

www.NationalNotary.org

# The National NOTARY<sup>®</sup>

May 2009

**Achievement  
Award 2009:  
Mark Bennett,  
Hawaii P.18**

**Employers Are  
Responsible For  
Employee Conduct  
P.26**

**Recognition Is  
No Substitute For  
Identification P.29**



THE MAGAZINE FOR PROFESSIONAL NOTARIES

# ESTABLISHING



National Notary Association

# The Emerging Identity Market

Las Vegas

Conference

**NEW** Reduced Room Rate  
Now \$65 per night  
was \$132 at Bally's Las Vegas (see page 6 for details)

NATIONAL NOTARY ASSOCIATION

# Conference 2009

## and 5th International Forum on eNotarization, eSecurity and eApostilles

June 9-12, 2009 • Bally's Las Vegas



The 2009 March Fong Eu  
Achievement Award Recipient  
**The Honorable Mark Bennett**  
Attorney General of Hawaii



General Session Keynote  
**Mr. Paul Donfried**  
Vice President and Principal  
of Identity and Access  
Management Solutions  
  
Science Applications  
International Corporation

### RETHINK

#### your role as a Notary Public

Move from being a commodity to a trusted steward of identities

### REPOSITION

#### your services and acquire new clients

Notarize with greater authority and relevant expertise

### REALIZE

#### the full potential of your money-making ability

Discover how to flourish in a challenging economy



Who says you can only  
take **ONE DIRECTION**  
to success?



NATIONAL  
NOTARY  
ASSOCIATION

Register Today! Call Toll-Free: 1-800-US NOTARY (1-800-876-6827)

# Rethinking Your Role As a Notary Public

## Two Serious Threats — One Unique Opportunity

The Internet has given rise to two increasingly prevalent forms of crime: identity theft and digital fraud. The convergence of these two factors has put the security of official documentation at a much greater risk than ever before.

And yet, this seemingly bad news is actually great news for you. Why? Because it offers you a unique opportunity to rethink how you view your role as a Notary and to



reposition the important services you provide — so you can generate more income.

## Shift Your Perspective — Advance Your Career

That is precisely why we themed Conference 2009 “The Emerging Identity Manager.” We designed this year’s Conference to help you take the next step: from the signing and stamping of documents to an established, trusted public steward and authoritative resource that verifies identities and guards against fraud and theft.

This year, consider changing the way you think about being a Notary.

## Explore Every Opportunity — Build Relevant Expertise

This is your career and your commitment, so it’s truly your Conference. Our goal is to facilitate your success and help you reach your objectives. The education process requires personal exploration and discovery, and that’s why we decided to add a special “Build Your Own Track” for 2009.

This track gives you the flexibility to select and complete any six or more workshops from any of the five tracks to obtain a unique Conference certificate. You will also receive a Certificate of Completion for attending four or more workshops in any track.

## Certificate Tracks and Workshops

### 1: Notary Best Practices

- How to Respond to Improper Requests
- Notarize with Confidence and Accuracy
- Your Journal vs. Fraud: You Win
- First Look at the 2009 *Model Notary Act*
- ‘It’s a Crime?’ Notaries and Criminal Law
- Acceptable or Fraudulent: How Can You Tell?
- Ever-Changing Identity Standards
- Your Role as Identity Manager — Are You Ready?

### 2: You As a Notary Professional

- Perfecting Your Pitch: 30 Seconds to Seal the Deal
- Beyond Loan Signings — Surviving Hard Times
- Build Your Network: Boost Your Business
- Make Your Business Google-Friendly and Succeed
- Computer Skills for the Self-Employed Notary
- Managing the Corporate Notary Team
- More Income Now with Onsite Inspections

### 3: Issues and Advances in eNotarization

- The ABCs of eNotarization Law
- Digital Certificates — Learn the “What” and “Why”
- eNotarization Rules: State by State
- The Latest eEquipment
- The Digital Journal — Meet Enjod® Live

### 4: Signing Agent Success

- Growing Your Business in Today’s Economy
- Shirt and Shoes Required: Professionalism Gets Hired
- Move Your Business Forward with Reverse Mortgages
- The Notary and Mortgage Fraud Prevention
- Collect and Negotiate: Getting Paid in Any Market
- Federal Laws for Signing Agents

### 5: Identity Proofing and Trusted Enrollment Agents™

- The Importance of ID Proofing
- TEA 101: The ID Proofing Appointment
- Understanding Identification Documents
- The Trusted Agent and eID Proofing
- I Did It, So Can YOU: TEA Success Stories

### 6: Build Your Own Track

Complete any six workshops from the five tracks and earn a certificate.

# Pre-Conference Programs

## TRUSTED NOTARY CERTIFICATION PROGRAM

Monday, June 8, 9:00 a.m.–4:00 p.m., Tuesday, June 9, 9:00 a.m.–4:00 p.m., \$199  
(includes Certification plus one of the following Specializations and background screening)

Businesses need knowledgeable, verified and screened Notaries. Become an NNA Certified Notary with an emphasis in the following areas.

### • Signing Agent Specialization\*

Monday, June 8, 9:00 a.m.–4:00 p.m.

Get certified and earn extra income. Learn the steps to a loan signing and how to handle common loan documents.

Opportunities may be limited in some states. Visit [www.NationalNotary.org/Conf2009/NSA/States](http://www.NationalNotary.org/Conf2009/NSA/States) for state restrictions.

### • Trusted Enrollment Agent™ Specialization\*

Tuesday, June 9, 8:30 a.m.–11:30 a.m.

Set yourself up for an exciting new line of business. Learn the steps to perform identity verification for important clients across multiple industries.

### • NNA eNotary Specialization\*

Tuesday, June 9, 1:00 p.m.–4:00 p.m.

Practical training to take advantage of this expanding field. Learn the how-to's and where to find the opportunities.

Opportunities may be limited in some states. Visit [www.NationalNotary.org/Conf2009/eNotary/States](http://www.NationalNotary.org/Conf2009/eNotary/States) for state restrictions.

## CALIFORNIA NOTARY TRAINING

Tuesday, June 9, 8:30 a.m.–4:00 p.m., \$159

The most complete state-required training offered... now available in Las Vegas! Required state exam and fingerprinting administered at convenient locations throughout California.

## ILLINOIS NEW LAW OVERVIEW

Tuesday, June 9, 1:00 p.m.–4:00 p.m., \$59

On June 1, 2009, new legislation will take effect that will open up new opportunities for Illinois Notaries. Are you ready?

\*Every participant will have access to an online Certification and Specialization exam after Conference.

## WHO SHOULD ATTEND?

The NNA Conference is ideal for Notaries, executives, managers and professionals whose daily business decisions require the management of risk or the verification of identities. Workshop subjects also include eNotarization, electronic documents and signatures, best practices, digital credential management, compliance and supplemental income opportunities. Professionals from the following industries will find the NNA Conference invaluable:

- Mortgage & Banking
- Real Estate, Title & Escrow
- Health Care
- Insurance
- Court & Legal Services
- Education Administration
- Law Enforcement
- Local, State & Federal Government
- Immigration
- International Adoptions
- Government Contractors
- Homeland Security



NNA Executive V.P. Deborah M. Thaw (far right) with (left to right): Notary of the Year Special Honorees Sharon Winslow, Stephen O. Cole, Claudine C. Osborne, Norma Luginbyhl and Notary of the Year Liz Adams.

### Your Conference...



### Your Voice...



### Your Experience...



### Your Path to Success

## Major NNA Conference Sponsors



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ALL DIRECT MAIL SERVICES, INC.



For exhibitor and sponsorship opportunities, please contact: Bo Balkoushev at 1-877-876-0827, x4086  
eMail: [conference09sponsorship@nationalnotary.org](mailto:conference09sponsorship@nationalnotary.org)  
Web: [www.NationalNotary.org/sponsors](http://www.NationalNotary.org/sponsors)

Register Today! Call Toll-Free: 1-800-US NOTARY (1-800-876-6827)

# Not Just an Event — an Experience

## Signature Events

Dozens of outstanding programs including professional workshops, the eNotarization lab, the Growth and Opportunity Expo and exciting excursions are features of the NNA's annual Conference that strive to unite Notaries seeking new paths to professionalism and opportunity. And highlighting Conference every year are the NNA's special "Signature Events" that offer additional opportunities to learn, network and have fun. They are special events that you won't want to miss!

This year's Signature Events will again be highlighted by the definitive address on "The State of the Notary Public Office," delivered by NNA President Milt Valera.

The Welcome Reception officially kicks off the Conference with the exhilarating Roll Call of participating states and countries and presentation of the 2009 Notary of the Year and Special Honorees. Keynote and featured speakers throughout the Conference Signature Events will discuss the vital role Notaries are now filling in identity management and security. And the 5th International Forum on eNotarization, eSecurity and eApostilles continues as the premiere venue for strengthening the trust, security and integrity of electronic documents exchanged between nations.

Conference 2009 will close with its traditional Farewell Banquet — a grand finale of elegance and excitement complete with fine dining, entertainment, compelling and inspirational speakers, and the much anticipated presentation of the 2009 March Fong Eu Achievement Award.

- **"The State of the Notary Public Office" Address**

*Thursday, June 11, 9:00 a.m.–10:00 a.m., Continental Breakfast 7:00 a.m.–8:30 a.m.*

- **5th International Forum on eNotarization, eSecurity and eApostilles**

*Wednesday, June 10, 10:30 a.m.–5:00 p.m., Thursday, June 11, 10:30 a.m.–5:00 p.m., Friday, June 12, 10:00 a.m.–4:00 p.m.*

- **Farewell Banquet & Reception**

*Friday, June 12, Reception 6:00 p.m.–7:00 p.m., Banquet 7:00 p.m.–10:00 p.m.*

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### eNotarization Lab

*Tuesday, June 9, 10:00 a.m.–7:00 p.m., Wednesday, June 10, 10:00 a.m.–7:00 p.m., Thursday, June 11, 10:00 a.m.–7:00 p.m., Friday, June 12, 9:00 a.m.–5:00 p.m.*

Don't miss your opportunity to brush up on the latest in eNotarization! In addition to a self-study lab, experts will be on hand to perform demonstrations and answer questions about ENS<sup>®</sup>, Enjod<sup>®</sup> Live, electronic ID proofing and other eNotarization technologies and products.

### Growth and Opportunity Expo

*Monday, June 8, 9:00 a.m.–7:00 p.m., Tuesday, June 9, 8:00 a.m.–7:00 p.m., Wednesday, June 10, 8:00 a.m.–7:00 p.m., Thursday, June 11, 8:00 a.m.–7:00 p.m., Friday, June 12, 8:00 a.m.–5:00 p.m.*

Explore products and services that benefit you and your business. Sponsors and exhibitors will show you how they can serve you and make your job easier. Plus, prizes and giveaways abound, so stop in regularly.

- **Welcome Reception**

*Tuesday, June 9, 7:00 p.m.–10:00 p.m.*

- **General Session**

*Wednesday, June 10, 9:00 a.m.–10:00 a.m., Continental Breakfast 7:00 a.m.–8:30 a.m.*

## FEATURED SPEAKERS

Learn from state and local government officials who regulate and rely upon Notaries as well as highly successful and experienced Notary veterans and the nation's foremost Notary experts.

### Public Officials



**Terri Clarke**

*Maricopa County, Arizona, Attorney's Office, Prosecutor*



**David Fleck**

*Los Angeles County, California, Deputy District Attorney, Real Estate Fraud Unit*



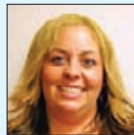
**Rebekah Jenkins**

*Nevada Attorney General's Office, Investigative Assistant*



**Cathy Lucero**

*Maricopa County, Arizona, Recorder's Office, Customer Service Program Manager*



**Kay Lynn McMurray**

*Nevada Attorney General's Office, Investigative Assistant*



**Kathy Sachs**

*Kansas Office of the Secretary of State, Deputy Assistant Secretary of State*



**Gregory Smith**

*Nevada Attorney General's Office, Chief of Investigations*



**Andrew Whitfield**

*Colorado Secretary of State's Office, Deputy Director, Licensing & Enforcement Division*



**Tom Wrosch**

*Oregon Office of the Secretary of State, Sustainability Board, Sustainability Advisor, Corporation Division, Senior Policy Advisor*

### Notary Professionals

**Laura Biewer**

*At Your Service, Mobile Notary, Owner; NNA Certified Notary Signing Agent; NNA Notary of the Year Special Honoree 2009*

**Jamie Johns**

*Notary Access Association, CEO/Founder; NNA Certified Notary Signing Agent; NNA Notary of the Year 2004*

**Elaine Wright**

*Prince George's Community College, Notary Procedures Instructor; NNA Certified Notary Signing Agent; NNA Notary of the Year Special Honoree 2005; NNA Notary of the Year 2009*

or Visit: [www.NationalNotary.org/Conf2009](http://www.NationalNotary.org/Conf2009)

## WORKING LUNCHEONS

### Identity Theft Horror Stories

Gregory Smith, along with Rebekah Jenkins and Kay Lynn McMurray — Nevada Attorney General's Office

Wednesday, June 10, 12:30 p.m.-2:00 p.m., \$68

Why is your role as an identity manager so critical? Listen to true horror stories from the Nevada Attorney General's office about the damage identity theft can inflict. Nevada has created an ingenious Identity Theft Passport Program in response. Learn how it works during this luncheon.



### The Forces that Shaped Las Vegas

Brian Paco Alvarez, Curator and Urban Historian

Thursday, June 11, 12:30 p.m.-2:00 p.m., \$68

Learn about the major events, charming personalities and cultural factors that transformed a forgotten desert oasis into one of the premier recreational locations in the country.



### Maximize Your Future with a Personal Development Plan

Elaine Wright, Instructor of Notary Procedures, Prince George's Community College; NNA Certified Notary Signing Agent; NNA Notary of the Year 2009

Friday, June 12, 12:30 p.m.-2:00 p.m., \$68

Every great accomplishment begins with a thorough plan of action. First-time Notaries as well as seasoned Signing Agents will learn how to use powerful, convenient tools that help to build your personal brand and craft your best future.



## BALLY'S LAS VEGAS — NOW JUST \$65 PER NIGHT

Staying in Las Vegas for Conference 2009 is now more affordable than ever — just \$65 per night! The NNA has negotiated this outstanding rate for Conference delegates at Bally's which is centrally located at 3645 Las Vegas Blvd. South. Mention "NNA" when making your reservations and receive our rate of only \$65 per night for stays June 7-11 (June 12 rate \$85 per night). Includes free self-parking. For more information, visit [NationalNotary.org/Conf2009Travel](http://NationalNotary.org/Conf2009Travel).

To make reservations, phone Bally's at 1-877-603-4390 or visit [NationalNotary.org/Ballys](http://NationalNotary.org/Ballys).

## LAS VEGAS ENTERTAINMENT

### Relax. Play. Explore. Enjoy.

Only a few minutes from Bally's await an incredible variety of entertainment opportunities ready to cater to your every whim. Visit hotels, watch shows, enjoy fine dining and create lasting memories.

### Neon Night on the Town

Monday, June 8, 5:30 p.m.-8:30 p.m., \$60

Explore the infamous history of Las Vegas. Enjoy an expertly narrated drive down the Las Vegas Strip and discover the personalities who transformed a desert railroad stop into a neon wonder and Entertainment Capital of the World. Pass the Rio's "Masquerade in the Sky" Mardi Gras Parade and watch the brilliant "Fremont Street Experience" lightshow!

### An Italian Escapade

Tuesday, June 9, 11:00 a.m.-3:00 p.m., \$50

A guided tour of "Italy" without leaving Las Vegas: Adventure through the Bellagio, an opulent European villa hotel surrounded by tranquil "Lake Como," and learn about the amazing botanical gardens, water fountains and chocolate cascade. Then you and your guide step back into time at Caesars Palace. Stroll through the Forum and enjoy a birds-eye view of the animated presentations of "Atlantis" and the "Fountain of the Gods" laser show.



### Las Vegas Nights Helicopter Tour

Wednesday, June 10, 8:15 p.m.-10:30 p.m., \$225

Indulge yourself with an adventure that begins when your private motor coach whisks you away to an exclusive champagne reception where you mingle with fellow travelers. Then climb aboard a luxury helicopter for a 15-minute breathtaking tour of the Vegas nightscape from an all-new perspective. Take in Glitter Gulch, the Strip, Fremont Street, Stratosphere Tower and much more!

### Sunset Dinner Cruise on Lake Mead

Thursday, June 11, 5:15 p.m.-9:30 p.m., \$130

Hop aboard the Desert Princess and turn back to the Old South! She's the pride of the fleet — an authentic, three-level, Mississippi-style paddlewheeler. Take in the cool, evening air and wondrous sights on Lake Mead while the gracious crew serves excellent dining choices.



### 360° from Panoramic Paris Tour and Lunch

Friday, June 12, 11:30 a.m.-2:00 p.m., \$95

Experience a little touch of classic Paris right outside your hotel door by visiting the "Eiffel Tower." Enjoy 360° panoramic views of Las Vegas from the observation deck while a tour guide points out important sights and answers questions. Dine at Chef J. Joho's Eiffel Tower Restaurant and partake of the city's premier French cuisine.

### No-Cover Clubbing — VIP Style

Friday, June 12, 11:00 p.m.-2:30 a.m., \$225

This VIP club experience will surely be a night to remember for years to come. Dress to impress as your private vehicle hits three of the hottest clubs in Las Vegas. Once you arrive you are officially "beyond the velvet rope." Never wait in line. Never pay a cover. Travel with a VIP host ready to cater to your every whim. You only pay for drinks!

### Hoover Dam Visit and Ethel M. Chocolate Factory Tour

Saturday, June 13, 10:00 a.m.-4:00 p.m., \$80

Just a short distance from the glitter and glamour of Las Vegas lies the magnificent Hoover Dam and picturesque Lake Mead. Travel to the engineering marvel that tamed the Colorado River and enjoy the view from the observation deck. After that you're off to the Ethel M. Chocolate Factory and Cactus Garden, where you can sample chocolate in Ethel's Lounge.



## 5TH INTERNATIONAL FORUM ON eNOTARIZATION, eSECURITY AND eAPOSTILLES

Wednesday, June 10, Thursday, June 11 and Friday, June 12

International Notary experts and diplomats as well as U.S. state officials analyze electronic notarization programs around the world, the latest uses of electronic apostilles, and the emerging new role of Notaries in preventing cyber attacks. If you would like to participate in, rather than observe, the Forum, please eMail [iforum2009@nationalnotary.org](mailto:iforum2009@nationalnotary.org).



Register Today! Call Toll-Free: 1-800-US NOTARY (1-800-876-6827)



# The NNA Conference 2009 Registration

June 9-12, 2009 • Las Vegas, Nevada — Bally's Las Vegas

**Special Conference Room Rate — Only \$65/night Sunday–Thursday, \$85/night Friday–Saturday!**

Call 1-877-603-4390 for reservations and mention the NNA Conference for your special rate.

Please print all information clearly.

## Delegate Information

NNA Member Number: \_\_\_\_\_ Gender: \_\_\_\_\_  
 If you are joining today, please write "NEW."  F  M

First Name: \_\_\_\_\_  
 Last Name: \_\_\_\_\_

Badge Name: \_\_\_\_\_  
 First Last

Company: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

eMail: \_\_\_\_\_  
 (required for Conference registration confirmation)

Guests for Special Events, Luncheon and Excursion Options

Guest #1  
 Name: \_\_\_\_\_  
 First Last State

Guest #2  
 Name: \_\_\_\_\_  
 First Last State

How many years have you attended the NNA Conference? \_\_\_\_\_

Special access needed? (Qty) \_\_\_\_\_ Vegetarian meals needed? (Qty) \_\_\_\_\_  
 Include guest, if applicable. Include guest, if applicable.

## Conference Registration

Includes all regular Conference Workshops and materials, plus the Gala Welcome Reception, General Sessions, Formal Farewell Banquet and Reception, Networking Sessions, International Forum viewing, eNotarization Lab and Growth and Opportunity Expo.

- Early-Bird Registration (received by April 4, 2009) #7140 ..... \$498 \$ \_\_\_\_\_
- Regular Registration (received after April 4, 2009) #7140 ..... \$650 \$ \_\_\_\_\_
- Group Discount (two or more from the same organization) #755 ..... \$20 \$ \_\_\_\_\_  
 Entire group must register at the same time (same phone order, in the same envelope or faxed consecutively). Please use separate registration application forms for each attendee (photocopies are acceptable).

## Single-Day Passes, Special Events & Luncheon Options

**Single-Day Passes:** Includes regular Conference Workshops and materials, including the General Session, Continental Breakfast, International Forum viewing, eNotarization Lab and Growth and Opportunity Expo for the specified day. Welcome Reception and Farewell Banquet not included; see Special Event passes below. Single-Day Passes not available for International Forum participants.

- Wednesday, June 10, Day Pass #757 ..... \$238 \$ \_\_\_\_\_
- Thursday, June 11, Day Pass #758 ..... \$238 \$ \_\_\_\_\_
- Friday, June 12, Day Pass #759 ..... \$238 \$ \_\_\_\_\_

**Special Event Passes:** For guests of Conference delegates and single-day Conference participants. Does not include Pre-Conference Workshops and Certification Programs, Excursions and Working Luncheons.

- Two-Event/Three-Breakfast Pass: Welcome Reception, Farewell Banquet, three Continental Breakfasts #7141 ..... \$158 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Gala Welcome Reception (Tuesday, June 9) #753 ..... \$48 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Continental Breakfast (Wednesday, June 10) #777 ..... \$20 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Continental Breakfast (Thursday, June 11) #779 ..... \$20 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Continental Breakfast (Friday, June 12) #781 ..... \$20 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Formal Farewell Banquet (Friday, June 12) #754 ..... \$78 (Qty \_\_\_\_\_) \$ \_\_\_\_\_

**Luncheon Options** (you must be a Conference delegate or guest to purchase)

- Identity Theft Horror Stories (Wednesday, June 10) #760 ..... \$68 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- The Forces that Shaped Las Vegas (Thursday, June 11) #761 ..\$68 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Maximize Your Future with a Personal Development Plan (Friday, June 12) #762 ..... \$68 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Three-Day Luncheon Option — Attend all three luncheon options and save \$46 Identity Theft, Las Vegas Stories, Personal Development #7143 ..... \$158 (Qty \_\_\_\_\_) \$ \_\_\_\_\_

## Pre-Conference Program Options (see schedule on page 4)

- Trusted Notary Certification including TEA Specialization #7147 ..... \$199 \$ \_\_\_\_\_
- Trusted Notary Certification including NSA Specialization #7149 ..... \$199 \$ \_\_\_\_\_
- Trusted Notary Certification including eNotary Specialization #7148 .... \$199 \$ \_\_\_\_\_
- NSA Specialization Training #764 ..... \$49 \$ \_\_\_\_\_
- TEA Specialization Training #765 ..... \$49 \$ \_\_\_\_\_
- eNotary Specialization Training #766 ..... \$49 \$ \_\_\_\_\_
- Illinois New Law Overview #767 ..... \$59 \$ \_\_\_\_\_
- California Notary Training #776 ..... \$159 \$ \_\_\_\_\_

## Excursions

- Neon Night on the Town (Monday, June 8) #769 ..... \$60 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- An Italian Escapade (Tuesday, June 9) #770 ..... \$50 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Las Vegas Nights Helicopter Tour (Wednesday, June 10) #771 ..... \$225 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Sunset Dinner Cruise on Lake Mead (Thursday, June 11) #772 ..... \$130 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- 360° from Panoramic Paris Tour and Lunch (Friday, June 12) #773 ..... \$95 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- No-Cover Clubbing — VIP Style (Friday, June 12) #774 ..... \$225 (Qty \_\_\_\_\_) \$ \_\_\_\_\_
- Hoover Dam Visit and Ethel M. Chocolate Factory Tour (Saturday, June 13) #775 ..... \$80 (Qty \_\_\_\_\_) \$ \_\_\_\_\_

## Register

Subtotal .....	\$ _____
1-Year NNA Membership — \$52.00 (required if you are not currently an NNA Member) . . . .	\$ _____
Group Discount .....	\$ _____
Total Enclosed .....	\$ _____

- |   |   |   |   |
|---|---|---|---|
| ONLINE...<br>www.NationalNotary.org/<br>Conf2009<br>Credit Cards Only | CALL...<br>1-800-US NOTARY<br>(1-800-876-6827)<br>Credit Cards or<br>Check-by-Phone | FAX...<br>1-800-833-1211<br>Credit Cards Only | MAIL...<br>National Notary<br>Association<br>P.O. Box 541032<br>Los Angeles, CA<br>90054-1032 |
|---|---|---|---|

### Payment Information

- Check/Money Order (payable to National Notary Association — mail-in only)
- Visa  American Express  MasterCard  Discover

Credit Card #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Billing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

You will receive your confirmation by eMail.

## If You Attend Only One Notary Event, Make This the One!



**REGISTRATION APPROVAL POLICY** — The NNA does not discriminate in employment, admission of members, or admission of speakers or registrants to its programs on the basis of race, color, religion, gender, age, sexual orientation, national or ethnic origin, veteran status or any other basis prohibited by national, state or local laws.

**CONFERENCE REFUNDS AND CANCELLATIONS** — Requests for refunds must be received in writing. Requests for full refunds must be received before April 30, 2009. Refund requests received May 1 through May 22, 2009, will be assessed a \$50 service charge. No refunds will be made for requests received after May 22, 2009. Policy applies to Conference registration, day passes, guest passes and excursions.

**NNA MEMBERSHIP** — National Notary Association membership is required to attend the NNA Conference workshops and events and pre-Conference workshops. If not an NNA member, you may join now with your Conference registration.

**PROGRAM COPYRIGHTED** — All sessions of the NNA Conference program, related events and all related materials are copyrighted by the National Notary Association. Tape recording, photocopying or reprinting information is not permitted without express permission from the National Notary Association.

Note: NNA Conference program information subject to change.

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# The National NOTARY

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**MILT VALERA**  
Editor & Publisher

**DEBORAH M. THAW**  
Executive Editor

**CHARLES N. FAERBER**  
Editor-A/Large

**PHILLIP W. BROWNE**  
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## THE NATIONAL NOTARY

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.

## ARTICLE SUBMISSIONS

While THE NATIONAL NOTARY does not actively solicit articles for publication, we welcome any submissions. Please contact an editor for policy, format and other information.

## REPRINT PERMISSION

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## NATIONAL NOTARY ASSOCIATION

### HOW TO CONTACT US

9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402  
Telephone: (818) 739-4000, Fax: (818) 700-1942  
www.NationalNotary.org

(800) US NOTARY (800-876-6827)

Customer Service: Services@NationalNotary.org • (800) 876-6827  
Letters to the Editor: publications@NationalNotary.org • (818) 739-4000  
Notary Hotline Questions: Hotline@NationalNotary.org • (888) 876-0827  
Corporate Services: CNAP@NationalNotary.org • (877) 876-0827

## From The Managing Editor



## Confidence, Faith And Trust Keep Life Going

I hate flying.

It's a simple, understandable anxiety that I know many people share. The idea of being thrust through the heavens at

500 mph in an aluminum tube that's 35,000 feet above the ground certainly doesn't make my list of favorite things.

But despite my apprehension, I fly often. I understand that if I don't, I won't see the world. So repeatedly I suck it up and pack my bags, white knuckles included.

How do I do it? I have confidence that the aircraft's engineers, manufacturers, designers, mechanics and others have done their job thoroughly. I have faith that, statistically speaking, I'll arrive at my destination in one piece. And I trust that the pilot and flight crew will perform their duties professionally — especially with all of our lives in their hands.

Every one of us performs this exercise of confidence, faith and trust every day, often without realizing it. From getting behind the wheel to choosing a restaurant to entering that high-rise building — even falling asleep at night — it's this trinity that keeps life going.

Except when it's gone.

We're all experiencing a loss of confidence in some of our grandest American institutions: the financial markets, the real estate industry, banks, the credit market and the very stability of the strongest economy in the world. It's going to take a monumental effort to repair the damage done by years of fraud, greed and financial excess. And Notaries are playing a key role in this recovery by establishing new levels of trust, legitimacy and assurance (page 22) in improved systems to verify identities.

Higher standards already are being expected of Notaries and the companies that employ them across the nation (page 26), holding them to professional standards that in many states aren't even inked in notarial law. At the end of the day, trust in identities means trust in the "system," and Notaries are instrumental in providing this trust.

So when it comes to reliance on my personal transactions, Notaries are my pilots. I trust that your official acts, executed professionally and with integrity, will lend legitimacy and confidence in my dealings. You have my future and the futures of millions of Americans, in your hands.

*Phillip W. Browne*

Higher standards  
already are being  
expected of  
Notaries ...



## COVER STORY

### 22 • Establishing Trust

The mortgage meltdown. A \$50-billion Ponzi scheme. Too many failed banks to count. Disgraced public officials. This litany of betrayals and disappointments has shaken the nation's faith in its institutions to the core, and has broken the one thing all modern economies depend on the most: Trust. Notary fundamentals are critical to rebuilding public confidence, starting with that essential cornerstone of every transaction: knowing that the people we do business with are who they say they are.



## FEATURES



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With a stroke of his pen Hawaii Attorney General Mark Bennett made his state the first to officially adopt *The Notary Public Code of Professional Responsibility*.

### 26 • Employers On The Hook

Companies that employ Notaries are used to taking a hands-off approach to training and supervising them. But now the courts and activists are demanding greater accountability from companies that offer Notary services.



### 29 • Fame Does Not Void Best Practices

Whether it's a movie star or the mayor walking into your office, celebrity isn't a guarantee of honesty. Don't bend the rules to accommodate them.

### 30 • New Avenues To Finding Customers

Notary services are needed more than ever, and offer numerous opportunities for entrepreneurs to build their customer base. The Internet is helping to fuel the explosion in Notary businesses.

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Timothy S. Reiniger  
NationalNotary.org/exec/column





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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

## Doing The Lender's Job?

The letter from Shirley Borden in the January 2009 issue about putting limits on "doing the lender's job" is right on target. Of course, when we download and print a lender's documents, we are doing the lender's job. Do they need it back right away? Of course.

As an officer at an escrow company, we do the task of downloading and printing two sets of documents (one to be signed, one for the borrower to keep) for approximately 98 percent of all loan documents. Can we get paid for doing the lender's job? Probably not.

**Liz Cohen, Beverly Hills, California**

## Seminar Worth Its Weight In Gold

I attended a National Notary Association seminar as a refresher course before taking the test to renew my Notary commission. The presenters were very knowledgeable and easy to follow, and the seminar content was excellent. It was very beneficial, and I think it was a really good refresher course, especially when the instructors went over the new Notary laws in California. After the seminar, I passed the test to renew my Notary commission. I would recommend the Notary seminars to others without reservation.

**Richard W. Cady, Hemet, California**

## ID For Notaries

With the rise of identity theft and the importance of checking the identification of document signers, I'm curious why Notaries aren't issued cards identifying them as who they are — a state-appointed Notary Public.

I work in a medical clinic where patient privacy is mandatory. My Notary commission hangs on the wall of my office where patient documents and files are located. When I perform a notarial act, I escort the document signer to any available area that complies with HIPAA Regulations. Without pulling my certificate off the wall each time, which only has my name and not a picture or physical description, how does that document signer know I am who I say I am?

With the implementation of the REAL ID Act, passport cards and the like, I think it would be a great idea to allow the document signer equal opportunity to check my ID as I scrutinize theirs.

**Harriett C. Parker, Las Vegas, Nevada**

## 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](mailto: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.



## A Notary's Benevolence Never Wanes, Even In Tough Times

As part from the prospect of spring, it is difficult in these days of bleak economic news to find anything positive to say about the future, but it can be done. The new baseball

season always offers an eternal wellspring of hope. Graduations are always upbeat. And, closer to home, there will always be a need for Notaries.

Though companies may be shedding staff, the need for Notaries will not disappear any time soon.

Just in the past few months, Notaries were instrumental in helping the Filipino veterans who had served in World War II obtain U.S. veterans benefits in recognition of their courageous contribution to the war effort. And, in spite of the unusual circumstances of the housing and banking industries, homes are still being purchased and refinanced, which requires the services of a Notary. Advanced medical directives, living wills and even pension and 401(K) forms require notarization. And, let us not forget the desire for secure paperless transactions, which bodes well for today's electronically savvy Notaries.

But, perhaps the most revealing indication of the optimism that simmers underneath all this bad news is the continued contributions that Notaries make to the National Notary Foundation.

At a time when the government is seeking ways to fund numerous programs and services, and the future of charitable giving is being threatened by a shrinking economy, NNA members and friends have not lost their spirit of giving.

Notaries are still staying true to their spirit of public service and the ethical and moral propensities that are so commonly attributed to them.

The 19th century social reformer Jane Addams believed that social progress depends

quite as much upon an increase in moral sensibility as it does upon a sense of duty.

It should not be surprising, then, that Notaries, who must demonstrate high moral standards and integrity as prerequisites to their office, would continue to be among those who support programs that help the very communities and individuals with whom they work and live.

During times of natural disasters, Notaries are there not only to help disaster relief victims with their notarial service but with the financial assistance that is made possible through their own Foundation's gifts to organizations like the Salvation Army or Save the Children.

As individuals who appreciate the need for education, Notaries help support scholarships to enable others to achieve their educational goals. Through endowed scholarships bearing the Notary imprimatur at universities and colleges throughout the country, the public is made aware of both our societal responsibility and our charitable sentiment. And then, Notaries work frequently in the medical community among either those researching some of the most life-threatening diseases and health risks we face today or those seeking their cures.

The National Notary Foundation's success is evidence of a generosity and understanding that goes beyond a Notary's official duties. It is a mark of the benevolence and goodwill of the Notary community as a whole.

As this is written, no one is predicting the future, but there is evidence here that Notaries are a part of its outcome.

---

*Deborah M. Thaw can be reached at [dmtbaw@nationalnotary.org](mailto:dmtbaw@nationalnotary.org)*

## Signing Agent Finds New Career In Foreclosure Auctions

Times may be tough across the country, but Notary Gerald Lemon has discovered a unique niche reciting foreclosure notices on the steps of Missouri courthouses.

Lemon works as an independent trustee, whose job is to announce and moderate auctions for foreclosed properties on the steps of local courthouses.

"What got me in the door is that Notaries are reputable people," said Lemon, a Notary Signing Agent from Strafford, Missouri. About

a year and a half ago, Lemon was approached by a fellow Signing Agent and asked if he would be interested in some assignments. Lemon accepted and today runs a thriving business with wife Janine.

Independent trustees normally act on behalf of law firms handling mortgage foreclosures, Lemon said. He averages 60 to 70 assignments a month. Each assignment typically takes only a few hours out of the day. Lemon said professionalism and punctuality are essential, because a law firm can be held liable if an independent trustee fails to show up to announce a courthouse auction.

Notaries interested in work as independent trustees may wish to contact law firms in their area that handle mortgage foreclosures.



Gerald Lemon

Photo courtesy of Springfield Business Journal, Aaron Scott

## Restricting Access Key To IT Security

With the recession driving up unemployment, companies face a growing threat of data breaches from their own employees.

A recent survey by IT security experts CyberArk Software Ltd. found that 58 percent of office workers would steal sensitive information from their employers. CyberArk recommends that access to sensitive data should be strictly limited and controlled. Ways to do this include removing old passwords, or using a smart card-enabled digital identity document or "credential" that includes



a face-to-face enrollment by an identity manager, such as a Trusted Enrollment Agent™ (TEA), who would verify the employee's identity.

Employers mistakenly think that eliminating physical access will stop an ex-employee from causing trouble. Armed with a password, ex-employees could launch cyber attacks that may cost millions. A digital credential would not necessarily stop employees from stealing data, but does limit access to data and could leave a record showing who accessed the information.



## By The Numbers

**48** Number of states that have enacted criminal penalties for identity theft.

The maximum fee that may be charged for an eNotarization in Arizona. **\$25**

**2,330,483** Number of foreclosure filings reported last year in RealtyTrac's *U.S. Foreclosure Market Report*.

Average amount the price of a regular gallon of gasoline dropped between February 2008 and February 2009. **\$1.08**

**70%** Number of small- and medium-sized businesses found vulnerable to electronic security breaches in a recent survey.

The amount cyber crime cost businesses in 2008. **\$1 trillion**

**11.1 million** Number of people unemployed in the U.S. at the end of 2008.

Average sale price of an existing U.S. home in December 2008. **\$243,100**

## Social Network 'Hijacking' New Identity Threat

The growing popularity of social networking Web sites — from YouTube and MySpace to Facebook and LinkedIn — is creating fertile ground for cyber criminals plying the latest trend in identity theft: hijacking users' Web identities to target their unsuspecting friends and contacts, according to the Aladdin Attack Intelligence Research Center (AIRC).

A recent AIRC report noted that this threat could make it impossible to tell if a Facebook friend is really a foe. The trend also comes at a time when many businesses — especially small operations such as Notary Signing Agents, independent paralegal services and other Notary entrepreneurs — are using social networks as a means to inexpensively market themselves.

Because there is so much personal information floating in the great expanse of cyberspace, it is easy for identity hijackers to spoof a company's or individual's real identity and cause social, professional and financial havoc for a victim. The openness of these sites makes them particularly vulnerable.

This trend will likely force social sites to take greater efforts to secure themselves through strategies such as issuing digital identity documents, also known as credentials, which would be used to validate users, vetted through a face-to-face meeting with a professional identity proofer such as a Trusted Enrollment Agent™.



## 'BarackBerry' Highlights Smartphone Security Issue

President Barack Obama has repeatedly refused to relinquish his Blackberry even amid fears that it'll be compromised; a worry justified by last year's breach of his cell phone records. But thanks to the National Security Agency, Obama has been given an alternative, which promises to keep his personal and official communications completely secure.

Obama's dilemma is one that mobile Notaries can appreciate. They constantly send and receive sensitive data — such as loan documents, contracts and client information — that needs to be closely guarded and protected. And being on the move all day, Smartphones are a convenient and affordable way to keep in touch. But they have at least 14 weaknesses that can compromise data, according to the U.S. Department of Homeland Security.

The president's new PDA is protected by a battery of security measures, including data encryption, at a price tag of \$32,000. The good news is that mobile Notaries don't have to spend quite this much of their hard-earned cash for peace of mind. Numerous companies already make affordable, effective security software specifically for Smartphones and other mobile devices to protect sensitive business data.



## Down Times For Brokers Mean New Direction For Signing Agents

With the mortgage and real estate industries struggling to gain their balance, banks are cutting ties with independent mortgage brokers. While this is bad news for brokers, it also means that Notary Signing Agents (NSAs) will have to establish new business relationships.

Following in the footsteps of Bank of America and Wachovia Corp., JP Morgan Chase & Co. became the latest bank to announce that it would no longer use independent mortgage brokers.

Chase said loans originated by its employees generally performed better than loans from brokers.

As independent operators themselves, Signing Agents rely heavily on their business networks to generate assignments. NSAs will have to make sure they forge strong relationships directly with banks and the title and closing companies they use.



## Storage Devices Are Cheap, Efficient And Easy To Forget

Notaries are coming to rely on miniature storage devices such as USB thumb drives to carry highly sensitive data — from client lists to job-related documents. These data storage devices are relatively inexpensive, intuitive, efficient and, according to a recent survey, easy to forget.

Texas-based data security firm Credant Technologies Inc. found that taxi passengers in New York City leave behind about 2,750 electronic storage devices including MP3 players and USB drives each month. Another Credant survey revealed that 9,000 USB drives were left in the pockets of clothes taken to London, England, dry cleaners last year.

In one of the more sensational cases, a New Zealand tourist visiting Oklahoma bought an MP3 player at a second-hand store only to discover it contained dozens of files about U.S. military operations in Afghanistan and Iraq.

With government agencies cracking down on data breaches, anyone letting sensitive information slip through their fingers could suffer stiff repercussions. Apart from not leaving thumb drives at the local Starbucks, Credant recommends encrypting the information on them.



## Paperless Trend Explodes During Tax Season

America's march toward a paper-free future continues as the IRS encourages everyone to file their income tax returns electronically.

Last year, almost 90-million taxpayers filed their returns electronically, an eFiling record, amounting to about 58 percent of all 1040s received by the IRS. By 2012, the feds want that number to hit 80 percent.

The growing popularity of eFiling illustrates the growing trend to conduct all business transactions, including notarizations, electronically.

But just as eNotarization still requires a personal appearance, an eFiled tax return still requires a signature. The signature requirement is in the form of a five-digit personal identification number that's entered on the eFiled form.

eFiling has proven very convenient for taxpayers. The IRS says turnaround on an eReturn is generally less than two weeks. The agency says it can process an eFile refund in around 10 days if the refund is directly deposited. About 66 million refund checks were direct-deposited last year, up 8 percent from 2007.

For more information go to [www.irs.gov](http://www.irs.gov).

## Legal Systems To Mirror Global eNotarization Standards By 2010

With 194 independent countries in the world, it's highly unlikely that these nations will combine to forge a single, unified legal system in our lifetime. But the World Future Society (WFS) predicts that more than half of them will have their legal systems networked with each other by 2010.

That trend mirrors efforts being made by international Notary organizations to create a global eIdentity assurance standard for Notaries,

which will make eNotarized documents acceptable worldwide.

Already, more than 50 nations have joined in the Global Legal Information Network (GLIN) — a database of local and national laws. The WFS predicts that will grow to more than 100 countries by 2010. The database will lay the groundwork for a more universal understanding of the diversity of global law and create new partnership opportunities.

The NNA-proposed International eIdentity Assurance Standard for Electronic Notarization's goal is to create a uniform, worldwide standard for trustworthy and reliable electronic notarizations. The Standard proposes minimum criteria for the issuing and managing of a Notary's electronic credentials to control access to documents.



## Travel Industry Calling On Notaries To Assist Vacationers

Many Americans, worried about their finances and jobs in the midst of the recession, have put travel plans on hold. But the travel industry has started offering travel unemployment insurance to get vacationers winging away to exotic locales across the country and around the globe — as long as a Notary is involved.

Jet Blue and Norwegian Cruise Lines recently introduced programs promising travelers their money back if they lose their jobs. In order to recoup their vacation cash, travelers must complete and return a notarized form no less than 14 days prior to their trip. Both companies' Web sites outline the details of their programs and



the necessary forms — including documents needing notarization — in the event that travelers have to take advantage of them.

It just goes to show that, while the financial markets might be gloomy, travel operators are offering a welcome ray of sunshine.

## ID Thieves Employ Increasingly Sophisticated Methods

Notaries rely on the credibility of state-issued identity documents to identify signers and guard against fraud. But fake identity peddlers have turned to sophisticated methods to make it tougher to tell the difference between legitimate and bogus IDs.

One of the methods is obtaining fraudulent IDs from official government sources, such as motor vehicle departments. That was shown recently when two employees with the Illinois Secretary of State's office were arrested in connection with a scheme to issue fraudulent driver's licenses and other state identity documents to illegal immigrants from China, Korea and Indonesia.

Police in Nevada discovered another tactic when they conducted a drug raid and instead found a phony ID lab that had the capacity to churn out unlimited supplies of high quality, fake identity documents — including driver's licenses, military identity cards and even fake tax returns — with professional, official precision. Documents from across the country were targeted by the accused identity thieves.

Though states have been working diligently to create tamper-proof and high security identification documents, it's obvious that criminals will always find ways to sabotage safeguards. For Notaries, quizzing signers about the information on their IDs helps make sure everything is on the up and up.

“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.

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## Foundation Gives Boost To Hurricane Ike Relief Efforts



National Notary Foundation Executive Director Deborah M. Thaw (right) presents a check to Salvation Army Captain Marina Martinez to help rebuild the Texas Gulf Coast devastated by Hurricane Ike.

When Hurricane Ike hit Texas in September 2008, it wreaked havoc on Gulf Coast communities, becoming one of the most destructive storms in U.S. history. Even as much of the nation turned its attention to the bleak economic news, America's Notaries and the National Notary Association did not forget the victims, even when facing hard times themselves.

Through December 2008, Notaries, the NNA and Association employees made a generous donation to the Hurricane Ike Relief Fund set up by the National Notary Foundation. The Foundation recently presented those contributions to the Salvation Army, which will go directly to helping the Gulf Coast communities rebuild.

Ike caused more than \$24 billion in damage, completely destroying a number of coastal communities. U.S. authorities estimate the storm was directly or indirectly responsible for 112 deaths.

 [www.NationalNotary.org/Foundation](http://www.NationalNotary.org/Foundation)

## Keynote To Highlight Identity-Proofing Future



Paul Donfried

Notaries are eager to move into the burgeoning profession of trusted identity proofing. In today's lightning-fast world of electronic transactions and information exchange, this makes the keynote speaker at Conference 2009 a particularly relevant and valuable addition to the Notary Event of the Year this June.

As vice president and principal for Science Applications International Corporation (SAIC), Paul Donfried has helped pioneer the field of identity proofing. SAIC was not only one of the first organizations to use the NNA's Trusted Enrollment Agent™ (TEA) Program, but it also partnered with the NNA to enhance the security on the latest version of its ENS® (Electronic Notary Signature).

Donfried is an expert on technological changes in business and electronic identity management as well as the role Notaries are taking in eCommerce security. Don't miss the chance to learn more about this exciting evolution of the Notary Public office. Conference 2009 takes place June 9–12 at Bally's Las Vegas.

 [www.NationalNotary.org/Conf2009](http://www.NationalNotary.org/Conf2009)

## New, Robust 'Notary Bulletin' Moves Online

The NOTARY BULLETIN is undergoing a major transformation to an all-new electronic format. A more dynamic online version will debut next month, bringing the most relevant and up-to-date information to you as quickly as possible.

The online format — with updates as needed — will be more flexible and responsive in covering important news, trends and notarial developments. Readers also will still be able to enjoy many of the BULLETIN's most popular departments and features, such as tips and advice on best practices; news analysis and legislative updates. It also will incorporate some exciting, cutting-edge, new features.

 [www.NationalNotary.org/Bulletin](http://www.NationalNotary.org/Bulletin)





## NNA CFO Named Vice President

After playing a key role in navigating the NNA through the turbulent economy of the past year, Chief Financial Officer Jane Eagle has been elevated to the rank of Vice President. She continues to be in charge of all financial and human resource matters at the Association.

“As CFO, Jane has been instrumental in reshaping the way the NNA approaches fiscal accountability,” Association President Milt Valera said. “Every Group and Department has benefited from her leadership, expertise and energy.”



Jane Eagle

Eagle also serves on the Executive Committee, which is responsible for all the vital issues of the NNA including major financial, human resources and operational matters.

Eagle joined the NNA in December 2007, bringing nearly two decades of executive and financial experience. She graduated cum laude with a Bachelor of Science Degree in Accounting from Loyola Marymount University in Los Angeles and is a Certified Public Accountant.

## Illinois Law Seminars Scheduled

Significant Notary law changes take effect in Illinois this year and to help Notaries keep abreast of these revisions, the NNA will be offering seminars in the state starting in May.

The seminars will provide information on recent updates to Illinois Notary law and procedures along with best practices and other essential information Notaries need to perform their duties in the Prairie State, including new recordkeeping requirements for notarizing documents for property transactions in Cook County.

For information on location and times, call (800) US NOTARY (800-876-6827).

## Your Benefits: FedEx Offers NNA Members Great Deal

The NNA is taking advantage of a new working arrangement with FedEx® to offer discounts to members of up to 26 percent on selected delivery services. This is a pure NNA member benefit. There are no additional costs and no minimum shipping requirements to receive the discounts.

NNA members can save up to 26 percent on select FedEx Express U.S. services; up to 20 percent on select FedEx Express international services; up to 12 percent on select FedEx Ground services; and up to 10 percent on select FedEx Home Delivery services.

For additional details, log onto [enrolladvantage.fedex.com/4492](http://enrolladvantage.fedex.com/4492) and use pass code D1JCNY. Or call (800) MEMBERS (800-636-2377), 8:00 a.m.–6:00 p.m. EST, Monday through Friday, to speak with a member representative.

 [www.NationalNotary.org/privileges](http://www.NationalNotary.org/privileges)

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# Mark Bennett

*A Champion For Notary Professionalism And Ethics*



When it comes to upholding trust, integrity and professionalism in the Notary Public office, it's difficult to find anyone more dedicated to promoting those ideals than Hawaii Attorney General Mark Bennett. That's because he confronted an epidemic of mortgage fraud and identity theft in his state by taking bold, decisive action.

With a single swipe of his pen in 2008, Bennett enacted Administrative Rules that made Hawaii the first state to require its Notaries to abide by *The Notary Public Code of Professional Responsibility* — a comprehensive set of ethical notarial guidelines and best practices developed by the National Notary Association.

As Hawaii's Attorney General, Mark Bennett has strengthened the state's Notary laws and procedures to better deter fraud and require careful recordkeeping on the part of Notaries.



This action enhanced professional standards for the performance of notarial acts, granting of commissions and regulation of the conduct of Notaries, including comprehensive new seal and recordkeeping requirements. These sweeping changes enable Notaries to better fulfill their duties to protect society against rampant fraud and identity crimes.

For this accomplishment, along with his successful championing of a new law setting penalties for Notary misconduct, Bennett has been selected as the recipient of the NNA's March Fong Eu Achievement Award for 2009. Since 1979, the Achievement Award has been bestowed on the individual who has done the most to improve the standards, image and effectiveness of the office of Notary Public in the United States.

"I'm very touched and humbled by such a tremendous honor," Bennett said. "It means a great deal to me."

NNA President Milt Valera applauded Bennett's leadership and initiative in conceiving, championing and spearheading the new Administrative Rules and Act No. 175 of the Hawaii Legislature's 2008 session, which establish complementary sets of rigorous standards that

are transforming Hawaii's Notaries into a highly professional and effective fraud-deterrent force.

"His vision and understanding of the valuable role Notaries play in society is a shining example for the entire country," Valera said. "Mark Bennett is the kind of public servant who simply does the right thing when it's needed. His actions significantly strengthen the ability of Notaries to carry out their essential duties."

Apart from *The Notary Public Code of Professional Responsibility*, the new rules put in place a well-conceived, detailed system for regulating Notaries — from screening applicants to enforcing professional and ethical standards.

Act No. 175 gives teeth to the

new rules, setting penalties for a variety of transgressions, including the failure to verify a client's identity and signature and impersonating a Notary.

Bennett said Notaries are entering a new world because of the growing sophistication and technological savvy of criminals.

As the state's top law enforcement official, Bennett recognizes the paramount importance Notaries play in society. "We need them to be there when people are executing the most important documents," he said. By making sure that notarized documents are executed to the letter of the law, Notaries "are a human barrier to fraud." The new rules equip Notaries with more tools to fight fraud.



Thanks to Bennett, Hawaii is the first state to require its Notaries to follow *The Notary Public Code of Professional Responsibility*, a comprehensive set of ethical guidelines and best practices to ensure proper conduct.



Whether fighting fraud or running marathons, Bennett finishes what he starts.

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**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.

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- 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:** (8½" x 11")

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- Disabled Person's Acknowledgment — #5933
- Certification of Photocopy — #5187
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**Hawaii:** (8½" x 7", unless noted)

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

**Massachusetts:** (8½" x 11")

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- 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)

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- 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

**Texas:** (continued)

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- Copy Certification by Notary — #5922
- Jurat with Affiant Statement (8½" x 11") — #5924

**Washington:** (8½" x 11")

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Formerly an Assistant United States Attorney in Washington, D.C., Bennett has served the state of Hawaii in different capacities since 1982. He was first appointed Attorney General in 2003.

Among the rules' fraud-deterrent procedures are requirements that the Notary's seal now must conform to size specifications and must contain the commission number, making seals more difficult to counterfeit. Notaries also must describe each notarized document within their official certificate statement. This makes it more difficult to remove a notarial certificate from one document and attach it to another.

Bennett sees the new Notary laws as a benefit to all Hawaiians, "except criminals," he said.

The New York native has been Hawaii's Attorney General since January 2, 2003. Bennett was appointed to a four-year term by Hawaii Governor Linda Lingle and unanimously confirmed by the Hawaii State Senate. He was reappointed by Lingle and again unanimously confirmed in 2007.

He graduated summa cum laude from Union College in Schenectady, New York, in 1976 with a Bachelor of Arts Degree in Political Science, and then earned his law


degree, magna cum laude, from Cornell Law School in Ithaca, New York, in 1979.

Bennett worked as an Assistant United States Attorney in Washington, D.C., from 1980 to 1982. From 1982 to 1990, he served as an Assistant United States Attorney in Honolulu, Hawaii.

In 1986, he received a Special Achievement Award from the Attorney General of the United States, and throughout his tenure was a frequent instructor in criminal and civil trial advocacy at the Attorney General's Advocacy Institute in Washington, D.C.

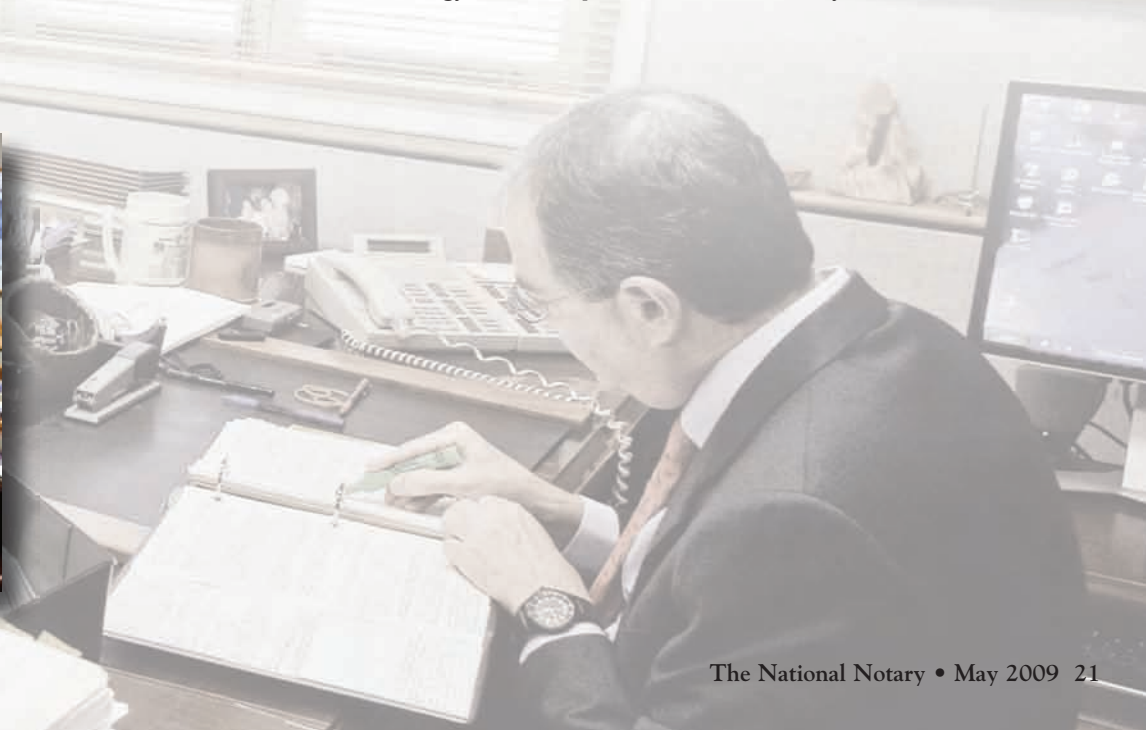
Bennett has been married for 24 years to attorney Patricia Ohara. He garnered a special appreciation for Notaries from Ohara, who previously worked with the Notary program in Hawaii.

Bennett will be presented with the Achievement Award at the Farewell Banquet of the NNA's annual Conference, held in Las Vegas, Nevada, June 9-12, at Bally's Las Vegas.

"We're very pleased with the NNA's work," Bennett said. "Groups like the NNA are always in the forefront of education, helping people become aware of new technology and new problems in the Notary field." 



Bennett has been married 24 years to attorney Patricia Ohara.



# ESTABLISHING TRUST

## NOTARY FUNDAMENTALS ARE REBUILDING PUBLIC CONFIDENCE IN WAKE OF FINANCIAL COLLAPSE

By Chris Wolski  
cwolski@nationalnotary.org

**T**he mortgage meltdown. A \$50-billion Ponzi scheme. Too many failed banks to count. Disgraced public officials. This litany of betrayals and disappointments has shaken the nation's faith in its fundamental institutions to the core, and has broken the one thing all modern economies depend on the most: Trust.

Without Trust, credit — the lifeblood of just about every business, and every individual — evaporates, taking with it millions of jobs; trillions in savings, pensions and home equity; and the financial stability of the American people. And the economy won't turn around until Trust is restored. The federal government already has committed nearly \$2 trillion to various bailout and stimulus plans and promises to spend more to shore up Trust in the badly dented financial system.

But Trust can't be bought. It must be earned. While many elements go into building Trust, it often starts simply by believing that the people we do business with are who they say they are. In many ways, that essential building block of Trust depends on Notaries.



For millennia, Notaries have served as the gatekeepers and guardians of proper procedure. By verifying the identity of signers and checking for awareness and willingness, they have imbued everyday transactions with validity, legitimacy and assurance. Now and in the future, the recovery of the national and global economy will depend in part upon the expansion of a healthy digital economy, as more goods and services are bought and sold via the Internet. And, in order for this expansion to be realized, measures must be taken to secure confidence and Trust in the digital economy.

### RISE OF THE IDENTITY MANAGER

A report by the Center for Strategic and International Studies (CSIS) identified cybersecurity — the protection of digital information on company and government data networks and the Internet — as one of the “most urgent” national security problems facing the Obama Administration.

In a world where people often are better known by their usernames than their real names, anonymity is a fact of life on the Internet. While that anonymity has helped fuel the Internet explosion, it also has created enormous opportunities for criminals of all stripes. In 2008 alone, cyber criminals cost the global economy \$1 trillion, according to a study by McAfee Inc., headquartered in Santa Clara, California.

Nobody expects Notaries to become the hacker police, patrolling the Web for information and identity thieves. But the CSIS report clearly identifies Notaries' essential function in one of its key recommendations: “The United States should make strong authentication of identity, based on robust in-person proofing... a mandatory requirement for critical cyber infrastructures.” That

includes the IT, energy and finance industries as well as government agencies. The report also recommends that consumers be allowed to use government-issued credentials — or commercially issued credentials based on government standards — for online activities.

The CSIS report recognizes that businesses and governments need to know who is accessing their systems in order to operate today's complex, largely anonymous information landscape with any degree of Trust.

The chain of Trust indicated by the report today can be achieved through identity authentication services Notaries provide. In fact, a cadre of professional Notaries that can fulfill this duty as identity managers already exists. These Notaries include background-screened Notary Signing Agents (NSAs) and Trusted Enrollment Agents™ (TEAs). TEAs, for instance, have been identity proofing individuals in the defense industry who are seeking digital identity documents — also known as credentials — to gain access to sensitive data, eMail and facilities.

These identity-proofing sessions rely on age-old Notary best practices, starting with personal appearance. They also incorporate thoroughly checking the proffered identity documents.

The digital credential creates Trust by binding it to a single, known user. This is unlike a password, which can be obtained by anyone and used to anonymously gain access and compromise sensitive data. Consequently, passwords have little value as proof of identity.

TEAs have proven themselves to be dependable and impartial in pursuing their duty, further building Trust in the credentialing system. They even have rejected several credential applications because the applicants did not possess the correct identification



documents to satisfy the security requirements of the employer. If one of the TEAs in these situations had accepted an incorrect identity document or, worse, taken the applicant's identity at face value, then the integrity of the credential would be called into question and relying parties could not Trust transactions in which the credential was used. Identity-proofing sessions carried about by impartial, trained, background-screened TEAs let businesses and their partners — such as defense subcontractors developing classified, multi-billion-dollar weapon systems — Trust that identity credential applicants are who they say they are.

TEAs may have just begun their work, but NSAs are well established to help rebuild a mortgage lending system that has become riddled with fraud and questionable practices. The mortgage fraud epidemic that helped fuel the recession exposed many sins beyond Notaries' control. But other transgressions fall in their purview. In its most recent report on mortgage fraud, the federal government's Financial Crimes Enforcement Network (FinCEN) noted that 28 percent of the reports of suspected mortgage fraud it receives include incidents of forged or fraudulent documents. Identity fraud is mentioned in 10 percent of the cases and identity theft in 3.5 percent.

The fundamental role NSAs play in checking identity documents and guaranteeing that signers are who they say they are will help rebuild the Trust so badly eroded over the last year or so.

## E<sup>N</sup>OTARIZATION

While the digital age has complicated the notion of identity, it has given Notaries a powerful, new way to create Trust in documentary transactions: electronic

notarization. An eNotary armed with an enhanced ENS<sup>®</sup> (Electronic Notary Signature) and an electronic journal — such as Enjoa<sup>®</sup> Live — has new tools to impart Trust to electronic transactions not available to paper transactions. While eNotarization has yet to be fully adopted by business and government, it brings more security and protection to sensitive financial transactions than traditional paper-based notarizations.

ENS holders must be vetted in person by a TEA. This identity proofing enhances Trust by binding the identity of the eNotary to the digital credential and allowing any transacting or relying party to know the identity of the eNotary who electronically signed the document. The form of the ENS itself deters forgery and fraud by storing the private key of the ENS on a secure Universal Serial Bus-enabled token, preventing any person who does not possess this device from using it. Further, the ENS is protected by a password known only to the holder, making the ENS virtually useless in the wrong hands. In addition, interested parties easily can verify the validity of an ENS.

Perhaps the ENS' greatest benefit is its ability to protect a document after it's applied. Any change to the document — authorized or unauthorized — will be evident and the receiver will be alerted that the document has changed. Consequently, fraud after the fact is far more difficult to commit and Trust is established.

The electronic journal is tamper-proof and stored on an encrypted server, making it far more secure than its traditional, paper-based counterpart and ensuring that journal records are always available when needed.

Armed with these tools and following traditional best practices, the eNotary will promote the kind of Trust that will help make eCommerce flourish.





## E-VERIFY AS A FURTHER CHECK

Though it doesn't require a notarization, the federal government's E-Verify Program relies on agents who are experts in identification. Notaries, as experienced and trusted identity proofers, are the ideal third party agents for the program.

The E-Verify Program is used by employers to check the eligibility of job applicants. Currently, the program involves checking Social Security numbers against the Social Security Administration database, and the entire process is electronic.

Originally a purely voluntary program, several states including Arizona and South Carolina, require employers to use it. The U.S. government has recently mandated that every federal contractor must be checked using the E-Verify system. About 100,000 employers are currently participating in the program.

E-Verify cuts to the heart of what a Notary does best, verifying identities and ensuring that companies know whom they're hiring.

## DATA ACCESS

While TEAs, NSAs and other identity managers are crucial in establishing Trust by positively identifying signers and credential applicants, they cannot guarantee that a clever and unscrupulous credential holder will not cause harm in the future.


It is up to the business or government entity to limit and control access to sensitive information and databases. But the credential, since it is inextricably bound to an individual, makes it

a more trusted way to access data, send eMails or enter secure facilities, and easier for organizations to control and limit.

Issuing digital identity documents to limit access has gained additional currency since the mortgage and banking industry meltdown of late 2008. Citigroup, for instance, had to contend with disabling more than one-million user passwords (most of its eliminated workforce had at least three to four passwords). It is estimated that it will take about 50,000 worker hours to turn off every password. Digital credentials easily can be shut off when an employee's status changes.

While the digital identity credential might not stop an employee determined to cause mischief, it will leave an audit trail — a digital "fingerprint" — that points back to the culprit, giving it a similar evidentiary role as a Notary's journal.

## STICKING TO THE FUNDAMENTALS

Notaries in every age have proven time and again that they can be trusted, and that reputation will be even more critical as our battered economy recovers and in the digital age as well. The Notary's new tools will provide a new level of confidence in electronic transactions never before seen, but it is the fundamentals that will inspire the greatest Trust. Requiring personal appearance, screening for willingness and awareness and thoroughly checking identity documents will remain at the foundation of everything a Notary does, restoring and maintaining the Trust that is so crucial to the security, solvency and confidence of our society. 





# EMPLOYERS ON THE HOOK FOR TRAINING AND ETHICS

By Michael Mink  
mmink@nationalnotary.org

COURTS AND ACTIVISTS DEMAND GREATER  
ACCOUNTABILITY WHEN SUPERVISING EMPLOYEES

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COMPANIES THAT EMPLOY NOTARIES OFTEN take a hands-off approach when it comes to services provided by their commissioned workers. But recent developments in Illinois and Arizona suggest that the days of “hoping for the best” rather than “preparing for the worst” are over. Instead, companies could find themselves on the hook for the notarial transgressions of their employees.

The biggest sign of that sea change came when the Illinois Appellate Court issued a precedent-setting ruling that a national photocopy chain was liable for damages after one of its employees notarized a forged signature on a set of mortgage documents. In the wake of scandals such as the Enron collapse and the recent meltdown of major banks and financial institutions, the call for greater corporate accountability and responsibility means this historic court decision could set new standards not only for Notary professional conduct, but for the employers who train and supervise them as well. In

fact, the Court stepped beyond the letter of the law and held the employer accountable based on best practice and standards that went beyond the notarial duties outlined in state statutes.

If this precedent is applied by courts in other states, it holds that every Notary employer in the country has a duty to prevent damages caused by their Notaries' improper negligent acts.

The Illinois Court drew the industry standards from the National Notary Association-drafted *Model Notary Act* of 2002, citing the model legislation as a “persuasive authority” on notarial best practices. Based on those standards, the Court declared the photocopy business negligent for failing to

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The case is *Richard P. Vancura v. Peter Katris, Gustavo Albear, Glenn S. Brown, Randall Boatwright, Old Kent Bank, as Trustee Under Trust Agreement 6927, and Kinko's, Inc.* 1-06-2750, LEXIS 1317 (Ill.App.12-26-2008)

properly train and supervise its staff Notaries — even though state law contains no such requirement.

All sides in the case, admit that the victim, real estate investor Richard Vancura, never personally appeared when the documents were notarized. Trial court testimony revealed that Notary Gustavo Albear believed he only needed to match the signatures on the ID and document, not to properly identify the signer. It also came out that Albear and other Notaries in the suburban Chicago photocopy store kept their seals and journals of notarial acts in a communal desk, which often was unlocked.

Albear testified that he had notarized the mortgage assignment, but that his signature on the notarial certificate for another document was forged, even though his seal was used. Albear settled his liability in the case for \$30,000.

Due to his lack of training by the company and Illinois, a state that has no educational requirement for Notaries, Albear clearly didn't understand the significance of personal appearance and his vital role in it.

Albear's employer provided Notary training, but it was not conducted by a commissioned Notary. In fact, the trainer was denied approval to attend a Notary seminar. By failing to effectively teach Albear sound notarial practices and supervise his work, the Court said, the company "effectively put a Notary seal into the hands of anyone at the Oak Lawn store who wanted to use it," which constituted negligence.

A legal opinion on the case issued by Proskauer Rose LLP, a prominent national law firm, clearly signaled the ruling's reach, noting that anyone who employs a Notary "would be well served to identify the missteps" of the business in the Illinois case in order to avoid them. All employers have a duty to protect the public from harm by properly training and supervising their Notary employees, including independent contractors.

The Illinois company isn't the only business facing fallout for the missteps of its Notaries. Arizona-based Redflex Traffic Systems Inc., an operator of traffic enforcement cameras for municipal governments, faced federal investigation and a class action lawsuit for using unapproved radar and a Notary-related incident.

Redflex employee Cheryl Krough had her commission revoked last year after then-Arizona Secretary of State Jan Brewer determined that a document used to




convict a Lafayette, Louisiana, motorist of speeding contained falsified elements.

Essentially, Krough notarized a speed camera certification document that stated Redflex van driver Scott Michael Bernard appeared before her and had sworn to the truth of the contents regarding a motorist's speeding charge. In fact, Krough was in Arizona, 1,400 miles away from Bernard, on the day of the notarization.

There's concern that Krough is likely to have notarized thousands of these documents without personal appearance, which would invalidate the traffic tickets and fines. In fact, Mark Abshire, whose case prompted the disciplinary action against Krough, has called for the city of Lafayette, Louisiana, to refund the fines for all the tickets that were illegally notarized — which could amount to hundreds of motorists in that community alone.

In response, Redflex announced it was changing its policy to direct camera operators to have their forms notarized at local banks instead of sending them to Arizona. While the case has caused little more than a headache for the company, the repercussions could linger. The company operates in 225 cities and dozens of states. A class-action suit has been filed against Lafayette over its traffic camera system. And the Krough flap has provided fuel for activists seeking to dismantle Arizona's traffic camera system, which is run by Redflex.

The lesson is clear: companies that employ Notaries must take responsibility for the conduct of their workers. Ignoring that lesson could be very costly. 

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The days of businesses  
"hoping for the best"  
rather than "preparing  
for the worst" are over.

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# Fame Does Not Void Best Practices

By David S. Thun  
dithun@nationalnotary.org

WHAT IF DEMI MOORE WALKED INTO YOUR OFFICE one day and asked you to notarize a grant deed? It might seem like a thrill for most Notaries, but suppose she doesn't want to present you with a driver's license. She says everyone knows her by sight. Can you bend the rules for her? After all, what internationally famous celebrity — whose face is regularly plastered on the cover of tabloids across the globe — would risk getting involved in document fraud, right?

Wrong. According to experts in fraud and ID theft, musicians, athletes, TV stars and other rich and famous people can be tempted to commit crimes just like the non-famous. Look at former star football player Mark Ingram, who was sentenced to seven years in federal prison for money laundering and bank fraud. Rapper Earl Simmons, better known as DMX, tangled with Arizona law enforcement last year over charges he gave a false identity at a hospital in order to avoid paying a \$7,500 medical bill. "Survivor" winner Richard Hatch barely had time to enjoy his \$1-million prize and spotlight in the media before being hauled into court on charges of tax evasion and the fraudulent use of charitable donations.

For most Notaries, the odds of meeting a celebrity are pretty slim. But it's not just Hollywood stars who rely on their popularity. Politicians, community leaders, high-profile business executives or wealthy pillars of the community may prefer to rely on their reputations instead of proper ID when having documents notarized. But experts agree that if asked to notarize a recognizable person's signature, it's still crucial to always ask for satisfactory ID, no matter who the signer is or how many magazine covers they've graced. Remember, Demi Moore's parents named her Demetria Gene Guynes. You may recognize her in your office, but what name is on the document and is it her legal name?

"Often celebrities feel pressure to maintain their status," said Dr. Tod Burke, professor of criminal justice at Radford University in Virginia and a former police officer. "Many go into debt because they overspend and

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Crossing an ethical line  
... even for something  
as seemingly trivial as  
helping a famous star,  
has consequences.

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## CELEBRITY ISN'T A GUARANTEE OF HONESTY — REMEMBER THIS WHEN IDENTIFYING ANY SIGNER


live beyond their means. In order to maintain their status, sometimes they try to find a quick solution, which is not always the best or most legal way."

Notaries shouldn't let themselves be bullied by signers who claim their wealth or importance should excuse them from properly identifying themselves. Financial status simply isn't a good way to judge whether a person is likely to be an honest document signer or not, Burke said. A wealthy person who has run into difficulties might be tempted to try something shady to solve the problem, and celebrities might be more apt to believe they can get away with it.

On the off chance that a well-known person needs a last-minute acknowledgment, Burke urged Notaries to remember their professional standards and not bend or break the rules. "If Tom Cruise appeared before you, why would he have to show ID? Because there are look-alikes out there," he said. "We use rules of authentication to ensure documents are authentic."

Crossing an ethical line, Burke added, even for something as seemingly trivial as helping a famous star or a well-known local citizen, has consequences. If you bend the rules once, the person could think you'll bend them all the time. "At what point do you draw the line? Bending rules can snowball and get out of control," Burke said.

Lyn Oakes, chief marketing officer for TrustedID in Redwood City, California, says a Notary must verify the identity of everyone requesting a notarization because they may not be who they say they are. "It's incorrect to assume a celebrity's ID is safe. Their information is out there on contracts or in places like online fan sites, and it's often targeted by paparazzi and other people." Will Smith, Steven Spielberg and Tiger Woods all have had their identities stolen.

In short, Notaries should remember that no matter how famous the signer is, when preventing document fraud and ensuring identity the Notary is the star of the show. 



# New Avenues To Finding Customers



**B**ANKS TRADITIONALLY HAVE BEEN GOOD PLACES to find a Notary, and many people needing an acknowledgment or jurat start there. But times have changed. Between the mergers, streamlined operations and the growth of online banking services, fewer Notaries are available at banks today. And many bank branches restrict their Notary services to customers only.

But that's opening up opportunities for Notaries — whether they run their own business or want to leverage their commission to get a better job. The reason is simple: Despite tough economic times, there's still a high demand for notarizations.

## THE RISE OF THE NEIGHBORHOOD NOTARY

People need notarizations for all types of documents, from residency affidavits for children to take part in school sports and living wills to deeds and loan documents. Even in the computer age, notarizations still must be done face-to-face and most people don't want to spend a lot of time finding a Notary. That's a big reason why "Notary" signs are popping up in neighborhoods across the nation.

Many consumers like doing business in their own neighborhoods. Apart from the convenience, it helps keep neighborhoods thriving. With increasing public concerns about identity theft and document fraud, that personal touch is a good way for businesses to allay fears. Instead of dealing with a large, impersonal organization, consumers often prefer dealing with people they know.

That's particularly true of businesses that handle financial and legal documents. Take a look at the offices of your local tax preparers, insurance agents or private mailbox businesses. Chances are the phrase "Notary Public" appears somewhere on the storefront. For neighborhood entrepreneurs who don't advertise their Notary services, it's a good time to start.

These businesses also can offer opportunities for experienced Notaries, as demonstrated by the fast-growing network of retail shipping, postal and business service cen-

## ECONOMIC TURMOIL OFFERS OPPORTUNITIES AS CLOSE AS A TRIP TO THE CORNER STORE

ters known as The UPS Store. Approximately 95 percent of the more than 4,400 locations nationwide have a Notary on staff, said spokesperson Becca Andrews.

"For our franchises, Notary transactions attract additional customers," Andrews said. In fact, Andrews said locations often have multiple Notaries on staff to keep up with demand. "More and more of our centers are requiring that all employees be certified as Notaries," she said. "Many even pay for new employees to become commissioned to ensure that there is always a Notary on site during regular business hours."

## THE INTERNET AND THE SELF-MADE NOTARY

Even with the economy in disarray, the 21st century increasingly is becoming the era of the independent Notary entrepreneur. And the Internet is making it easy for self-employed Notaries to advertise their services. For many, a Web page has replaced the traditional "Notary Public" shingle hanging above a storefront. It helps Notaries reach a broader potential market and provides customers with contact information and a resumé of their certification, background screening and other qualifications. Once a Notary sets up a Web page, it can be made visible by registering the page

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with search engines like Yahoo! or Google or by contacting businesses through the local chamber of commerce and asking them to host links to the Notary's page on their own Web sites. Let people know about your page by including links to it in your eMail or entries in your blog if you keep one.

While the Web lacks the personal touch of the neighborhood store, it's more convenient for customers trying to find Notary services. That's particularly true for Notaries willing to travel to clients.

In short, there are still plenty of opportunities for Notaries. The trick is finding where people are looking. 



# Ask Questions Before The Point Of No Return

THERE ARE TIMES WHEN A NOTARY WILL PROCEED WITH A TRICKY OR UNFAMILIAR NOTARIZATION AND MAKE A SERIOUS MISTAKE. BEFORE THIS HAPPENS, SEEK THE ADVICE OF AN EXPERT TO AVOID TROUBLE.

### CERTIFICATE QUESTIONS

One of the most fundamental things a Notary does is fill out a certificate. In many cases, this wording is printed at the end of the document. While this tells the Notary what type of notarization to execute, sometimes it can be the doorway to confusion when a form looks like this:

“...personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they, executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s)....”

An inexperienced Notary, afraid of showing uncertainty in front of a signer or, possibly, the boss, might proceed and fill out the form incorrectly, not conforming the certificate correctly to reflect the proper gender or number of signers. A short phone call to the NNA Hotline or the Secretary of State’s office could clear up this confusion.

### HITTING THE BOOKS

But the telephone isn’t the only option for getting help. Most Secretaries of State issue a Notary Public handbook that addresses most basic policies and regulations. The NNA augments these resources with its series of Notary Law Primers and the *U.S. Notary Reference Manual*.

These books can help answer the most common questions that Notaries face on a daily basis, including wording for most notarial certificates.

An additional advantage of these manuals is that they are easy to carry, written in

plain language and can be shown to skeptical signers when they question the Notary about whether their instructions are improper.

### INTIMIDATION FACTOR

Intimidation can also cause avoidable errors. A Notary was recently presented a document from Canada, which the signer and Canadian authorities insisted an American Notary could notarize. In fact, the Notary could not. The Notary made the right call and contacted the NNA Hotline before proceeding.

Some signers think bullying the Notary will work in their favor and force the Notary to break rules for them. Don’t let this happen. Stand your ground and stick to your state laws and Notary ethics and best practices.

### AURA OF PROFESSIONALISM

As a professional, you want to carry out your notarial duties in a way that inspires confidence in your client. Don’t hesitate to halt the notarization if you’re not sure how to proceed. Bluffing your way through is the flip side of the bullying signer — and can cause you to be criminally or civilly liable, or both, for a botched notarization.

You have a professional, ethical and legal responsibility to execute your notarizations correctly. Doing so protects your client, yourself and society as a whole. It can be embarrassing to admit to a client that you’re not sure how to proceed — but it’s far better than the alternative. If you need to do some research, remain calm and excuse yourself. You can then either refer to a book, Web site or call the NNA’s Hotline or the Secretary of State’s office to find the answer.

When you return to your signers’ presence, simply continue the notarization.

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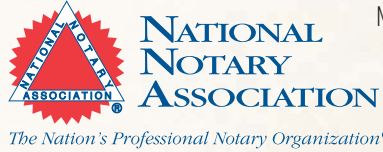
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