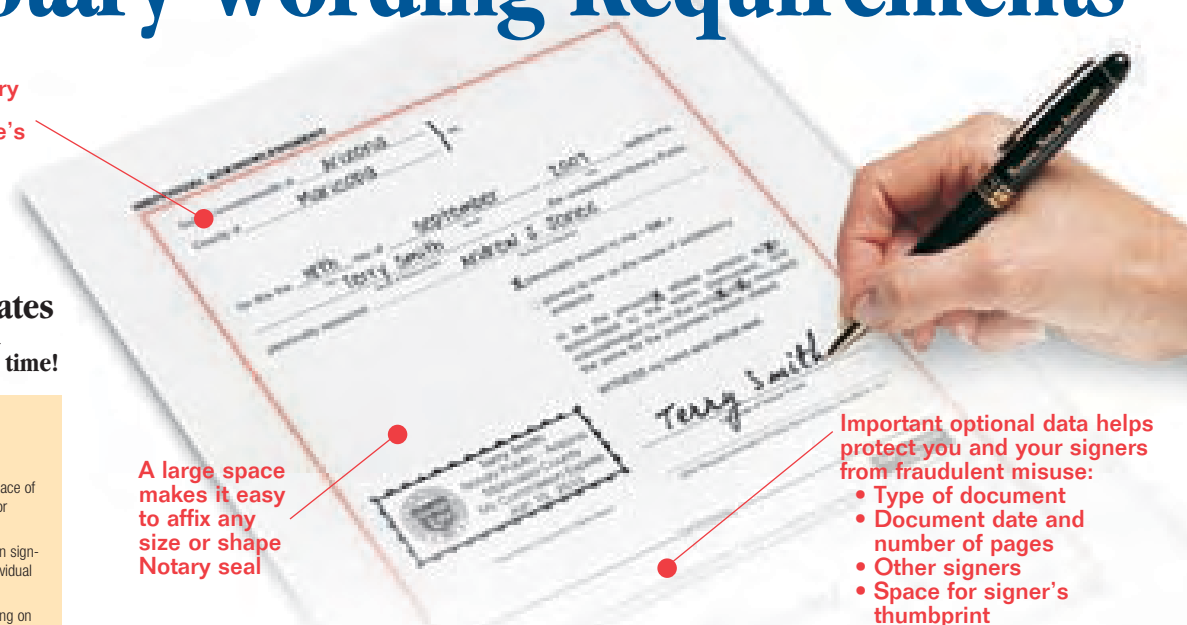
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— The Editors

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Acknowledgment, Corporate: For a person signing on behalf of a corporation as president, vice president, treasurer, secretary or other officer.

Acknowledgment, Credible Witness: For a document signer (appearing before the Notary) identified by a third party who is personally known to the Notary.

Acknowledgment, Disabled Person: For Notaries signing on behalf of a disabled individual as provided for by state law.

Acknowledgment, Individual: For persons signing on their own behalf.

Acknowledgment, Individual Short-Form: For persons signing on their own behalf; Washington only.

Acknowledgment, Officer/Trustee (Representative): For a person signing as a public official or trustee (or representative).

Acknowledgment, Partnership: For a person signing as a partner on behalf of a partnership.

Acknowledgment, Representative Short-Form: For a person signing in a representative capacity (corporate officer, partner, trustee or attorney in fact); Washington only.

Acknowledgment, Signature-by-Mark: For a person who must sign with a mark. Requires two witnesses in addition to the Notary.

Copy Certification by Notary (Certification of Photocopy): For Notaries attesting to the accuracy of a copy.

Copy Certification by Document Custodian: For use in states that prohibit Notaries from certifying copies. Document owner (custodian) certifies copy.

Jurat: For documents requiring oaths and Notary-witnessed signatures. Contains the jurat wording, "Subscribed and sworn to (or affirmed) before me...."

Jurat, Disabled Person: For Notaries executing and signing an oath on behalf of a disabled person. Florida only.

Jurat, Signature-by-Mark: For documents requiring oath by a person who must sign with a mark. Florida only.

Jurat with Affiant Statement: Provides space for signer to type or print his or her own statement along with jurat wording.

Proof of Execution by Subscribing Witness: For a person who has witnessed the signing of a document by an individual who cannot appear before the Notary.

Select from the following certificates to meet the requirements of your state:

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- Individual Acknowledgment — #5936
- Corporate Acknowledgment — #5937
- Partnership Acknowledgment — #5938
- Attorney in Fact Acknowledgment — #5939
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement — #5924

Arkansas: (8 1/2" x 11")

- Individual Acknowledgment — #5947
- Proof of Execution by Subscribing Witness — #5948
- Copy Certification by Notary — #5949
- Jurat with Affiant Statement — #5950

California: (8 1/2" x 11")

- NEW** • All-Purpose Acknowledgment — #5907
- Proof of Execution by Subscribing Witness — #5908
- NEW** • Copy Certification by Document Custodian — #5911
- Copy Certification of Power of Attorney — #5242
- NEW** • Jurat with Affiant Statement — #5910

Florida: (8 1/2" x 7")

- Individual Acknowledgment — #5181
- Corporate Acknowledgment — #5182
- Official/Trustee Acknowledgment — #5185
- Partnership Acknowledgment — #5183
- Attorney in Fact Acknowledgment — #5184
- Signature-by-Mark Acknowledgment — #5931
- Disabled Person's Acknowledgment — #5933
- Certification of Photocopy — #5187
- Jurat — #5186
- Signature-by-Mark Jurat — #5930
- Disabled Person's Jurat — #5932

Hawaii: (8 1/2" x 7", unless noted)

- All-Purpose Acknowledgment — #5921
- Individual Acknowledgment — #5936
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Copy Certification by Document Custodian — #5946
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

Massachusetts: (8 1/2" x 11")

- All-Purpose Acknowledgment — #5951
- Signature Witnessing — #5953
- Jurat — #5952
- Copy Certification by Notary — #5922

Missouri: (8 1/2" x 11")

- Acknowledgment by Individual — #5936
- Acknowledgment by Corporation — #5937
- Acknowledgment by Partner — #5938
- Acknowledgment by Attorney in Fact — #5939
- Acknowledgment by Individual Who Cannot Write Name — #5940
- Acknowledgment Through Affidavit of Executing Witness — #5941
- Certification of Facsimile — #5942
- Jurat with Affiant Statement — #5924

Nevada: (8 1/2" x 7", unless noted)

- Individual Acknowledgment — #5915
- Attorney in Fact Acknowledgment — #5927
- Representative Acknowledgment — #5917
- Credible Witness Acknowledgment — #5918
- Proof of Execution by Subscribing Witness — #5919
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5920
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

New York: (8 1/2" x 7", unless noted)

- All-Purpose Acknowledgment — #5925
- Proof of Execution by Subscribing Witness — #5926
- Copy Certification by Document Custodian — #5946
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

Texas: (8 1/2" x 7", unless noted)

- Ordinary (Individual) Acknowledgment — #5243
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944

Texas: (continued)

- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

Washington: (8 1/2" x 11")

- Individual Short-Form Acknowledgment — #5906
- Representative Short-Form Acknowledgment — #5905
- Disabled Person's Acknowledgment — #5904
- Copy Certification by Document Custodian — #5923
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement — #5924

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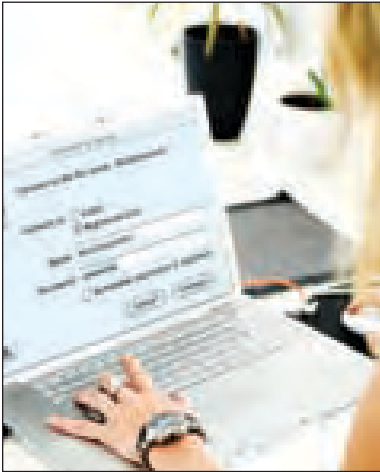
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Psst ... Use Passwords Wisely, Or Thieves Will

Passwords can be a double-edged sword. They can protect your most sensitive financial information — or they can be a gateway to your life. Like a key to your house, it keeps

thieves out, unless they just happen to have your key in the first place.

Passwords can be used in other parts of your life besides the Internet. Some people tend to store their most sensitive information — from Social Security numbers and tax returns to bank statements and credit card numbers — on their personal computers.

Thieves can access your personal files in a variety of ways. One of the more common ways is by stealing your laptop — from your car, your office or the coffee shop. Simply downloading music or movies also can open a road right into your computer that technologically savvy identity thieves will exploit.

Children can unwittingly create security breaches. One survey said kids ages 9 to 14 download music regularly, and in the process, they may accidentally expose their parent's sensitive information via peer-to-peer file sharing.

Tip No. 1, according to Todd Feinman, CEO of Identity Finder: Protect all sensitive files on your personal computer with a password, especially if you're going to store them for a long period of time.

Most programs, such as Microsoft Word or Adobe Acrobat, have built-in features that allow the user to password protect Word files. In certain versions of Microsoft Word, when you access the "save as" function, click on "tools" and then "security options," and it will let you password protect the file.

When encrypting documents, Feinman recommends using passwords that have both upper- and lower-case characters and are at least seven characters long.

Of course, if you have a few different

passwords, you're going to need to store them somewhere. Don't make the mistake of putting them in a Word file that itself isn't password protected.

Passwords also come into play on the Internet when conducting business, shopping or just having good, clean fun. You should have different passwords for different purposes. Using the same password for online banking and other financially related sites as you do for game or job sites potentially exposes your financial information. A rogue employee in charge of a database could take your password and try it randomly on the major online banking sites. Eventually, he might hit pay dirt and make you an ID theft victim.

Also, use your eMail password only for your eMail. Many Web sites require you to register using your eMail address and a password. If you use the same password, employees on those sites can read your eMail, including any saved communications regarding your financial transactions. If you also use the same password for your financial transactions, you've just made the job of would-be identity thieves still easier.

Feinman also warned against saving passwords on shared computers' Web browsers. They can be accessed by computer-savvy ID thieves in an instant.

You don't have to have so many passwords that you could fill a phone book. Just understand the playing field, and exercise a little caution and common sense. It can go a long way to thwart ID thieves.

Pass the word.

— Michael Mink

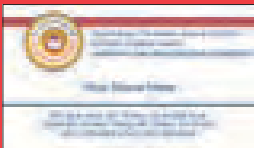
NNA Business Cards

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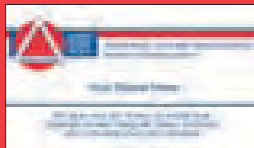
1 MAGNETIC BUSINESS CARDS



Shown: Notary Signing Agent – Certified and Background Screened version

250 Cards: \$69.95
Allow 3-4 weeks for delivery

2 TRADITIONAL BUSINESS CARDS



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1000 Cards: \$49.95
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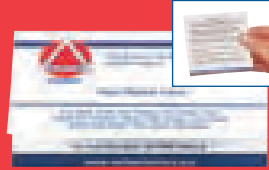
3 ROLODEX® CARDS



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Includes these "Notarization Musts" inside:

- The document signer must personally appear...
- The Notary must identify the signer...
- The Notary must be impartial and disinterested...
- The Notary must make a record...
- The Notary must hold and scan the document...
- The Notary must not certify a copy of a birth certificate or other vital record...

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A B C

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Be sure to indicate the designation letter of your choice when ordering. For example: Item # 7382-A.

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- C. Notary Public***

Subtotal (check style and quantity from list at left)	\$ _____
Shipping \$9.95 (\$11.95 for \$65 and over)	\$ _____
State/Local Tax	\$ _____
Total	\$ _____

*For these states, include tax on shipping.

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Name: _____

Organization: _____

Address: Business Home _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Home Phone: _____

E-mail: _____

NNA Member Number (required): _____

Check/Money Order (payable to NNA) Visa MasterCard American Express Discover

Card No.: _____ Expires: _____

Name on Card: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Signature: _____

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Please clearly print the exact words you want to appear on your business cards. Include all punctuation and spaces. The NNA cannot be responsible for errors due to card information that is not clearly provided.

Line 1 (maximum 29 characters & spaces): _____

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*Available to NNA Certified and Background Screened Notary Signing Agents only

**Available to NNA Notary Signing Agent Section Members only

***Available to NNA Members only

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www.NationalNotary.org/Supplies



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NATIONAL NOTARY ASSOCIATION
The Nation's Professional Notary Organization*



*Subject to credit approval. Certain restrictions and limitations apply. For pricing and rewards details please go to www.NationalNotary.org. NNA credit cards are issued by Chase Bank USA, N.A. and may be serviced by its affiliates.

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The NNA has partnered with Fidelity Information Corporation to help NNA Notary Signing Agent Section members collect past-due receivables from individuals, title companies, lenders and other commercial clients. Call 1-800-845-1086 or visit www.acollectionagency.com/nna.

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Note: Some member discount programs may require credit approval and may not be available in all states.

Softcover Journals for All-In-One Recordkeeping

A journal provides you with a manageable way of keeping track of your notarizations. It also serves as a vital record of transactions should you be requested to provide proof of who signed what and when. 122 pages for over 400 entries, 8 3/8" x 10 7/8".



Item #5350..... **\$11.95**
Non-members: \$17.00

Streamline Your Signings with Self-Stick Tags

Self-stick tags help your signers know what to sign and where. Easy to roll dispenser places the tag right where you want it. All tags remove without a mark. 120 flags.

- 'Sign Here' Tags #6710S
- 'Notarize' Tags #6710N
- 'Witness' Tags #7257



NNA Members: **\$5.95**
Non-members: \$8.00

Secure Loose Certificates with Desk Notary Seal Embosser

Required in some states. When used in addition to your seal stamp, this embosser is an excellent deterrent against attempted fraud. Especially effective in securing loose certificates, making fraudulent replacement easily detectable. Impression size is 1 1/2".

Available finishes:

- Brass-Plated #5308
- Matte-Black #5310



NNA Members: **\$39.95**
Non-members: \$49.00



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NATIONAL NOTARY ASSOCIATION

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NNA Member Prices

Not a member? To save up to 40% on this and future orders, add one of the membership options below to your order and write "new" in the NNA Member Number space.

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Item #1500-012
 - Two-year NNA Membership..... **\$89**
Item #1500-024
 - Three-year NNA Membership **\$126**
Item #1500-036
 - Four-year NNA Membership **\$163**
Item #1500-048
 - Five-year NNA Membership..... **\$200**
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- Additional years available at only \$37 per year.

NNA Supplies Order Form

Name _____ Check Enclosed/Money Order (Payable to: National Notary Association)

Organization _____ Visa MasterCard Amex Discover

Address Business _____
Home _____

City _____ State _____ Zip _____

Daytime Phone _____

Home Phone _____ Fax _____

eMail _____

NNA Member Number _____
(Required for member prices)

Card Number _____
Name on Card _____ Card Expires _____

Billing Address _____

City _____ State _____ Zip _____

Signature _____
Sorry, but we cannot accept purchase orders to bill on account.

Item #	Quantity	Description	Price	TOTAL

IF THIS ORDER CANNOT BE COMPLETED WITHIN ONE YEAR (365 DAYS) AFTER THE NNA HAS RECEIVED IT DUE TO YOUR FAILURE TO NOTIFY US OF YOUR COMMISSION COMMENCEMENT DATE, YOUR PAYMENT WILL BE NON-REFUNDABLE.

Sub-total of Supply Items

Shipping Charges (see rates at left)
 Ground 2-Day Air Next-Day Air

Add State/Local Taxes

(delivery to AZ, CA, FL*, HI*, KS*, MA, MI*, MO*, NC*, NE*, NJ*, NV*, NY*, PA*, TX*, VA & WA*)
*For these states, include tax on shipping rates.

TOTAL

Item Total	Shipping Rates**		
	Ground	2-Day Air†	Next-Day Air†
\$0 - \$15.00	\$6.95	\$11.95	\$20.95
\$15.01 - \$40.00	\$7.95	\$12.95	\$23.95
\$40.01 - \$65.00	\$8.95	\$13.95	\$26.95
\$65.01 - \$95.00	\$11.95	\$15.95	\$29.95
\$95.01 - \$120.00	\$13.95	\$17.95	\$33.95
\$120.01 - \$150.00	\$15.95	\$19.95	\$38.95
\$150.01 - \$250.00	\$17.95	\$22.95	\$44.95

** Rates subject to change.
† For U.S. states and Washington, D.C.
For shipments to other destinations, call for rates.

Source Code
A35433

“We make a living by what we get, but we make a life by what we give.” — Winston Churchill



Give From The Heart — Support What You Love

There’s a German proverb that says, “Charity sees the need, not the cause.” But there’s a lot of need in today’s world — from the environment to medical research to animal

rights to historical preservation.

Many of us are willing — even eager — to give. In 2006, Americans donated an estimated \$295 billion to more than one million charitable causes, according to the Charity Navigator, an online clearinghouse of information about philanthropies.

All told, 70 to 80 percent of American households contribute on average \$1,000 a year to various causes. But with so many causes, picking the right one can be a challenge.

There are several approaches people may use, and which is best depends on personal preference. Some donors prefer to make an ongoing commitment to a single cause. If a particular issue arouses your concern every time you read about it or see it on the news, giving on a regular basis may be a good way to make a difference. Many people like to find a charitable effort that is important to them — for example, breast cancer research — and make regular contributions throughout the year. In a similar vein some people select charities that allow them to “sponsor” an individual in need, such as a child in an underdeveloped country. The advantage of this approach is that you often receive messages or updates about the person you’re helping and can see the direct benefits of your support.

Others prefer “on the spot” giving. “On the spot” giving takes place when a donor learns about a recently developed crisis — such as a natural disaster — and seeks to send immediate help to affected victims. Many people feel immediate sympathy when they see victims who have lost homes, possessions or loved ones, and it’s natural to want to help. Often news outlets

and large charities will let people know about avenues for charitable support when such disasters strike. While the nature of the emergencies means these donations tend to be one time only rather than ongoing causes, at the same time you know you are meeting an immediate need.

If you want to help, but can’t settle on a specific charity, consider donating to a reputable umbrella organization — such as the National Notary Foundation — which helps a wide variety of causes. This approach supports any number of organizations, and is likely to do good somewhere.

Of course, the best advice is to follow your heart. Don’t be shy about doing your part. Step up, follow your feelings, and give.

Reasons People Donate

A recent survey examined the factors that influence the choices people make about donating to charitable organizations.

Reasons/Percent Of Cases:*

Mission of the organization	51 percent
Charity’s impact on communities	29 percent
Financial health of charity	23 percent
Percentage charity spends on programs and services	22 percent
Whether charity has met standards of accountability	19 percent
Other	6 percent

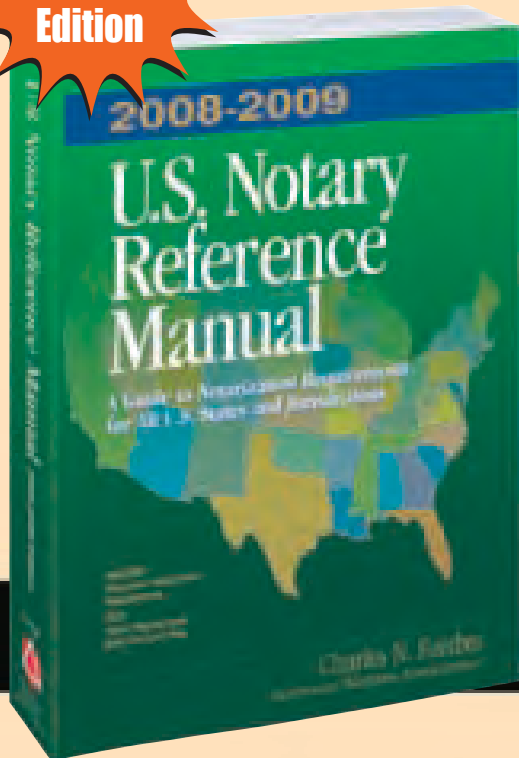
* Poll respondents could give multiple answers, so total exceeds 100 percent.

Source: St. Cloud State University

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NEW!
2008-2009
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- Notary seal requirements, samples and specifications
- State-prescribed certificate wording for every notarial act
- Officials other than Notaries who may notarize documents
- When a Notary is prohibited from acting and the fees a Notary may charge
- Official acts a Notary can perform, how they must be performed, plus a complete list of unauthorized acts
- How to access a former Notary's records
- How to locate a particular Notary
- The Notary's jurisdiction, term of office, bond, journal and other requirements

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Item #5339
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Mail or Fax: Complete the order form on page 49

Source Code
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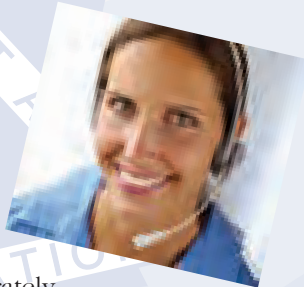
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