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The National NOTARY®

July 2009

Laying The Foundation
For A Sound Education

P.14

Shielding Yourself
From Liability Claims

P.20

The Challenge Of
Verifying International
IDs **P.25**



THE MAGAZINE FOR PROFESSIONAL NOTARIES



DECODING

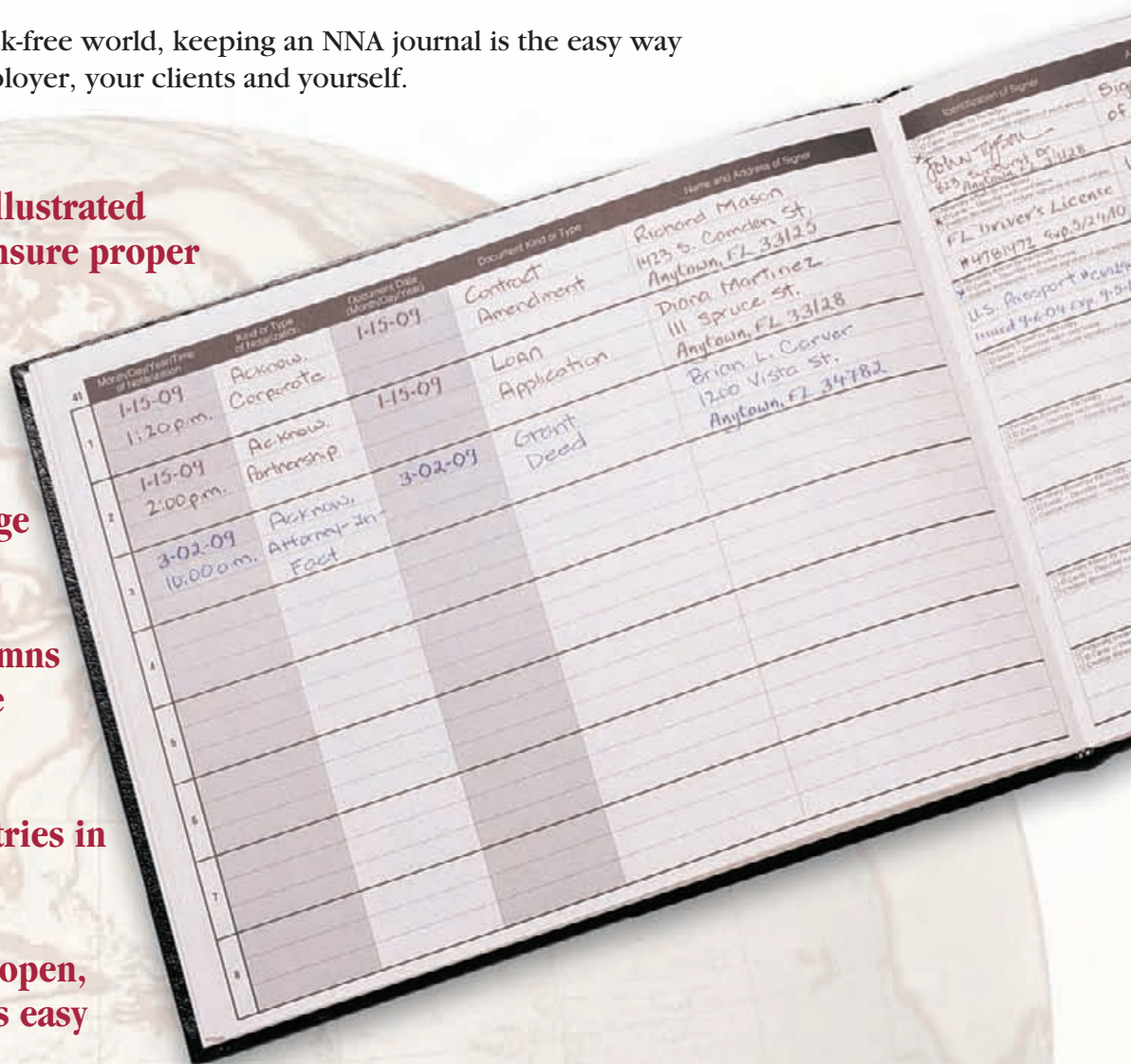
Identity Management

If the World Were a Perfect Place, You Wouldn't Need a Journal

In the real world, documents can be lost, altered or stolen. Facts surrounding a transaction can be challenged later. The NNA's Official Journal of Notarial Acts creates the paper trail that protects the rights of clients and helps to defend Notaries against liability.

Until we live in a risk-free world, keeping an NNA journal is the easy way to protect your employer, your clients and yourself.

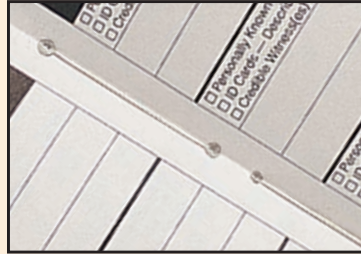
- **Step by step, illustrated instructions ensure proper procedures**
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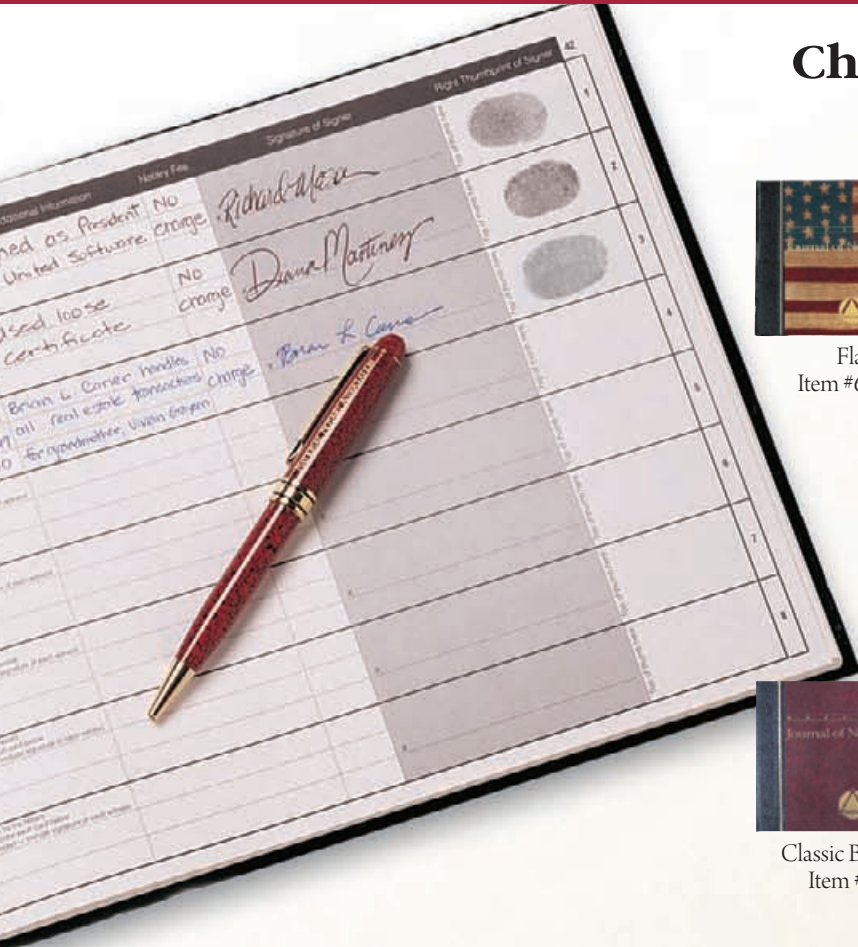
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The objectives of THE NATIONAL NOTARY are to: (1) publish only quality articles on Notaries, notarization and related subjects; (2) inform our readers of important developments in the field of notarization; and (3) focus on Notary issues and related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

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From The Senior Managing Editor



Recordkeeping: A 'Burden' Too Vital To Dismiss

"Keeping records in a Notary journal is too time consuming." "Taking a thumbprint from a signer isn't necessary." "A Notary's stamp and signature

on a document should be good enough."

Far too many people still bristle at the mere suggestion that Notaries be required to keep sound, complete records and take signers' thumbprints. Even in this fraud- and forgery-rich environment, malcontents dismiss the urgent need for professional standards because of the perceived "burden" such basic standards would impose.

I would challenge anyone to make that argument to the family of 74-year-old Cliff Lambert — a missing man from Palm Springs, California, who is presumed dead after ending up in the crosshairs of con men who attempted to steal his property and assets. The suspects are now in police custody facing capital murder charges, among many others. What was the key evidence that led to their arrest?

A Notary's journal and the thumbprint left behind by the group's alleged ringleader, David Replogle.

Replogle, a San Francisco attorney, reportedly used a fake identity to have a power of attorney notarized, which gave him control of the victim's Palm Springs home and assets. After Replogle left the Notary's office he realized that the journal thumbprint he left behind could be used as damning evidence. He later returned to the Notary's office and unsuccessfully attempted to steal the journal. Police were notified.

Truth be told, it's not every day that a thumbprint in a Notary's journal helps crack a capital murder case. But mortgage fraud and identity crimes reached an all-time high in 2008 and authorities relied heavily on the evidence in Notaries journals in their investigations.

This is exactly why Notaries are being relied upon more than ever to play a key role in protecting and verifying identities (page 16). For the family of Cliff Lambert, a Notary's journal is helping bring them justice. For millions of Americans, a Notary's journal and thumbprint requirements help protect their identities, property, assets and the American dream.

I think that's a worthwhile "burden."

The key evidence:
A Notary's journal
record and
thumbprint

COVER STORY

16 • Decoding Identity Management

Like a diamond, an individual's identity has many facets, and there are just as many ways to falsify an identity as there are to verify it. Identity management is an emerging discipline that uses a multilayered, standardized approach to confirm identity for sensitive assignments such as access to classified information — and Notaries are at the center of it all.



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There is no better gift you can give than a sound education, and the National Notary Foundation is proud to be living up to that message by endowing scholarships at institutions in the U.S.

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In this time of rampant financial fraud, even an honest mistake can cost you. So what can you do to protect yourself from liability?



25 • International Recognition

A global economy means a higher likelihood you'll be presented with an ID from a foreign country. Is it acceptable? The answer, of course, depends on the type of identification.

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Sometimes, it's fun to laugh at the gaffes of others. However, there are times when goof-ups — even funny ones — can teach us a serious lesson.

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From The Executive Director

Timothy S. Reiniger
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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

Bilingual Notaries

I am a Notary who is fluent in both English and Spanish. In fact, I am a Certified Interpreter and Translator in the State of California. A large portion of my business as a Notary Signing Agent involves my bilingual skills. On more than one occasion I've been told by signing agencies that they were glad to find someone who was bilingual.

We live in a country that is rapidly becoming bilingual. For some, it's a frightening prospect. For others it's an enlightening adventure. Whatever the opinion, the forecast is that in California alone Latinos will become 51 percent of the population by 2050, if not sooner.

George Macias, Sacramento, California

Consular Charges

I was shocked recently when a client, who had two family members seeking to have copies of their passports notarized, told me they had been charged \$50 for the two notarizations!

It was a Notary Public at the U.S. Embassy in Ciudad Juarez, Mexico. I felt very bad indeed as I was the one to recommend it, assuring him that they were going spend only \$20.

How is it possible that Notaries Public in the United States aren't permitted by law to charge more than \$10 and our own embassy overcharges?

Carmensol Rehbein, Merced, California

Because consulates and embassies are operated by the federal government, the fees they charge for services may differ from those Notaries are allowed by individual states. Persons seeking notarial services from a consulate or embassy should check in advance to find out the amount they will be charged. — The Editors

Identifying The Famous

The article about notarizing for famous people in your May 2009 issue hit close to home for me, since I used to work for a movie studio and now work for an entertainment law firm.

Thanks for making a good point. No matter how big the celebrity — always get identification and keep your journal current!

Bill Clark, Santa Monica, California

Letters To THE NATIONAL NOTARY

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

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



Using Personal Responsibility To Limit Liability And Risk

Since the Association designed and wrote the first Notary Errors and omissions insurance policy in the 1960s, a lot has changed in the world of liability and risk management.

The national sentiment of wanting to blame someone for one's own mistakes seems to expand with each passing year and, as Notaries, we see our fair share of this phenomenon.

Yet curiously, there are more folks applying for Notary commissions than ever before, even as the warnings about the threat of personal liability and risk grow increasingly dire.

This belies the common attitude today that everyone is retreating from personal responsibility. Nearly 5 million Notaries — a number that is steadily increasing — have vowed under oath to keep today's legal and commercial activities moving forward, and to help their friends, business associates and communities.

With all the events of the past year, we are starting again to see an upturn in the number of documents needing notarization.

Some Notaries are starting to get busy again with refinancings and, yes, even home sales in some markets. And, with mounting concerns over identity security, the screening skills of Notaries are increasingly being utilized by industry and government in the process of issuing identity credentials.

Some people, of course, are drawn to the Notary office as an opportunity to supplement their income or even start a new career. But that doesn't fully explain the motivation of the many Notaries who go through the burdensome process and expense of commissioning mainly to make a positive difference in the lives of others. These Notaries firmly believe that what they do is vitally important — and they are right.

For each real estate transaction or

business deal involving sensitive documents and notarization, it is the Notary whose seal and signature finalizes the deal, both legally and psychologically. The notarial act renders the transaction legally recognizable and represents that this agreement or contract, and no other, is authentic and in full force and effect.

While signers are concerned and nervous about an agreement's terms and whether they will be recognized and enforced, the Notary can be the comforting presence ensuring the permanency and legality of the agreement.

Even in this most depressed economy in recent history, the annual NNA Conference this June hosted individuals who made a financial commitment to minimize their risks by maximizing their professional knowledge.

If the best defense is a good offense, then NNA members have learned the playbook well. The prospect of facing unknowable risks may appear daunting, but the strong desire to help others and an optimistic outlook garnered from working within personal and professional communities give us the gumption to move forward.

Notaries appear willing to face risk with a conviction that they are doing the right thing, allaying their personal anxieties and concerns through a solid knowledge of the best practices of notarization.

Notaries have met the alarmist rhetoric with the best response: proactive efforts and a positive outlook about using personal responsibility to limit liability and risk.

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

eMortgages Nearing 'Tipping Point' Of Widespread Use



The time is fast approaching when closing a mortgage with paper, pen and physical stamp will be the exception rather than the rule. That's because electronically signed and notarized mortgage transactions are nearing critical mass or "tipping point" for widespread use, according to reports from top industry leaders.

The Electronic Signature and Records Association (ESRA) reports eMortgage use increased six-fold from 2007 to 2008, with 13 states having laws or regulations in place to expedite eNotarization and 77 percent of lenders indicating they will move to using eSignatures.

With paper usage decreasing and electronic transactions on the rise, electronic mortgages are likely to make up nearly 40 percent of all transactions in the future, Tim Anderson, president of SigniaDocs, told attendees at a recent banking conference.

Using electronic signatures and documents significantly saves time and money. ESRA estimates savings of \$85-\$325 for each loan by going electronic, and \$80-150 on production costs.



By The Numbers

44 The percentage of surveyed companies that reported eMail leaks of confidential information between May 2007 and May 2008.

The amount of sales online companies lost in 2008 because of consumer fears of identity theft. **\$21 billion**

41 The number of U.S. states and territories that have adopted at least part of the *Model Notary Act*.

Estimated legal permanent resident immigrant population in the U.S. as of 2007. **12.78 MILLION**

\$3.24 Average U.S. price of gasoline, as of March 2008.

Average U.S. price of gasoline as of March 2009. **\$1.94**

1.3 billion Number of eMail users worldwide in 2008.

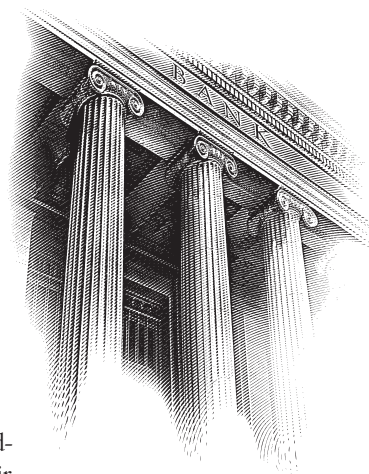
Number of Web sites on the Internet as of December 2008. **186,727,854**

Small Businesses Get A Boost

Notary entrepreneurs looking to start or expand a business are getting help from the federal government.

As part of its economic recovery efforts, the Obama administration has committed \$15 billion to buying up securities backed by small business loans. The intent is to loosen up the credit market for small businesses, which have been squeezed hard during the current recession.

The plan also includes boosting loan guarantees for small businesses to 90 percent and waiving fees for loans from the U.S. Small Business Administration. Banks that receive federal funds also are being required to detail their small business lending on a monthly basis.



'iJuries' Destroying Legal Confidentiality

The privacy of jury deliberations is one of the most sacred ideals of our justice system. Jurors are duty-bound to keep what happens behind closed doors confidential — at least until the verdict is announced.

But jurors of the iPhone generation have started shirking their duty by posting details about the cases on which they are passing judgment, causing headaches for defendants, lawyers and judges.

The judge in a recent Florida drug-trafficking case discovered that nine of the jurors had been doing extracurricular research, which triggered an immediate mistrial. In an Arkansas case, a juror has been accused of "twittering" about deliberations during a multimillion-dollar lawsuit. The company, which was found liable, is appealing the case.

These "iJuries" are a reminder that confidentiality is paramount for the effective functioning of the legal system. Though there has not been a case reported of a Notary or a signer twittering, photographing or otherwise recording the details of a sensitive financial or legal transaction and posting it online, Notaries should be on guard against it.



Mystery Shoppers Prey For Scammers

Notaries could all use a little extra income these days to help make ends meet in the down market. So the opportunity to make money by shopping might seem irresistible. Be careful, though, because there are some too-good-to-be-true offers out there that are nothing more than scams.

Con artists target people looking to make a little extra income by becoming a mystery shopper — buying items at a store or dining at a restaurant and then reporting the details of their customer experience. Like other fraud schemes, it involves an upfront payment with the promise of easy money to follow. The fee is supposed to either cover certification, buy the would-be shopper a list of companies that provide mystery shopping services or guarantee a job.

True mystery shopper jobs exist, but they don't require you to pay any money in advance nor do they require a certification, according to the Federal Trade Commission.

Information on how to register with a legitimate mystery shopping agency is available at MysteryShop.org. If you have been victimized by one of these scams, you can file a complaint at FTC.gov or call (877) FTC-HELP.



Leverage Your Commission By Becoming A Freelance Concierge

While most people associate concierge services with high-end hotels, they're becoming a commonplace fact of life, making it a great opportunity for Notaries to supplement their income.

Private concierge services can be found just about anywhere from office buildings to airports. Jeannette Jones, CEO and founder of Purveyors of Time, says concierges add a 25th hour to their customer's day by handling all those tasks that just don't fit into their clients' busy

schedules.

A personal concierge can search for concert tickets, arrange for transportation, pick up dry cleaning, and perform that last-minute notarization on a document. "The sky is the limit," said Katharine C. Giovanni, President and Co-Founder of Triangle Concierge, based in North Carolina.

Both Giovanni's TriangleConcierge.com and Jones'

PurveyorsOfTime.com can help anyone interested in becoming a concierge.



Test Proctoring, Supervision Is New Career Growth Area

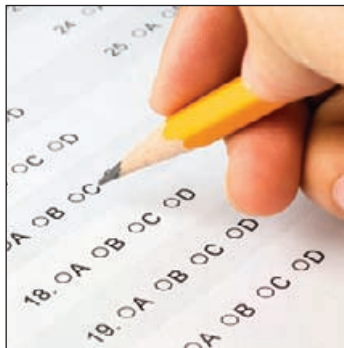
The nation's network of community colleges and private universities are seeing a boom in enrollment — with some schools posting nearly 20 percent jumps in the past year, according to media reports.

A new opportunity is emerging for Notaries as a result. More and more community colleges and schools like the University of Phoenix are relying on online-based instruction. That, in turn, drives the need for proctors to administer and monitor test-taking, and schools are looking to trustworthy individuals to fill that role.

The spike is driven by the unemployed, who are heading back

to school, and younger students in search of cheaper alternatives to traditional universities.

TestProctors.com, a national test facilitator organization, specifically lists Notaries as good proctor candidates. Among the company's best practices: not proctoring for a relative, being present at all times and thoroughly checking the test-takers' IDs.



The StenoMax Institute only uses Notaries to proctor its final speed test for

court reporting. The Westmoreland County Community College in Youngwood, Pennsylvania, requires a notarized statement in order to administer a test.



Bilingual Skills Translate To Profits

Getting an edge usually means building new skills or honing old ones, and for Notaries like George Macias of Sacramento, California, being noticed came from his ability to expertly read and speak Spanish.

A certified interpreter and translator who retired from an investigative job with the State of California about six years ago, Macias became a Notary Signing Agent at the suggestion of his sister-in-law. He quickly found that his foreign-language skills were a valuable commodity. About 50 percent of his closing jobs are for Spanish-speaking clients.

Even in today's down market, Macias has more work than he can handle. His secret: He lets everyone he meets know that he's bilingual.

With one out of every eight people in America — roughly 38 million residents — born in a foreign country, the demand for bilingual Notaries in all walks of life is growing. In banks, law offices, photocopy shops, insurance brokerages and at loan closing tables, everything from Spanish to Urdu is being heard, and Notaries with language skills will find work.

Trading Places Is A Hot New Trend In Real Estate Circles

Some creative homeowners are turning to a new real-estate trick — swapping houses.

The trend could represent a thriving niche for Notaries looking to expand their business into new areas.

In these instances, homeowners "sell" their homes to each other in separate but simultaneous transactions, and they need a Notary to seal the deal.

In today's tight lending market, sellers can save money and avoid a lot of headaches. These deals use one real estate agent and loan officer. The Internet is helping fuel the trend with Web sites such as OnlineHouseTrading.com, House4Trade.com and Swap.com matching people with houses to trade.

Developers are offering to swap newly constructed homes for existing ones, provided the buyer is trading up.



Law Enforcement Catches ID Thieves With Facial Technology

Move over CSI, your fingerprint dusters and microscopes soon may be obsolete. A growing number of states are turning to facial recognition technology to make government-issued identity documents more reliable — and nab suspected ID thieves.

Georgia and Oregon recently joined a growing number of states using the technology, which scans and compares facial features to a database of photographs and sends an alert if the same face shows up on two different driver's licenses.

This system makes it harder for identity thieves to obtain fraudulent, government-issued IDs. That's particularly important to Notaries, who rely on these documents to verify the identities of signers.

Nevada has been very active in using facial recognition software. In the past few months, police there have used the technology to catch a number of ID thieves, including a convicted sex offender who was trying to obtain a driver's license in his late brother's name and a Reno man suspected bilking the state out of \$115,000.

Alabama authorities recently caught a fugitive who stole his brother's identity and fled to Ohio using a similar photo-matching system.



Immigration Applications Going Paperless And Online

In another sign of the growing trend toward paperless transactions, the U.S. Citizenship and Immigration Services (USCIS) has launched a \$500-million effort to convert to an online system for processing immigration applications.

The five-year project could cut delays in processing naturalization applications and permanent residency renewal requests by 20 to 50 percent, USCIS officials said. Currently, the agency processes about five million requests a year



and maintains 70 million paper files. And it will allow other government agencies, such as the U.S. Border Patrol, to access immigration records faster and more efficiently.

The move also is likely to foster the use of electronic notarization for such documents as affidavits of support, which are filed in support of immigration applications. Immigrants still need to visit field offices in person to be identified and establish online accounts at the same time.

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Digital Evidence and eNotarization Outlined In New ABA Volume

A comprehensive overview of digital evidence, including that created by electronic notarial acts, is featured in an important new American Bar Association book to help the justice system understand its importance and admissibility in courts across the United States.



The overview, authored by the National Notary Association's Executive Director Timothy S. Reiniger, Esq. with the assistance of Director of eNotarization and Best Practices William A. Anderson, explores every aspect of eNotarization, including how to prove that a document has not been altered and how to trust the identity of an electronic signer.

The NNA's work was included as a chapter in the volume, called "Foundations of Digital Evidence." The publication marked the first time the ABA sought the NNA's leadership in the field of eNotarization for inclusion in one of its works.

With more than 400,000 members, the ABA is the largest voluntary professional association in the world.

It provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public. It also offers legal resources for the general public.

The book is available from the Bar Association's Web store at www.abanet.org/abastore.



New Primers Keep Up With New Laws

In ongoing efforts to keep members abreast of all the new laws affecting Notaries, the NNA has published four new editions of its popular and useful *Notary Law Primers*. The new editions cover changes in California, Hawaii, Illinois and Nevada notarial laws.

The Hawaii *Primer* incorporates the most sweeping changes to state laws, including adopting the NNA's *Notary Public Code of Professional Responsibility* — the first state to do so.

The key changes for Illinois stem from a pilot project that begins in June and will require Notaries to make a notarial record and collect a thumbprint for certain real property transactions in Cook County. Illinois becomes only the second state in the nation to require a thumbprint impression for the journal entry along with a notarization.

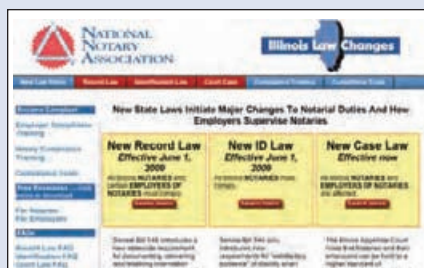
Nevada has enacted several technical and administrative changes, including increased filing fees and educational requirements.

California revised its sweeping reform measures that went into effect in 2008.

Micro Site Provides Illinois Notaries New Law Facts, Compliance Tools

The NNA has launched a comprehensive Web site to provide Illinois Notaries and their employers all the information and assistance they need to comply with the mandates of a new state law and a precedent-setting court ruling.

The site is an exhaustive clearinghouse of information for the new legal mandates of Senate Bill 546 — which ushers in significant changes to real estate conveyances in Cook County as well as state-wide requirements for identifying signers — and the recent *Vancura* decision, which increases Notary employers' accountability. Visitors will be able sign up for educational seminars and webinars. The Cook



County Recorder of Deeds and the Illinois Secretary of State have linked their official Web sites to the NNA's new micro site, and are relying on the Association to help educate their Notaries. Later this year, the NNA will launch micro sites regarding new laws in Colorado and Montana.



Your Benefits: E&O Insurance Has Got You Covered

Errors and Omissions insurance is a crucial element of a Notary's protection against claims resulting from notarial miscues. Unlike state-mandated bonds, which protect the public from notarial mistakes, E&O insurance shields the Notary.

Regardless of the validity of a claim, E&O policies generally cover legal fees, and provide an attorney if the Notary is sued. Because of its value, the NNA offers E&O insurance to members.

NNA insurance counselors can assist you in tailoring a comprehensive plan to meet your needs and budget. Policies are available from \$10,000 to \$100,000. There is no deductible and the premium depends on the state where you're commissioned. NNA members receive a discount off the standard premium. For more information, call (800) 876-6827 and hit the "insurance" prompt.



www.NationalNotary.org/insurance

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Have you ordered supplies from the NNA and want to know when to expect them in your mailbox? Now it's easy to check your order status through NationalNotary.org.

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If you have forgotten your customer or order number, or want to speak to a customer service representative about your order, call (800) US NOTARY (800-876-6827).



www.NationalNotary.org



NNA Unveils First Webinars

New York Notaries were the first to take advantage of the NNA's new webinars that offer the convenience of online study.

A webinar includes the best features of online and live education. Learning via the Internet allows study and learning wherever a student has computer access. But a webinar also includes chat features and direct Q&A sessions with participants able to see and hear the instructor in real time.

Check NationalNotary.org for future webinars in other states.



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WORKING ON BEHALF OF AMERICA'S NOTARIES

SCHOLARSHIPS AND CHARITABLE PROGRAMS PART OF THE NATIONAL NOTARY FOUNDATION'S PURPOSES

“WHAT GREATER OR BETTER GIFT CAN WE offer the republic,” wrote the Roman statesman Cicero, “than to teach and instruct our youth?”

Two millennia later, Cicero’s words of wisdom have the same weight and currency. Education is a gift that rewards not only the individual student, but future generations. Learning not only brings out a person’s full potential, it also enables that potential to benefit society as a whole. Our world would be a very different — and poorer — place today if intellectual giants such as Einstein, Pasteur and Salk had not had the opportunity to train and hone their potential through academic study.

Providing budding young scholars a chance to study has been one of the core missions of the National Notary Foundation since its inception in 1997. Education is just one part of the Foundation’s ongoing philanthropic efforts. The Foundation has supported a broad range of worthy causes, including disaster relief

and medical research, including breast cancer at the renowned City of Hope in Duarte, California.

Thanks to the understanding of Notaries and their regard for the rewards and value of education, the Foundation has been able to recognize these sentiments by establishing endowed scholarships bearing the National Notary name.

In the past dozen years, the Foundation has generously supported educational endeavors by establishing numerous scholarships across the United States, focusing on programs that reflect a diverse range of interests, value and relevance.

Most recently, the Foundation has centered on community college systems, starting programs located within the greater Los Angeles area, home of the Foundation and the National Notary Association.

The Foundation late last spring gifted endowments to Moorpark College, Pierce College, Los Angeles Valley College, Los Angeles Mission College and Los Angeles



schools and the most financially challenged students.


With the economy in turmoil, endowed scholarships are a significant help to college students working to complete their education, especially by providing funds for textbooks and other supplies, said Margaret Ramos, scholarship technician at Moorpark College. “We have students each year who have to drop a class or two because they can’t afford the books,” Ramos said.

Endowments are especially effective at community colleges where many students are working part- or full-time while training for new careers, said Dennis Washburn, executive director of the Foundation for Pierce College. “Pierce College and the community college system are the best places to promote workplace education and development,” he said. “These are folks who are dedicated to improving themselves.”

Endowments not only help students, they also inspire others to give as well, said H.J. David Ambroz, executive director of the L.A. City College Foundation. “A lot of people don’t get the idea to donate to a specific college unless we publicize it,” Ambroz said.

One practice that sets the National Notary Foundation apart from other philanthropic organizations is that every dollar donated goes to helping those in need. All costs of operating and administering the Foundation are donated by the National Notary Association, assuring donors that their contributions will be used for scholarship and specific causes, and not for administrative and other expenses.

The Foundation endowments illustrate some of the most rewarding aspects of giving to worthy causes. Not only do they ease the financial burden of college students, but they help keep these students firmly on the path to graduation and new careers, which, in the end, provides a significant return to their communities and society, Thaw said.

There are few better examples of a gift that keeps on giving, not just for a semester or school year, but for generations to come, Thaw added. All NNA members are invited to participate in this important and worthwhile charitable Foundation. For information or to donate, visit NationalNotary.org/Foundation. 

City College. An endowment is a donation that a school or university can invest and draw interest from to fund ongoing scholarships

“The decision to endow scholarships at colleges in our own community seemed logical,” said Foundation Executive Director Deborah M. Thaw. “Like Notaries, we decided to bring aid — and financial assistance — to those at our doorstep. Not only do we benefit by helping others, but they in turn, help our community when they return as employees and staff in businesses and organizations throughout our state and beyond. It also focuses on our donors’ desires to see their contributions for educational support go to students who often must rely on themselves to meet educational financial needs.”

Publicly-funded universities are constantly facing increasing costs which are passed along to students who attend these colleges precisely because of their economic affordability. And, community colleges face the toughest challenges with the smallest budgets of state-supported

Providing budding young scholars a chance to study has been one of the core missions of the National Notary Foundation since its inception in 1997.

DECODING Identity Management

By David S. Thun
dthun@nationalnotary.org



In decades past, people could simply present an ID and that was sufficient to verify they were who they claimed to be. But today we live in an age where millions of identities can be pilfered in a single instance. Verifying someone's identity is a much more challenging process, because criminals have developed more sophisticated means to obtain fake credentials. But the addition of a simple, proven method

— appearance in person before a Notary Public — can strengthen this process and help ensure it passes the most stringent standards of trust.

Not so long ago, anyone looking for private identity information might have to spend months sifting through paper records in multiple locations. Today, strangers half a world away can cull our names, addresses and Social Security numbers electronically by stealing a laptop full of sensitive data or buying a customer data list off the black market for virtually no cost. And forgery techniques have become so sophisticated that even the most careful document examiner may face a tough challenge discerning a fake ID from a real one.

In response to growing national concern about

information security breaches that could harm the United States' security and infrastructure, a presidential directive was issued August 27, 2004 — known as Homeland Security Presidential Directive 12, or HSPD-12 — to establish uniform identification standards for all government agencies.

Organizations and businesses that rely on secure IDs are following the federal government's lead and creating stronger ways to cross-check the bona fides of their employees, contractors and stakeholders. They are building better systems to manage identity information in order to prevent fraud and control access to critical information. And Notaries Public are being sought to play a key role in the identity management revolution.

Identity Management *A broad multidisciplinary security infrastructure that deals with identifying individuals in a system — such as a country, business network or enterprise — and controlling their access to that system by associating user rights and restrictions. Identity management systems are used to protect data and intellectual property, personal privacy, physical access controls and to help prevent identity theft and fraud, among many other uses.*

Identity Management vs. Older Methods

Identity management isn't fundamentally different from traditional approaches to verifying identity — it's simply stronger and more sophisticated. The problem with relying on only one or two types of evidence of identity is that those might be fake. Identity management creates a multilevel process that allows a person's information to be cross-checked using multiple sources. This reduces the likelihood of fake credentials slipping through and strengthens the trustworthiness of a person's claimed identity.

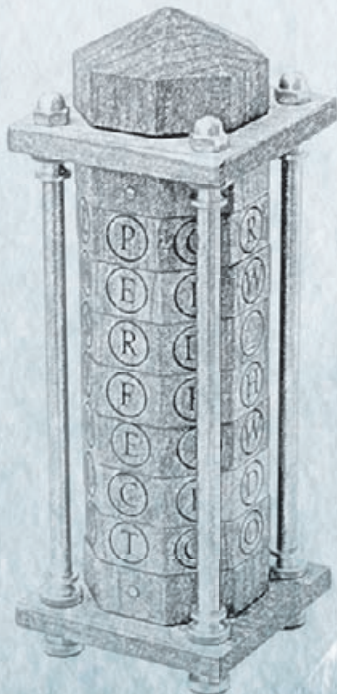
Picture a deceptive person applying for a job at a national firm. At most companies, once an applicant is hired, the human resources department typically uses just a couple of pieces of standard identification — such as a driver's license and Social Security card — to verify the new hire's identity. These items can be forged with

a scanner, a laser printer and other readily available equipment. So apart from concocting a convincing résumé and getting past the interview process, there are few barriers to the dishonest applicant.

But this won't work if the firm implements a stronger identity management system that includes, for example, taking applicants' fingerprints and using them to conduct criminal background checks — much like the screening California Notary commission applicants go through — or running Social Security numbers through the federal government's E-Verify system. If the applicant has a criminal record or is using a stolen or invalid Social Security number, the firm will find out. That is the essence of identity management — using more than one layer of verification to assure someone's identity.

"By requiring more layers of underlying identification as part of identity proofing, you decrease the likelihood that an identity thief or impostor can defeat the authentication process with commonly counterfeited forms of identification," said Rob Douglas, information security expert and editor of IdentityTheft.info.

Steve Howard, vice president of Operations for CertiPath, an organization that provides ID management solutions for the aerospace and defense



industries, compared identity management with Ronald Reagan's famous Cold War quote regarding the Soviet Union: "Trust, but verify."

"It goes that extra step by corroborating the physical evidence of identity, such as a driver's license, with the agency that issued the ID," Howard said. "If a person presents a driver license as their claim of identity, a robust identity proofing process would contact the registry of motor vehicles to confirm that this is a valid driver's license. And I'd get a copy of the photo they have on file to compare it to the one I see."

The Elements of Identity Management

While the details of the identity management process may vary, the general principles are consistent. Broadly speaking, they are: 1) requiring multiple types of identification from the person whose identity is being verified; 2) confirming the identity using a secondary layer of verification; and 3) once identity is established, issuing a secure credential that authenticates the person's identity and also generates a record of the credential's use to prevent fraud or misuse.

One of the challenges of identity management is creating standards acceptable to anyone who needs to trust that person's identity. This can be complicated when an identity management system has to comply with the laws of more than one country, said Torsten George, vice president of worldwide marketing for ActivIdentity Corporation, a firm that provides electronic identity

management solutions for clients such as Nissan and the U.S. Department of Defense. The quality of identity documents and the level of access to verifying information can differ greatly from one nation to the next. But progress is being made. The European Union has already adopted multinational identity management standards for member nations, George said, and many countries in Asia are following suit. George predicted that global standards will be in place for identity management within the next five years.

Notaries and Identity Management

Because of their role as trusted third parties whose traditional function has included verifying an individual's identity, Notaries are being called upon to help establish who a person is during the identity management process, Howard said.

In fact, Notaries already are being integrated into the identity management process by various agencies and industries. The National Notary Association's Trusted Enrollment Agent™ (TEA) Program grew out of an increasing need for qualified, trustworthy identity proofers to work with organizations in the defense, aerospace and pharmaceutical research industries. TEAs already are performing identity management functions for major firms in these industries. They also verify the identity of Notaries applying for an ENS® (Electronic Notary Signature).

In the future, George said, identity management



systems also will make it easier for Notaries to perform their duties. In just a few years, Notaries may be able to access the encrypted, verified electronic data on a driver's license or ID card using an inexpensive reader to confirm that the information it contains matches the person presenting it. High-tech, secure identification methods will reduce the chances that a Notary will accept a fake ID as real and significantly lower the risk of accusations of negligence and the liability claims that come with them. Similar systems using smart card technology already are being used for bank transactions in Europe. To answer privacy concerns, the European smart card IDs allow bearers to use a PIN number to limit the data accessible on a reader. That way a vendor can confirm necessary data while other information on the card is kept private.


Who's Using Identity Management?

One of the main forces driving adoption of identity management is the U.S. government. The 9/11 attacks and growing concerns about cyber terrorism have demonstrated the need for federal agencies to strengthen and standardize identity security measures to prevent unauthorized access to critical locations or information, Howard said. Recent high-tech scares such as GhostNet, a massive cyber spying operation that penetrated key political and economic targets in 103 countries, have sparked a scramble for agencies to strengthen their defenses against electronic intrusion even further.

Cyber espionage isn't the only reason identity management is important. Strong identification systems are critical in natural disasters and other extreme emergencies. During Hurricane Katrina, Howard said, many key emergency and military personnel couldn't get to the hardest hit areas because security forces had no way to verify responders' identities. As a result, vital help was withheld because of security fears.

This dilemma was the impetus for the presidential directive, HSPD-12, that led to the federal government's new identity-verification standards.

Private businesses also are facing security issues. In the wake of recent economic woes, more people are being laid off, and a growing number of disaffected ex-workers are stealing or sabotaging information on the way out the door. A recent Symantec survey reported that 59 percent of workers who leave a firm — voluntarily or not — steal company data. Companies are turning to new identity management systems in order to better control and track employee access to their most sensitive records, including methods allowing secure credentials to be checked in real time and shut down immediately if an employee is terminated.

There are many identity security challenges facing governments and industry today. It's clear that identity management will play an important part in addressing these issues in the years to come, and will have a watershed effect on the way Notaries perform their duties in the future. 





Protect Thyself

Notary Liability Is Simply The Sum Of All Fears

By Chris Wolski
cwolski@nationalnotary.org

Thanks to rampant mortgage fraud and the resulting financial meltdown, society is demanding greater accountability from people in positions of public trust. This means many official actions are under far greater scrutiny than ever before.

For some Notaries, this increased scrutiny could leave them fearful that it's just not worth it to keep their commissions. But these fears are exaggerated and overblown, because the vast majority of the nation's 4.8 million Notaries take their duties seriously and follow a professional standard of practice. So they have little to fear. Still, accountability and liability are buzzwords that won't go away anytime soon, and following the simple practices and procedures that keep Notaries out of the legal crosshairs has never been more important.

What Is Notary Liability?

Any notarial error — whether a result of an honest mistake, negligence or intention — is subject to liability, which is simply the legal consequence of the misstep.

Most Notary errors are unintentional, honest mistakes that often can be rectified without any serious damage. But when a mistake or misconduct causes harm — such as a real estate deal falling through because of a rejected acknowledgment — the Notary may be held responsible or liable for damages that result from the mistake.

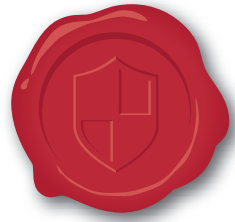
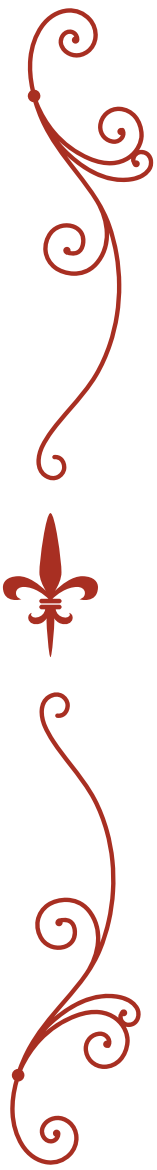
Errors can range from omissions as simple as a forgotten seal impression on a notarial certificate to the more serious transgression of notarizing a document without the signer being present. There are many reasons why Notaries engage in misconduct. In some cases, it's simple ignorance or accident or, in others, calculated dishonesty. Whether the misconduct is intentional or unintentional, the Notary can be held liable. The fact that the Notary claims the misconduct is "honest" — that is, not

intentional — is no guarantee of protection from a lawsuit.

Dangers Of Cutting Corners

In these days of corporate belt-tightening, cutting corners to maximize profits has become commonplace. But, where Notaries are concerned, taking a shortcut to save time could lead to legal problems.

A Nevada County, California, Notary, Katherine Ann Gilio, lost her commission and was sentenced to three years of informal probation after forgetting to take fingerprints for several real estate closings — as required by state law. To "fix" her omission, she used her own thumbprint to fill in the blanks. Unfortunately, for Gilio, the notarizations were



performed for an attorney who was arrested by local authorities for masterminding a \$20-million mortgage fraud scheme.

A suburban Providence, Rhode Island, attorney is facing censure by the state Supreme Court after a complaint was filed against him for committing numerous ethical violations related to a mortgage-related notarization. Among other things, the complaint from the state's disciplinary counsel claims that Paul B. McCarthy notarized the document in New Jersey even though he didn't have a commission there. McCarthy also is accused of backdating the deed and directing the father of one of the property owners to sign his son's name.

Few cases of notarial misconduct reach a state's highest court. Instead, many end up in civil proceedings and settlement, requiring the Notary to make financial restitution. This was the case with Illinois Notary Gustavo Albear, an employee of a Chicago-area photocopy business who settled a claim against him for \$30,000 after he or someone using his seal notarized several fraudulent mortgage documents. Albear also failed to keep his Notary seal and journal secure.

Admittedly, these cases are the exception rather than the rule. The truth is that the overwhelming majority of Notaries will never find themselves on the wrong end of a lawsuit. But in the unlikely


event a Notary is facing liability, in addition to following best practices, there are two key means of protection for the public and the Notary him or herself.

Bonds and Insurance

Most states and U.S. jurisdictions require Notaries to be bonded. A surety bond is a guarantee that a person financially damaged by a Notary's misconduct will be reimbursed (up to the limit of the bond).

Depending on state law, the required Notary bond ranges from \$500 to \$15,000. The bond's purpose is to protect the public from the financial loss inflicted by the Notary's mistake or intentional misconduct. Whatever a bonding company pays out on behalf of a Notary, the Notary is obligated to pay this amount back to the company. Essentially, the bond protects the public, not the Notary.

Notaries, however, can protect themselves by obtaining errors and omissions (E&O) insurance. E&O insurance is optional. The advantage over a surety bond is that the Notary doesn't have to pay back any money that is paid out on the insurance policy. E&O insurance covers unintentional errors — those "honest" mistakes that can be as damaging as any criminal fraud. Generally, E&O coverage ranges from \$10,000 to \$100,000.

Ultimately, though, the Notary's best protection from liability is following a professional standard of practice, including always thoroughly checking identification documents, screening for willingness and awareness, scanning documents for blank spaces and recording the details of the notarization in a journal — even if your state doesn't require you to do so. 



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- 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
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- 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

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REVISED! • Jurat with Affiant Statement (8½" x 11") — #5935

Massachusetts: (8½" x 11")

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

Missouri: (8½" 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: (8½" 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 (8½" x 11") — #5924

New York: (8½" 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 (8½" x 11") — #5924

Texas: (8½" x 7", unless noted)

- Ordinary (Individual) Acknowledgment — #5243
- 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 (8½" x 11") — #5924

Washington: (8½" x 11")

- Individual Short-Form Acknowledgment — #5906
- Representative Short-Form Acknowledgment — #5905
- Disabled Person's Acknowledgment — #5904
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- Copy Certification by Notary — #5922
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States Endorse Notary Professionalism With Surge Of Legislation

Notaries increasingly may be called to account for their actions, but this is not necessarily bad news. In fact, as a slew of legislation shows, the office is becoming more important to the nation's legal and financial security.

In the current legislative session, more than half of the states' legislatures have either enacted or are considering significant changes to strengthen and further professionalize the notarial office.

"This is an unusually busy year for Notary legislation. And a high percentage of these bills are meaningful and they'll make a significant difference for Notaries if they're passed," said Charles N. Faerber, the National Notary Association's Vice President of Notary Affairs.

States increasingly are looking to *The Model Notary Act* as a guide in crafting new notarial laws. This model legislation codifies Notary best practices and includes requirements for identifying signers and keeping a journal. Several states, including New Jersey and South Carolina, are considering enacting large portions of *The Model Notary Act*.

Among the other stand-out pieces of legislation is a recently enacted mandatory journal and mandatory education law in Montana. Colorado, too, has expanded its journal rules and initiated an education requirement during its once-a-decade sunset review of its Notary statutes. Its legislation has been signed by Governor Bill Ritter. Several other states are considering journal bills as well.

Minnesota is considering a bill that would require background investigations for Notary commission applicants.

While most of the legislation will strengthen the Notary office, there are provisions that could cause headaches for Notaries and society as a whole. In California and Texas, the legislatures are considering measures that would allow Notaries to accept *Matricula Consular* identification documents issued by Mexico. These identification documents are notoriously unreliable and susceptible to fraud, according to the FBI. Another piece of legislation in several states and in the U.S. Congress would eliminate the need for the notarization of absentee ballots, making them less secure and imperiling the integrity of the democratic process.

Whether the bills are for good or ill, Notaries clearly are popping up on the radar screens of state and federal lawmakers.

"Taken together, these laws reflect the growing demand for higher professional standards of conduct for Notaries," said Timothy S. Reiniger, Executive Director of the National Notary Association. "This groundswell of interest in legislation strengthening the Notary Public office points to the crucial role Notaries play in our society."

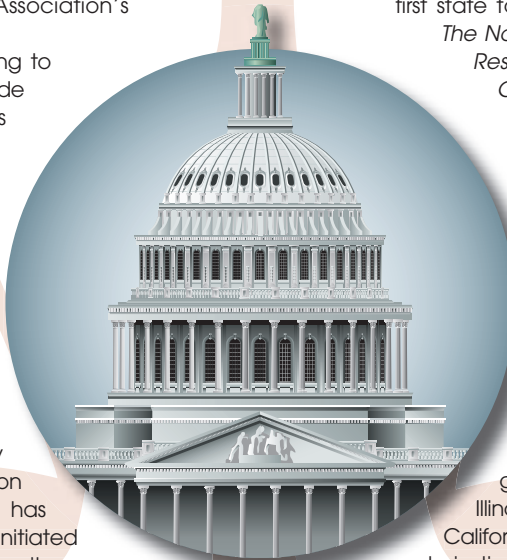
This year's flurry of legislative activity was preceded last year with the passage of several pieces of legislation directly shaped by the work and influence of the National Notary Association. Hawaii became the first state to obligate Notaries to abide by *The Notary Public Code of Professional Responsibility*. By embracing the *Code*, Hawaii has given legal status to notarial ethics.

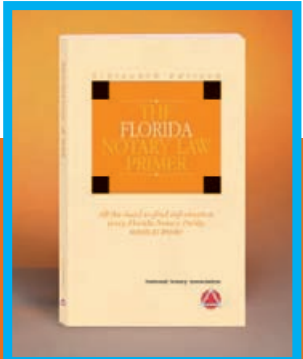
Illinois recently advanced Notary best practices when it enacted a law establishing a four-year pilot program requiring Notaries to create a record of notarizations for certain residential property conveyances in Cook County — which includes Chicago. Among other things, the record must include the signer's thumbprint. The pilot program, which began June 1, makes Illinois only the second state after California to require a thumbprint for a notarization. Several other states, including

New Jersey, have introduced bills to require thumbprints for real estate notarizations.

Running parallel to the pilot program was a decision by the Illinois Appellate Court that found an employer directly liable for the misconduct of a Notary employee because it failed to properly train and supervise him, even in the absence of state-mandated Notary education. The precedent-setting ruling in *Vancura v. Katris* said merely abiding by state law is not sufficient to free employers from liability. Notary employers have a duty to protect the public by following acknowledged standards such as those in *The Model Notary Act*. This ruling could be used elsewhere to expand Notary liability.

"In its decision, the court has reaffirmed how important it is to supervise and train Notaries in order to prevent them from harming the public," said Reiniger. "The net effect is to have a better trained and more professional cadre of Notaries working for and accountable to the public."





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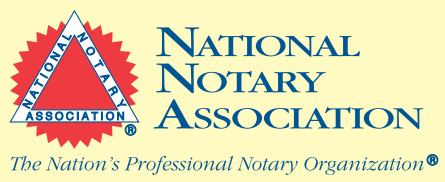
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Are Foreign IDs Acceptable IDs?

By Michael Mink
mmink@nationalnotary.org



YOUR SIGNER IS FROM JORDAN OR KENYA OR Iceland or neighboring Mexico. He produces the only ID document he has — an old passport. It's a little worse for wear and you're unclear whether it's even valid. How should you proceed?

With nearly 35 million foreign-born people living in the United States, chances are you have been handed a foreign ID. No matter how thorough you are about other details, any notarization is only as good as the quality of the signer's identification.

It can be challenging for a Notary to keep up with the hundreds of different types of IDs issued by state and federal government agencies; adding foreign IDs to the mix can be downright daunting.

Best practices stipulate that an acceptable ID should be current; issued by a government; include an identification number, a photograph and physical description of the client; and come with the client's signature. But foreign IDs don't always meet these parameters.

ACCEPTABLE FOREIGN IDs

A current foreign passport, stamped by the U.S. Citizenship and Immigration Services (USCIS), is acceptable ID as defined by the NNA's *Model Notary Act*.

But different nations have different requirements for their passports, so don't be thrown if a passport is missing one of the elements traditionally included in domestic IDs. The key here is that the passport must be stamped by USCIS.

That said, it's not a cookie-cutter world. Some states have more stringent requirements for foreign passports. California, Florida and Tennessee, for example, require all foreign IDs to include a serial or ID number as well as a photo, physical description and signature of the holder — even if stamped by USCIS.

California, Florida and a few other states also accept driver's licenses issued by Mexico and Canada. The license does not have to be current as long as it was issued within the past five years.

Of course, many states' statutes are vague about what constitutes acceptable ID and leave it to Notaries to figure it out for themselves. That's where NNA best practices can provide guidance.

If a signer has no identification at all, you can still rely on a credible identifying witness regardless of citizenship or immigration status.

FOLLOW BEST PRACTICES, STATE LAWS WHEN YOUR CLIENTS PRESENT AN INTERNATIONAL ID DOCUMENT

WHAT DOESN'T MAKE THE CUT

Of course, there's a whole world of foreign IDs that you should not accept, including passports lacking the USCIS stamp and signature, and driver's licenses from any country other than Mexico and Canada.

Don't be confused by *Matricula Consular* cards issued by Mexican consulates. They look very official and reliable — especially the newer versions — but they are not acceptable in any circumstances. The FBI and the U.S. Department of Justice have stated that the cards are easily forged or often issued to people who have little original documentation. While Mexican *Matriculas* are the most common consular cards, other nations issue them as well.


Don't forget that foreign IDs often are printed in a foreign language. Unless you understand the language on the passport, you cannot accept it, since you can't verify the particulars on this ID. Of course, under no circumstances should you rely on a third party to translate information for you.

SUPPLEMENTAL IDENTIFICATION

Even if presented with an acceptable foreign ID, you still might have questions or concerns. There is nothing prohibiting you from asking for additional ID documents.

Ironically, some of the documents you could not use as primary ID can serve as secondary ID. Driver's licenses from nations other than Canada and Mexico and Consular IDs fall into this category. To be acceptable they still should contain relevant information. Again, these aren't substitutes for proper identification documents but supplemental IDs. All means of identification should be recorded in a journal.

It's often a good idea to ask your signer to verify the information that appears on an ID. Many times criminals slip up and forget this information.

As the world becomes more sophisticated in dealing with identifications, more and more different types of foreign IDs are likely to be presented as satisfactory evidence. The key, as always, is not to let the bells and whistles confuse you. Just stick to the basics. 



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Common Mistakes Offer Good Lessons



MOST NOTARIES ARE CONSCIENTIOUS IN CARRYING out their duties. But with 4.8 million people in America holding notarial commissions, mistakes are bound to happen. Some are the result of carelessness, others due to lack of training, while still others border on the inexplicable.

Below are some of the more common and curious Notary mistakes. No matter the cause of these mistakes, the cure is the same: following best practices, which can avoid embarrassment and inevitable legal trouble.

WHOSE THUMBPRINT IS IT ANYWAY?

In California recently, Notary and paralegal Kathleen Ann Gilio forgot to record her signers' thumbprints in her journal for several real estate-related documents. Her solution? She used her own. Convenient, perhaps, but wrong.

As a result, Gilio lost her Notary commission and faced four felony counts, which were reduced to a misdemeanor when she pleaded no contest. Gilio got off lucky. The attorney who asked her to notarize the documents has been charged with masterminding a \$20-million mortgage fraud scheme.

When another California Notary forgot to record a thumbprint for a deed she notarized, she wondered if it would be acceptable for the signer to mail her thumbprint on a piece of paper so it could then be glued into the journal. This isn't permitted — because there's no way to know if the print came from the actual signer.

A Florida Notary recently called the NNA Hotline confused about whose thumbprint goes in her journal. She mentioned that she'd been using her own. Fortunately for her, Florida does not have a journal thumbprint law. California and Illinois are the only two states that require Notaries to take a thumbprint. If you take a thumbprint, make sure it belongs to the signer — not you — and collect it at the time of the notarization.

BACKDATING IS A NOTARIAL SIN

During his recent successful Congressional run in Illinois, U.S. Representative Aaron Schock faced accusations that he had notarized documents with false dates for his father. The Peoria County, Illinois, State's Attorney's office elected not to file misdemeanor charges, in part, because the statute of limitations had expired and

FINDING HUMOR IN NOTARIAL MISTAKES IS FINE AS LONG AS YOU LEARN FROM AND DON'T REPEAT THEM

because authorities also found that Schock had not acted intentionally or negligently.

Still, Notaries must always be sure that the date on the notarial certificate matches date of the notarization.

REMEMBER THE WORDING

A Notary called the NNA Hotline and relayed a story about a document she had received that was signed and stamped, but had no notarial wording on it. When she called the Illinois Notary who did the notarization, he said he wasn't taught any differently and "that's the way we do it here."

Whatever he was doing wasn't a proper document notarization, which always requires a notarial certificate with the appropriate wording.

Notaries also sometimes forget to sign their own certificates. But this is an easy fix. The Notary may sign and then re-send them, as long as the certificate is still attached to the original document.

KNOW THYSELF, BUT DON'T NOTARIZE FOR YOURSELF

While most Notaries realize they cannot notarize their own signatures, the question still sometimes comes up.

Some states, like California, specifically prohibit Notaries from notarizing their own signatures. Even if not spelled out in statute, don't notarize your own signature. Doing so compromises your impartiality and leaves the document open to later challenge and possible rejection.

THEY WANTED TO SEE DEAD PEOPLE

A Notary recently asked if it were permissible to notarize for a deceased person. The Notary wanted to write the name on the notarial certificate and then add, (deceased) after it. This is a (no) (no).

Both acknowledgments and jurats require personal appearance and the signer's participation in the notarization. Compelling personal appearance and determining willingness and awareness from a deceased signer would be, to say the least, challenging.

— Michael Mink

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Loose Certificates Are Often A Useful Tool

MOST DOCUMENTS INCLUDE NOTARIAL WORDING. BUT SOMETIMES A DOCUMENT HAS NO WORDING OR IT DOESN'T CONFORM TO STATE LAW. IN THESE CASES A LOOSE CERTIFICATE MAY BE PART OF THE SOLUTION.

WHAT IS IT?

A “loose certificate” is a separate sheet that contains the appropriate notarial wording and is provided by the Notary, who attaches it to the document. Often the loose certificate is smaller than the document page and is stapled to the document’s signature page.

Loose certificates can be used to substitute for missing or incorrect certificate wording, but be sure to avoid choosing what type of notarial act is needed.

DETERMINING ITS NEED

There are several reasons why a Notary should use a loose certificate, primary among them is that the document does not have preprinted notarial wording. In this case, the Notary should ask the signer what type of notarization is needed and then proceed by using wording acceptable in the Notary’s jurisdiction.

If the signer is unable to specify the type of act needed, they should contact the issuing or receiving agency for instructions on what type of notarization is required.

At times, printed notarial wording on a document may be for the notarial act needed, but incorrect for the jurisdiction. In this case, the Notary should cross out the wording with a single, diagonal line, write “see attached certificate,” sign and date it, and then attach a loose certificate.

A loose certificate also may be needed if there is no room for a required seal imprint or if your notarization is one of several that are required for multiple signers.

PREVENTING FRAUD

To prevent a loose certificate from

being removed and fraudulently placed on another document, there are precautions that can be taken. The Notary can emboss the certificate and document together and write: “Attached document bears embossment” on the certificate. Or the Notary can include a description of the document:

“This certificate is attached to a _____ (title or type of document), dated _____, or _____ (number) pages, also signed by _____ (name[s] of other signer[s]).”

In the “Additional Information” line of the journal entry, the Notary can also include a note that a loose certificate was used. This will act as a memory jogger and as a vital piece of evidence in case the notarization is questioned.

Only one side of the certificate should be stapled, so it can be lifted to view the document beneath. A full-page certificate may be stapled to the front or back of the signature page and at the top, side or corner in the same manner as the other pages of the document.

PREVENTING REJECTION

Notaries should never affix an inking seal imprint half on a document and half on a loose certificate. However, it is permissible to place an embossed seal impression half on the loose certificate and half on the last page of the document to prevent the certificate from being removed. If a Notary’s state requires an embossment seal only, a full seal impression must also be placed in the appropriate area of the certificate.

Notaries must make sure that while a certificate remains in their control, it is attached only to its intended document, and should never mail a signed and sealed certificate by itself.

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