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The National NOTARY

January 2011

New Professional
Sections Debut 25

Ethics Matter In
The Job Hunt 31

Dealing With Name
Discrepancies 33



THE MAGAZINE FOR AMERICA'S NOTARIES

BACK TO THE
FRASIER
HILL



Join us for the Nota

Limit Risks — Reduce Liability

With a focus on the changing legal landscape and the risks and liabilities that Notaries, their employers, companies and organizations face every day — attendees will experience:

- **Hands-on workshops and open-forum discussions** — From marketing tips to liability and ethics to fraud prevention, you will leave the event with the knowledge to manage your risks more effectively and increase your confidence in performing your notarizations. For Notary supervisors, you'll have an opportunity to become aware of liability risks.
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- **Networking opportunities** — Learn from subject experts and mingle with speakers, thought leaders, and other Notaries during the Conference.
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May 22-26, 2011

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Full Conference #850	\$539
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May 23-24	
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Prevent Fraud — Discover Opportunities

Uncover the rich, in-depth and how-to insights that you need to be successful...

Monday, May 23rd and Tuesday, May 24th

- **Notary Employees** — You'll learn how to perform safe and effective notarizations as a service. Workshops and interactive learning labs will teach you how to handle improper requests, help you prevent fraud, and limit your personal risks.
- **Notary Employers** — You'll learn how to manage your Notary employees, limit your organization's liabilities, and provide the best service to your customers in the most economic way.

Wednesday, May 25th

Choose from 15 different workshops and roundtable discussions featuring the NNA's new Sections. Specific issues will focus on your industry — the real estate, healthcare, immigration, international, financial and legal fields.

Thursday, May 26th

Choose from eight different workshops to help you increase your income and take your business to the next level.



Photos courtesy
of Las Vegas
Convention and
Visitors Bureau

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COVER STORY

18 • Back To The Basics

A Notary commission obliges us to perform impartially and with full adherence to state laws. Our duties require attention to detail and to the myriad aspects of correctly completing a notarization. In this era of proliferating identity theft and mortgage fraud, it has never been more vital for Notaries to return to the basics of notarization and understand why they are so important.

15 • Why What We Do Is So Critical

16 • Illinois Supreme Court: 'The Notary Alone Is Liable'

23 • Recommended Notary Practices



FEATURES



25 • New Professional Sections Debut

The NNA is proud to introduce an all-new Professional Sections Program to help Notaries working in specialized fields with issues unique to their industries.

31 • Ethics Matter When Landing The Job

When looking for work, experts say ethics training and a reputation for honesty are strong assets for Notaries.



TRENDS & OPPORTUNITIES

Feds Bolster Security On Naturalization Certificates ..	8
Commuting Notaries Table.....	9
ID Theft Often Family Affair	10
Notaries On TV Show 'Glee'	11

ASSOCIATION NEWS

New Web Site Features	12
NNA Can Help Manage Employees	12
Conference 2011 In Las Vegas.....	13
Hotline Hours Extended.....	13

DEPARTMENTS

From Deborah M. Thaw	5
Our Readers' Right.....	7
Hotline	32
Nuts And Bolts.....	33
Beyond The Basics	34

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ON THE WEB

Check out the all-new redesigned NNA Web and its new features at:

NationalNotary.org





Clearing The Air After The Foreclosure Crisis

The start of a new year inevitably makes us think about the past. And the recent past for Notaries hasn't been very pleasant. The implication that Notaries were complicit in the

foreclosure crisis by improperly performing notarizations was disturbing — not to mention distorted and unfair.

It is only natural that we, along with our members, became a bit defensive, but it also enlightened us as to how little the public and the media understands the mortgage industry, the foreclosure process and what Notaries do.

Despite the focus on signatures and signers, notarization and Notaries were not at fault for the scandal that the media dubbed “robo signing.” To begin with, many of the documents central to the scandal were not even notarized, and those that were, involved signers who chose to violate their Notary-administered oath by being untruthful.

The media uproar does remind us, though, that while we can promote professionalism and conscientiousness, it is equally necessary to remember what the fundamentals of notarization are.

We often speak of duties to the public we serve, of our relationship as Notaries to our employers, of our understanding of rules and regulations. We do not often address the level of personal responsibility to which we have committed ourselves by obtaining a state-issued commission or license to be a Notary.

In our capacity as state officials we assume an obligation to provide a particular service to the public, our constituents. With our official title comes an expectation that we not only understand the appropriate practices and procedures but that we are responsible for performing them properly.

There is also the obligation to not compromise our performance because of pressures we might feel from co-workers, employers, friends or family.

It is, unfortunately, often easy for us, due to our human nature, to find subtle, exculpatory reasons to justify unjustifiable actions and behavior even if they are improper.

A close married friend, for instance, might fail to understand why we won't just notarize a document without the personal appearance of the spouse whose signature also appears on the document.


An employer who has paid for our commission might not appreciate our refusal to sign a Notary certificate containing a statement which is not truthful.

In economics, it is common to use the words “macro” and “micro” to explain the universal in contrast to the individual. One term is sweeping and grand, much like our noble aspirations in becoming a Notary. The other, which refers to understanding each rule and regulation demanded of the office, is not as glamorous.

In notarization, we need to know what is proper and correct. If we don't, we have no business presenting ourselves to the public and suggesting that we do. If we do and ignore our fundamental professional principles, we are dishonest.

Though we represent the state and serve the public, ultimately, we answer to no one but ourselves.

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



What would you do if you were named in a lawsuit concerning a document you notarized?

What if the mistake was yours?

Fact: Even if the mistake wasn't yours, you could still incur personal expenses.

If you had Errors & Omissions Insurance, you wouldn't have to worry. E&O insurance from the NNA means your judgement, attorneys fees, court costs, and other defense costs are covered (up to the limit of your policy), if you make a mistake or if a false claim is filed against you.

Get peace of mind today with E&O Insurance.

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NationalNotary.org/Insurance
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Issues Regarding Elderly Signers

I truly appreciated the article in the September 2010 issue titled "Elderly Signers Most Often At Risk From Family." Working for a nursing home has challenged my ability to determine who is "competent" enough to designate a power of attorney or other matters requiring notarization.

I am often seen as the "bad guy" by family members who feel I'm not being helpful enough expediting notarizations for elderly relatives. So this article came just at the right time to justify my checking to ensure no fraud is taking place. Also, I look forward to the new Professional Section on Healthcare coming in January 2011.

Lynette Bell, New York, New York

I was called to a local rehabilitation facility where an elderly woman was being asked to sign a quitclaim deed that would give ownership of her home to her longtime companion. The companion said the elderly lady was completely competent. I asked the signer if she was willing to sign the document giving ownership over to her companion. She gave me an emphatic "No." I rephrased the question two more times. Each time she said "No."

That was quite clear to me. I told the companion I would not notarize the quitclaim deed. I also told the director of social services at the facility that the elderly woman did not want to sign over her property and cautioned her that this could be an attempt to take her property against her will.

Hope this experience can help others.

D. H. Evans, Canoga Park, California

Conflicting Instructions

I'd like to share a frustrating issue I sometimes face concerning documents prepared by a lender or title company.

Sometimes they include the signer's middle initial and sometimes they don't. The title company will often instruct me to have a person sign their name exactly as prepared, and then also ask that the middle initial be included — but which instructions do I follow if the middle initial is missing? Notaries should not be placed in the

position of having to correct or change certificate wording on loan documents due to inconsistent instructions.

David Bentley, Doylestown, Pennsylvania

If you receive conflicting or improper instructions regarding a name discrepancy, contact the issuing agency and ask if an alternative solution is acceptable. If the issue can't be resolved, halt the notarization and note the reason and who made the improper request in your journal entry. For more about resolving name discrepancies, see page 33. — The Editors

Ethics Are Crucial

Thank you for your recent articles about the importance of obeying state notarial laws, something which is extremely important. One illegal, unethical, or immoral act on the part of a Notary jeopardizes the personal integrity of that Notary, and the reputation of the Notary Public office!

As a commissioned officer of the state, the Notary sets an example for others. When it comes to the integrity of a human being, there is no gray area — either we have it or we don't!

Patricia J. Berger, Cathedral City, California

WE WANT TO HEAR FROM YOU!

In our continuing efforts to address the topics and issues facing Notaries today, THE NATIONAL NOTARY wants to hear from you! Whether it's your thoughts on The New Standard of Care, business opportunities or challenges in your office or on signings, we want to know about your day-to-day experiences and observations, and what information and resources you may need to help guide you through them. You can send us comments via eMail at publications@nationalnotary.org. Or write us at: National Notary Association, Attention: Editorial Department-David Thun, 9350 De Soto Avenue, Chatsworth, CA 91311. Please be sure to include your city and state and if you are willing to have your letter published.

Feds Bolster Security Features On Certificate Of Naturalization

U.S. Citizenship and Immigration Services (USCIS) has begun issuing a new Certificate of Naturalization (Form N-550) with additional security features to prevent fraud. The agency expects to issue the enhanced certificates to more than 600,000 new citizens this year.

Though Certificates of Naturalization are not used directly to identify signers for notarization, naturalization certificates are among the primary “foundation documents” many states accept from applicants when issuing IDs such as driver’s licenses or state-issued identity cards.

The redesigned certificate includes the bearer’s digitized photo and signature. The background also features a color-shifting ink pattern that is difficult to reproduce.

All previously issued Certificates of Naturalization remain valid.

For information on how to determine if an ID card is acceptable for a notarization, go to NationalNotary.org/magazine and click on the the September 2009 issue for Nuts & Bolts.



New Home Shortage Could Help Spark Real Estate Uptick

The housing market is expected to remain sluggish through 2011, but the slow pace of new home construction may help heat up home sales as the supply falls short of demand.

The U.S. needs 1.6 million new homes every year just to keep up with population growth and losses due to various causes,



according to Brian Westbury, chief economist at First Trust Advisors, an investment management company. Current construction is about one third of that total. Foreclosures should make up much of the shortfall, but Westbury said that won’t last, and we could face a housing shortage by the end of the year.



The National NOTARY

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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 CORE VALUES OF MEMBERSHIP

- COMPLIANCE
- LIABILITY PROTECTION
- RISK MANAGEMENT
- PROFESSIONALISM
- OPPORTUNITIES

Commuting Notaries

A growing number of people work in one state and live in another. That can present a problem for Notaries who need a commission for their jobs. Recognizing that fact, many states make allowances for commuting Notaries. Here are listings of states that allow commuting Notaries to live in one state and work in another.

OK, But Must Work Within State

These states and Washington, D.C. only stipulate that you must work, do business in or carry on a trade within their borders to hold a commission; where you live is irrelevant.

Connecticut	New York
Delaware	North Carolina
Idaho	Oklahoma
Kentucky	Pennsylvania
Massachusetts	Tennessee
Michigan	Virginia
Missouri	Washington, D.C.
	West Virginia

No Commuting Allowed

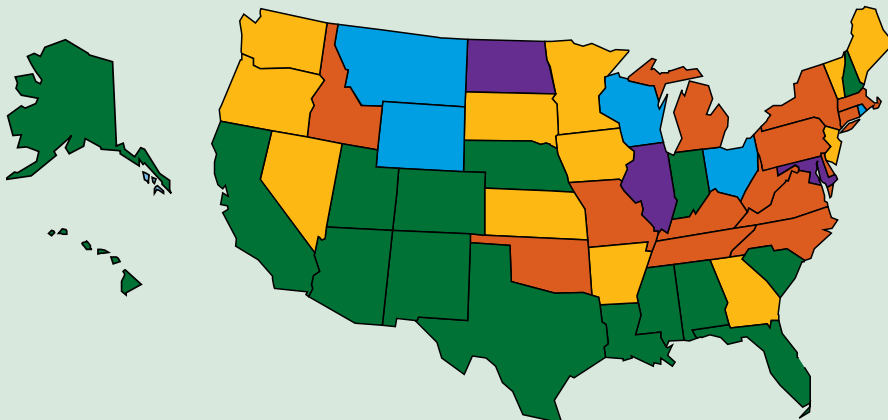
All these U.S. states and territories require their Notaries to be residents.

Alabama	Louisiana
American Samoa	Mississippi
Alaska	Nebraska
Arizona	New Hampshire
California	New Mexico
Colorado	Northern Marianas
Florida	Puerto Rico
Guam	South Carolina
Hawaii	Texas
Indiana	U.S. Virgin Islands
	Utah

Bordering State Or County

These states grant commissions to non-residents who live in adjoining states or counties, regardless of whether a reciprocal agreement is offered by the Notary's home state.

Arkansas	<i>Bordering state</i>
Georgia	<i>Bordering state</i>
Iowa	<i>Bordering state</i>
Kansas	<i>Bordering state</i>
Maine	<i>Bordering state</i>
Minnesota	<i>Bordering county</i>
Nevada	<i>Bordering state</i>
New Jersey	<i>Bordering state</i>
Oregon	<i>Bordering state</i>
South Dakota	<i>Bordering county</i>
Vermont	<i>Bordering state</i>
Washington	<i>Bordering state</i>



Sharing Borders And Reciprocity

These states allow non-residents who live in adjoining states or counties an opportunity to become Notaries only if applicants' home states offer the same privilege.

Illinois	<i>Bordering state</i>
Maryland	<i>Bordering state</i>
North Dakota	<i>Bordering county</i>

Unusual Circumstances

Montana: No out-of-state residents may hold a Montana Notary commission. However, Notaries commissioned in bordering states may notarize within the state of Montana as long as the bordering state allows Montana Notaries the same privilege (North Dakota and Wyoming).

Unusual Circumstances (continued)

Ohio: Only out-of-state attorneys admitted to practice law in Ohio and whose principal place of business or primary practice is in Ohio.

Rhode Island: Only out-of-state residents who are members of the Rhode Island Bar Association.

Wisconsin: Any legal resident of the United States, but the commission may only be used within the state.

Wyoming: No out-of-state residents may hold a Wyoming Notary commission. However, Notaries commissioned in bordering states may notarize within the state of Wyoming as long as the bordering state allows Wyoming Notaries the same privilege (Montana).

Source: NNA Research Center

Cyber Criminals Targeting Small Businesses



Hackers increasingly are targeting small businesses — such as restaurants, photocopy shops and travel agencies — to steal client data according to a recent report by Verizon Business.

A massive amount of consumer data is stored or processed by small businesses, and technology is making it easier for even the tiniest operation to accept credit cards. Some independent operators are using cell phones and card skimmers to process credit card transactions without considering the need to apply security measures for those transactions.

Experts urge small businesses to take specific measures to protect data, like using a firewall for their network; regularly updating security software; using “strong” passwords that include a series of numbers and letters; and making sure there is no unauthorized access to client databases by employees.

Biometrics Urged For E-Verify

A growing number of organizations are calling for the federal government to add biometric elements to its E-Verify program — an Internet-based system used to verify new employees’ authorization to work in the United States.

The Security Industry Association (SIA) recently became the latest group to urge Congress to reform the current program, which uses Social Security numbers to verify a new hire’s employment status. The E-Verify system has



registered error rates as high as 13 percent and cannot detect identity fraud, according to the SIA.

A Senate proposal, which SIA endorses, calls for the Social Security Administration to issue new Social Security cards that include a photograph and a microchip bearing biometric data. The new cards would be fraud- and tamper-resistant and would make it harder for undocumented immigrants to use a stolen or fake identity to obtain employment.



Identity Theft Often A Family Affair

More than a quarter of the reports of identity fraud filed in the past six years involved people attempting to co-opt the identities of relatives, according to a recently released federal report.

The total number of identity fraud reports submitted to the U.S. Treasury Department’s Financial Crimes Enforcement Network (FinCEN) dropped 9 percent last year, but still represented more than a two-fold increase since banks and financial institutions were required to start reporting identity fraud.

In 27.5 percent of the cases, criminals used the identities of relatives to take out fraudulent loans or open new credit card accounts.

Identity Fraud Down But Not Out

After years of hefty increases, the number of reports of identity fraud submitted by banks and other financial institutions dropped last year.



2004.....	15,445
2005.....	22,001
2006.....	28,572
2007.....	30,952
2008.....	39,625
2009.....	36,210

Source: Financial Crimes Enforcement Network

Notaries ‘Glee’-fully Walk On The Cool Side

With 4.8 million Notaries in America, they are pretty much everywhere. And lately they’ve been cropping up on the small screen. Or at least television show characters have been talking about them.

One of the more unlikely mentions — which may be the point — came on a recent episode

of the hit show “Glee”. Emmy-winning funny woman Jane Lynch used her trademark deadpan to toss out: “I’m a Notary.” On the ABC Family show “Melissa & Joey”, Joey Lawrence wanted co-star Melissa Joan Hart to sign a contract because he had a Notary on the way.

These shows follow other recent Hollywood notarial mentions, such as Scarlett Johansson’s turn as a super secret agent in the guise of a mild-mannered mobile Notary in “Iron Man 2”. Of course, who can forget Jerry Stiller’s failed stab at becoming a Notary in the sitcom “King of Queens”?



Display Your Fees the Professional Way



Post the fees you are legally entitled to charge. A prominently displayed fee schedule demonstrates your professionalism and lets your signers know what the charges will be, this helps avoid unnecessary haggling over fees later on.

Features:

- Acrylic desk frame 5" W x 7" H (Nevada 10" W x 8" H)
- Laws pertaining to fees printed on reverse



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New JerseyItem #5169
New YorkItem #5157
North Carolina*Item #5159
No. Marianas*Item #6503
Oregon*Item #5163
Pennsylvania*Item #5158
Texas*Item #5168
Utah*Item #6500
Washington*Item #5165

*Required by state law

NOTARY FEE SCHEDULES

NNA Members: **\$9.95**
 Non-members: \$13.00

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New NationalNotary.org Web Site Makes Debut In January



The National Notary Association has unveiled its revamped and redesigned NationalNotary.org Web site complete with dynamic new features and interactive tools that will help you find what you need, when you need it.

With a few simple clicks, you will be able to quickly take advantage of your membership benefits, whether it's renewing your commission, finding news and information or tracking down needed supplies or many other features. Visit NationalNotary.org and give your new Web site a test drive.



www.NationalNotary.org

Your Benefits:

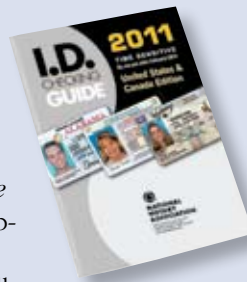
Commission Renewal Reminders

Commission expiration dates can creep up on you unexpectedly. The last thing you want is a gap in your commission, leaving you unable to notarize.

But a simple call to our Call Center at (800) 876-6827 will eliminate that problem. Our expert representatives will set up eMail and voice reminders for you, and can pre-register you for state required classes, testing or any other commission renewal tasks.

'2011 ID Checking Guide' Available This February

Every signer must be identified, but what if you don't recognize the ID? The *2011 I.D. Checking Guide* includes descriptions of driver's licenses from all 50 states as well as federally issued ID cards. The *2011 I.D. Checking Guide* will be available in late February. To order, visit our Web site or call (800) 876-6827.



www.NationalNotary.org/supplies

The NNA Can Help You Manage Notary Employees

Ensuring that your company's Notaries are commissioned, trained and equipped properly can be challenging, especially in an era of increasing risks and liability. But the NNA's Employer Services team has the solution to manage the process.

Employer Services provides businesses with everything they need to ensure Notaries renew their commissions on time, meet all testing and training requirements and are insured against liability. Our team can also help evaluate a company's notarial policies to identify and mitigate potential liability risks.

For more information on Employer Services and to learn how we can assist your business, contact Shannan Smith at (818) 739-4031 or ssmith@nationalnotary.org.



Las Vegas To Host The NNA's 2011 Conference

The Notary Event of the Year — the NNA's annual Conference — returns to Las Vegas, Nevada this May to focus on the legal landscape and risks and liabilities Notaries and their employers face every day.

Themed "Managing Risks in Today's World," Conference 2011 will be held at the stylish Rio All Suites Hotel & Casino from May 22–26. Attendees from across the nation and around the world can look forward to valuable workshops, networking opportunities, presentations from provocative thinkers and open forum discussions. Visit NationalNotary.org for more details as they are announced.



www.NationalNotary.org/conf2011

Notary Hotline Hours Extended

Due to increasing demand, the NNA's Notary Hotline hours have been extended. Our expert counselors are now available from 5 a.m. to 7 p.m. Pacific time, Monday–Friday, and on Saturdays from 5 a.m. to 5 p.m. Pacific time. They can be reached directly at (888) 876-0827.

Additionally, Hotline counselors can be contacted around the clock via eMail at hotline@nationalnotary.org.

Where do you turn when you have a challenging notarization?

NNA hotline counselors are dedicated to answering your toughest questions.

Unlimited use available for all NNA Members, now with expanded hours.

NEW! Monday – Friday, 5:00 a.m. – 7:00 p.m. PT
Saturday, 5:00 a.m. – 5:00 p.m. PT
Hours subject to change without notification.



**NNA Hotline/
Informational Services
1-888-876-0827**



Enhance your productivity.
Boost your career.
Serve society responsibly and ethically.



The NNA offers Notary training and education, including state-mandated programs, as well as certification courses for those looking to broaden their knowledge and skills.

Only the NNA's education programs are certified by the Accrediting Council for Continuing Education & Training (ACCET), meeting strict quality standards for institutions of higher education.

We invite you to learn more at NationalNotary.org/Training.



NationalNotary.org/Training

Why What We Do Is So Critical

There was a time during the frontier days of our nation's history when obligations were imposed without documents and based solely on looking someone in the eye and shaking their hand.

Our society has gone well beyond the simple handshake to an all-pervading system of statutory law that each year presents us with hundreds of new pieces of state and federal legislation — each in a way proposing a new obligation and new bypass of the simple handshake of frontier days.

Ours is a society in which trust and confidence among individuals is no longer as common as it once was. Each statute is introduced to respond to some concern about threats to our lives and livelihood.

In the nineties, laws addressed the coming technology and how to recognize and then manage electronic signatures. By 2000, with the collapse of the dot.com bubble and a subsequent easing of mortgage interest rates, real estate took off. Notarizations boomed along with the rise in transactions.

Now, a decade later, the blush is off the rose and there is an undercurrent of discomfort, if not fear. Banks are more suspicious in extending credit to purchase a home; homeowners are skeptical that mortgage brokers are speaking truthfully.

Though doubt and cynicism may prevail, Notaries remain a constant that can provide a measure of stability and security.

Only a Notary Public, a state-appointed official, can assure all parties relying on an agreement that the identity, willingness and awareness of the signer have been confirmed by a witness who is impartial.

Documents bearing a Notary certificate, signature and seal put on notice those receiving the agreement that it can be accepted as trustworthy and reliable.

Whether performed for a high-value transaction, such as the transfer of real property, or the execution of a power of attorney for healthcare in a hospital, notarization provides that indisputable and indispensable element of trust.

Among our colleagues and friends, employers and even family, it may not seem like our contribution is of any great consequence. But everyone, at one time or another, needs and trusts a Notary. And it is for the attributes of trust and reliability that everyone counts on us.

‘THE NOTARY ALONE IS LIABLE’

‘Vancura’ Decision Underscores Need For Employee-Notaries To Be More Independent, Impartial And Accountable For Educating Themselves

In a much-anticipated decision, the state of Illinois’s highest court ruled that a “Notary alone is liable” for a wrongful or negligent notarization. As a result, Notaries across the country are expected to be thrust to a new level of professionalism and accountability — or face consequences that they believed belonged to their employer.

On October 7, the Illinois Supreme Court delivered its decision in the case of *Vancura v. Katris*, which stemmed from the notarization of a forged signature on a 1995 assignment of a mortgage by a Kinko’s employee in Chicago. While this new ruling is based on Illinois law, it is anticipated that the decision will be influential in future court cases around the country, according to NNA Vice President Charles N. Faerber.

“In *Vancura*, the Illinois high court left little doubt that employee Notaries must be held to a high level of independence, impartiality and accountability for their own education,” Faerber said. “With its decision, the Illinois Supreme Court has deliberately charged Notaries with a need to be personally responsible and professional in the performance of their important duties.”

The Court reversed earlier Appellate and Circuit court findings that Kinko’s was liable for negligent training and supervising of its miscreant Notary based on a non-statutory “common law” duty.

The Court ruled that employers did not have an affirmative duty to ensure that their Notaries understand and follow their notarial responsibilities. The justices ruled instead that Illinois statute sets out all that is expected of a Notary and an employer, and the statute mentions nothing about an employer’s duty to train and supervise.

Even though Illinois statute did not require it, Kinko’s voluntarily provided training to its

employee-Notaries — yet the quality of this training was debated at length in the separate Court proceedings.

Even with the training, it was revealed that the Kinko’s Notary, whose seal appeared on the fraudu-

lent mortgage assignment, ignored at least two important precepts of notarial practice — properly identifying the signer with the ID card photographs, as opposed to matching the signatures on each card with those on the document, and relinquishing his seal and

**For his offenses,
the defendant Notary
was compelled to
pay \$30,000.**

The "...burdens and liabilities on a notary public... are personal to the notary, rather than shared with his or her employer. Thus... when a notary public wrongfully or negligently exercises the powers of the office, it is the notary alone who becomes liable. ...the employer is liable only if the employer 'consented to' the misconduct of the notary; that is, if the employer committed some malfeasance of its own."

Richard P. Vancura v. Peter Katris, et al,
108652, Illinois Supreme Court (2010)

journal to his supervisor for "safekeeping."


While the Court acknowledged that the Notary's shoddy work may have helped to enable the forgery, it nonetheless put the burden on the Notary for failing to extract the correct messages from the Kinko's training. For his offenses, the Kinko's Notary was compelled to pay \$30,000 as part of a settlement with the plaintiffs.

Despite its ruling in *Vancura*, the Supreme Court conceded that an employee-Notary's

misdeed could create liability for an employer. The Court said, "Plaintiffs who raise a common law claim against the employer of a notary public must show at a minimum that the employer had some knowledge of the notary public's misconduct."

According to the Court, employers, through "direct negligence," can be held accountable. "These would include such situations as when an employer specifically instructs the Notary to perform an improper notarial act, such as not requiring a signer to appear personally before or to be identified by the Notary," said Faerber.

"This portion of the ruling indicates that, while employers do not share liability for their Notaries' misdeeds, it does not mean that they can avoid being sued. And if the business 'consented to' or 'had knowledge of' a Notary's improper or illegal acts, it could be held liable."

John Marshall Law School Professor Emeritus Michael L. Closen, who testified as an expert for the plaintiff, said that the *Vancura* case will not be the final word on employers' liability for the functioning of their Notary employees. Currently a California hospital and an Illinois bank are being sued for the conduct of their staff Notaries. 

BACK TO THE

BASICS

**We Need To Return To
Serving America With Purpose
And Accountability By Focusing
On Our Responsibilities As
Impartial Public Officials**




Net Asset Value...CMBS...Absorption Rate...SBA...Alienation Clause...Chain of Title...BPO...Escheat... Liability Management...NDA...Equity Right of Redemption...

The avalanche of specialized terminology — industry jargon, business and government acronyms, political speak, media tags and references, and academic citations that we feel guilty for not understanding — is enveloping us to the degree that we hardly have the time or energy to make sense of the growing puzzle we call life in America.

FIFO...Deed In Lieu of Foreclosure...NOD... Accrual Basis...HMO...Home Equity Conversion Mortgage...Libor...COB...Net Asset Value... FDIC...What-If Calculation...SEC...

It is not enough that we are bombarded everyday with the names of celebrities, politicians, athletes and others that we are presumed to be familiar with. Stories and articles appear regularly on the Internet that may attract our attention but, when read, have no purpose except to titillate.

HUD 1 Statement...Blanket Deed of Trust... RFP...Wrap-Around Mortgage...Negative Amortization...COLA...Annual Cap...NARCA... Participation Certificate... SBA...Market Capitalization...



More and more, we are being inundated with information that is inconsequential to our life's puzzle and distracting us from what our focus should be.

Welcome to an ever-accelerating world where inane rumors, gossip and innuendo can be electronically transmitted from one end of our shrinking globe to another in nanoseconds, with all the fanfare of a matter of national importance. In this avalanche of empty information, it can be difficult to sort out and to keep one's eye on what's really significant. Many Notaries, for example, may not yet have heard of the important ruling in Illinois that, as a legal precedent, is expected to be influential and cited in future court decisions around the nation.

The Supreme Court of Illinois's landmark decision said that the "Notary alone" — not an employer or anyone else — is responsible for the Notary's actions. "When a notary public wrongfully or negligently exercises the powers of the office, it is the notary alone who becomes liable," the Court said. It further said, in essence that nothing short of an employer's direct order to a Notary to break the law could bring liability to the employer.

With its declaration, the state Supreme Court recognized the awesome autonomy and impartiality of the Notary Public office, and the need now, more than ever before, for Notaries to take accountability for training and preparing themselves for a challenging new 21st century. In this era of proliferating identity theft and mortgage fraud, it has never been more important for Notaries to be prepared.

The duty we accepted with our official commission obliges us to perform impartially and with full adherence to the laws of our state. And in that

Continued on page 22



NNA PROFE

Covering Your P
Enga



Coverage of news stories that no one else does

— We not only cover the current headlines that can affect Notaries and those who work with them, but we dig deeper to find the solutions you are seeking.

Guidance from industry leaders and experts

— Avoid problems and develop a deeper understanding of your profession and industry, building the skills you need to perform your duties.

An even-sided perspective of ethical concerns

— Actively debate what to do when business needs and Notary laws and regulations don't meet.

"I'm sure I am not the only Notary interested in multiple NNA Sections. I'm looking forward to the resources they provide and the ability to network with other Notaries — to unite across our country is a fantastic thing!"

— **Christine Ladd, Assistant Vice President
Audubon Savings Bank, New Jersey**

"The NNA's Sections are an outstanding resource I often rely upon. I am a Notary entrepreneur and I find the Sections to be a great value. I would highly recommend them to any Notary, especially those working in fields that can benefit from specific industry information and resources."

— **Cheryl Meril, Owner
Nob Hill Notary Services, California**

SSIONAL SECTIONS

rofession, Providing Opportunity,
ging Your Community

FINANCIAL & CORPORATE SERVICES SECTION

Those working for large companies will find news, resources and strategies for working amid increasingly complex new rules and regulations in the banking and credit industry.

LEGAL PROFESSIONALS SECTION

People serving the legal field will benefit from coverage that will help you keep current about Notarial law, including emerging technology that changes the landscape of legal documents.

HEALTHCARE PROFESSIONALS SECTION

Those in the healthcare field, nursing home administrators, home health aides, or anyone who services retirees, hospices, and assisted living facilities will find practical guidance to the most pressing concerns in the growing healthcare field.

INTERNATIONAL SECTION

Anyone working with international documents and laws will find perspectives on cross-border issues, free trade agreements, language and communication barriers, and the tough national and international requirements that lend trust to notarized documents.

IMMIGRATION SECTION

Any Notary, consultant, paralegal, secretary, translator, or attorney working with complex documents in the immigration field will find timely information that keeps you proficient and ensures your notarizations comply with the law.

NOTARY SIGNING AGENTS & SMALL BUSINESS SECTION

Anyone working in the real estate industry and/or owning a small business will find news and resources that cover market trends and issues that affect you, allowing you to diversify your business and improve your bottom line.

Join today at NationalNotary.org/NewSections

process, it's the items of relevancy, the duties required of a Notary Public, and the attention to detail — requiring personal appearance, maintaining impartiality, properly completing notarial certificates, keeping good records and adhering to the myriad aspects of correctly completing a notarization that must demand our concentration.



It means returning to the basics of what notarization is about and understanding why the basics are so important. It means understanding why notarization has been a critical part of Western law and commerce since the heights of Roman civilization. It means that we should be more focused on our important matters than what the media would prefer we pay attention to.

And your National Notary Association is here to help you — America's independent, impartial witnesses — meet the challenges of a new, more perilous time in our Society. The NNA's *Core Values of Membership* in today's climate provides even greater emphasis on the need for compliance, a deeper attention to the seriousness of liability, and a more focused approach to intelligently managing risks. The NNA's "Recommended Notary Practices" (see page 23) provide you with practical guidance to perform sound notarizations every time. And the *Notary Public Code Of Professional Responsibility* (available at NationalNotary.org/code) will

serve you as a longstanding set of Notary



best practices and ethical guidelines.

With the full power of NNA membership and guidance, the cumulative result will be a stronger, more respected office that will provide Notaries with increasing opportunities and enhanced professionalism.


Notaries serve dutifully in America today, some 5 million strong. And they prevent countless forged, coerced and incompetent document signings among the estimated 1 billion transactions in the country every year that would otherwise overwhelm our courts.

In the pages of this issue of *THE NATIONAL NOTARY*, we offer solid advice and strong recommendations for how you should perform your duties at a time when so-called "robo-signers" and a miniscule number of careless Notaries have dominated any attention the national media has paid recently to the real estate, banking and mortgage processes.

Always keep in mind why what you do as a Notary is so important.

Notarization assures that a document is authentic, that its signature is genuine, and that its signer acted willingly and intended the terms of the document to be in full force and effect. You certify that a document signer personally appeared before you, was identified and acknowledged that they understood the contents of the document, and signed it voluntarily.



The notarizations you perform provide the important official assurance that a document is worthy of trust in our society. 

The Notary Public Code Of Professional Responsibility

A comprehensive guide for the Notaries Public of America, *The Notary Public Code of Professional Responsibility* is the authoritative standard for best practices, conduct and ethics in the United States. The *Code* provides key guidance on how, when and why to perform sound notarial acts. NationalNotary.org/code.



Recommended Notary Practices From THE NATIONAL NOTARY ASSOCIATION

As a Notary Public, you are a Public Official bound by the laws of your State — and not by anyone else, including an employer, friend, associate or family member.

1. Always follow state law that requires the signer to be in your physical presence every time you notarize — without exception.
2. Always have the signature on the document affixed or acknowledged in your presence.
3. Always obtain identification that contains a photograph, physical description and signature.
4. Always keep a chronological record of the notarial act, including the signature of the signer in your journal, which must be kept in your custody and control at all times.
5. Always ask for a thumbprint of the signer in your journal to help protect against imposture.
6. Always confirm that the signer is not being coerced and is willingly signing the documents you notarize.
7. Always attach a Notary certificate if wording is not already printed on the document.
8. Always notarize only documents that are complete and without blank spaces.
9. Always use a seal when you notarize, and be sure to keep it in your custody and control at all times.
10. Always refrain from giving advice to signers unless you have the professional training and credentials to do so.

December 2010

Introducing the new NNA Web site



The NNA Web Site is being revolutionized...

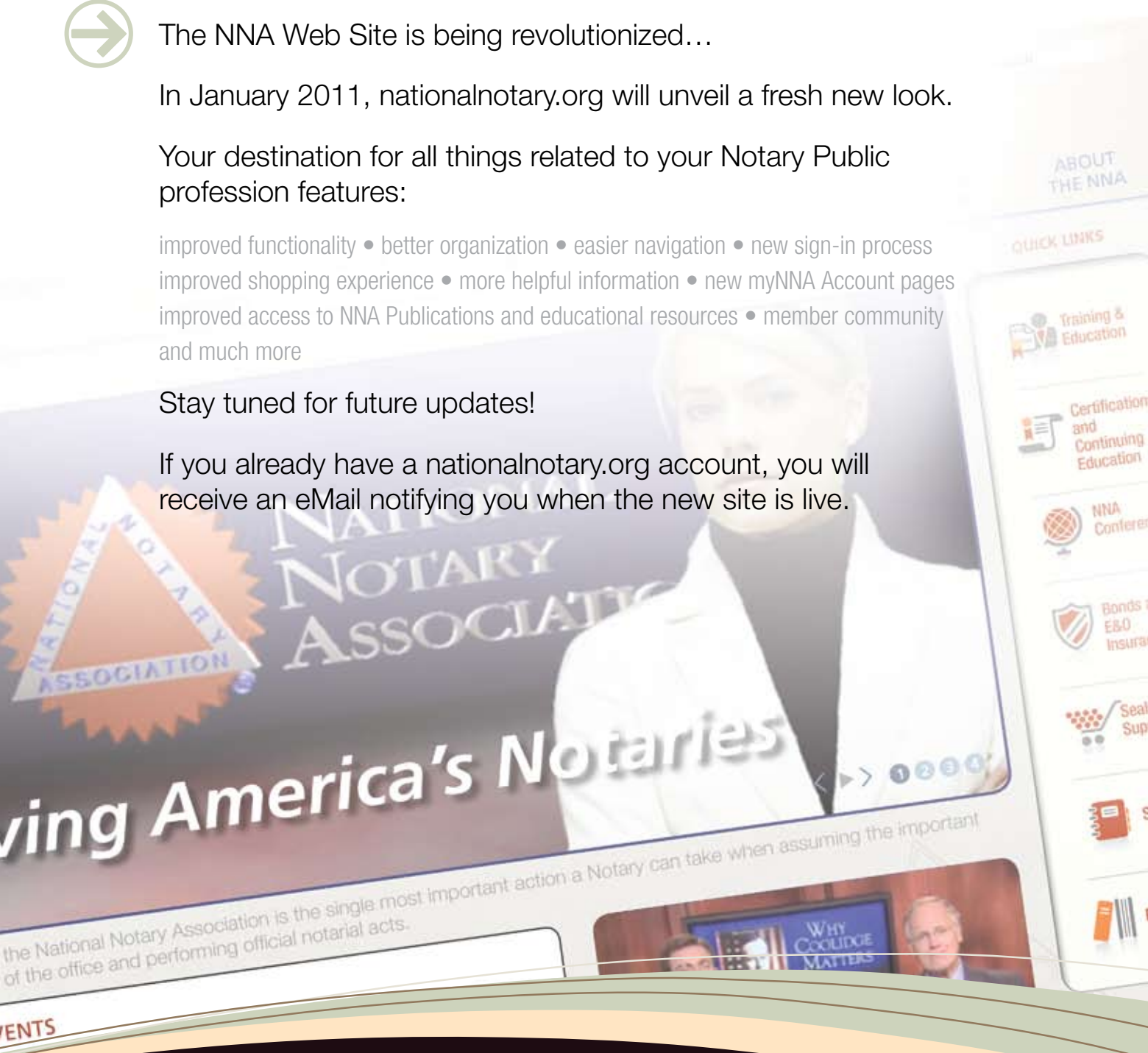
In January 2011, nationalnotary.org will unveil a fresh new look.

Your destination for all things related to your Notary Public profession features:

improved functionality • better organization • easier navigation • new sign-in process
improved shopping experience • more helpful information • new myNNA Account pages
improved access to NNA Publications and educational resources • member community
and much more

Stay tuned for future updates!

If you already have a nationalnotary.org account, you will receive an eMail notifying you when the new site is live.



All New! NationalNotary.org



NEW PROFESSIONAL SECTIONS DEBUT

COVERING YOUR PROFESSION, PROVIDING
OPPORTUNITY AND EXPANDING YOUR COMMUNITY

By itself, notarization looks like a straightforward process. But in many careers, additional understanding of current events, special documents, industry regulations, and other job issues not covered by basic Notary laws is critical to doing your job right. That's why the National Notary Association has launched its all-new Professional Sections program providing you with all the advanced resources and guidance you need to succeed in six specific industry sectors.

The new Professional Sections include: *Notary Signing Agent and Small Business*; *Legal Professionals*; *Immigration*; *International*; *Healthcare* and *Financial and Corporate Services*.


With concerns surrounding fraud, imposture, identity theft and trust in commerce at an all-time high, each Section will focus on the challenges you face every day that may not be addressed in Notary laws and guidelines. For example, healthcare workers must follow strict rules to maintain patient privacy. Notary Signing Agents must know about loan documents and their many attendant issues. Notaries handling immigration transactions must comply with

complex federal rules regarding naturalization documents and Alien Registration Cards.

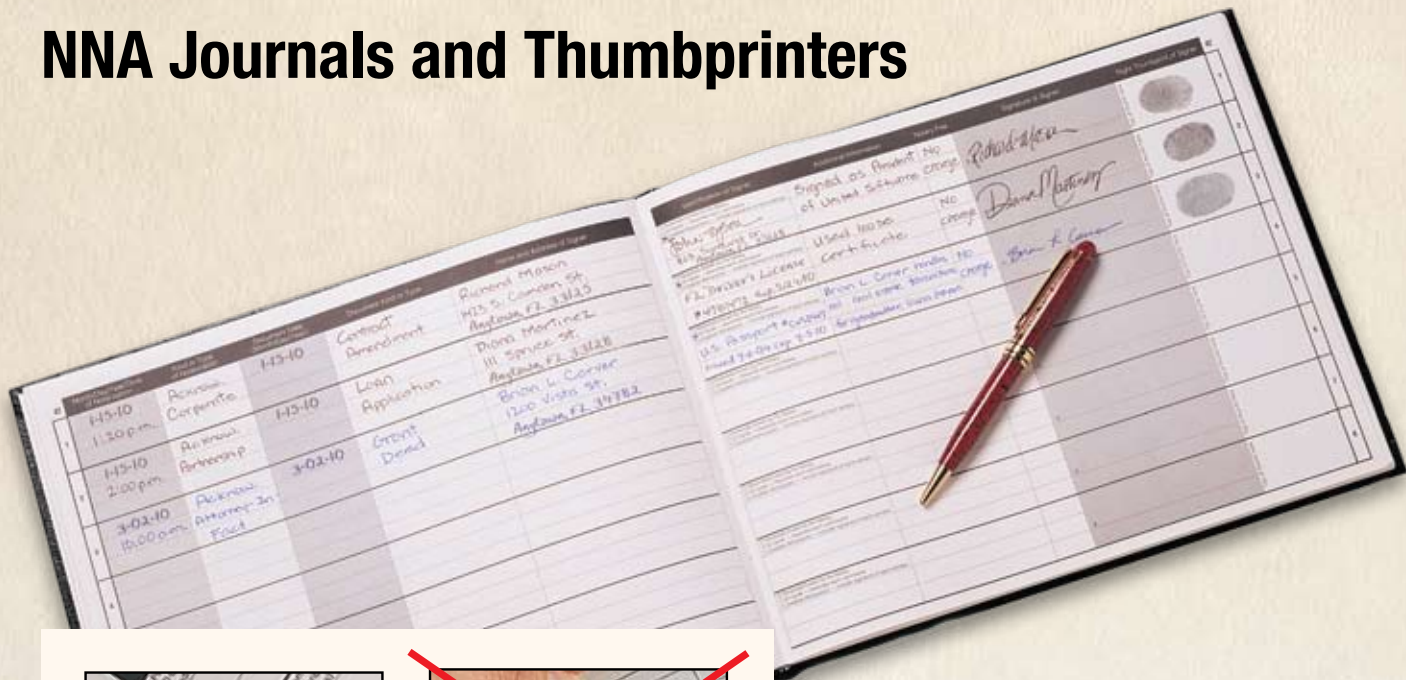
The Professional Sections will provide support for these issues and more. Members of each Section will receive a monthly online newsletter filled with industry intelligence to help sharpen knowledge and skills. Top experts — including industry leaders — will provide analysis and guidance on how to deal with these trends.

If you are just starting your career, you'll find tips on job hunting and succeeding in interviews. Veteran Notary professionals will find up-to-the-minute news and information to stay on top of industry changes.

As the Sections grow, new and exciting features will be added, including interactive online communities. You'll be able to discuss industry issues with colleagues across the country, share experiences and pool knowledge to ensure you successfully navigate your daily challenges.

The first Section newsletters debut this month, and will be published monthly. For more information or to join, please visit NationalNotary.org/NewSections. 

NNA Journals and Thumbprinters



Smyth-sewn binding guards against undetected page removal



Inferior staple binding as seen in most other journals

Journals

While not required in every state, it is essential for a responsible Notary to keep accurate records of all notarizations. Our journals include:

- Step-by-step, illustrated instructions to ensure proper procedures
- Two-tone columns for at-a-glance recording
- Room for nearly 500 entries in 122 pages
- Seven different styles of hardcover available



Kittens



Executive Black



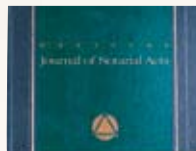
Tulips



Classic Burgundy



Sunset Beach



Traditional Green



Flag



Thumbprinters

Capturing the signer's thumbprint is required in certain transactions, and can provide extra security.

- Inkless thumbprinter features a compact touch pad
- Special inking solution wipes away clean

Notary Seals

Notary Seal Stamps

Ensure your seal is crisp and clear every time.

- From correct placement on a page to a stamp that can withstand high usage, we have stamps to fit every need.
- A variety of sizes and colors are available.



Elite Stamp Notary Seal



Flip Stamp Notary Seal



Embossers

Add an extra layer of protection to your loose certificates by leaving a crisp impression in addition to your seal stamp.

- Desk, hand-held and portable styles are available
- Gold foil seals add a touch of professionalism to the embossment



Hand-Held Notary Seal Embosser



Portable/Desk Notary Seal Embosser

Source Code
A39893

Forms and Educational Guides

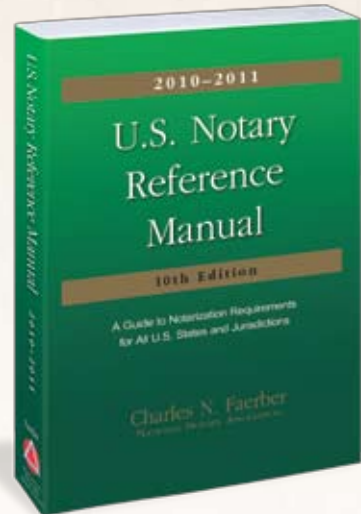
Notary Certificates

No room for your seal on the document? Signers appearing at different times? Incorrect wording? No certificate at all? Notary certificates are the convenient solution to a common problem, and follow each state's requirements.

- Individual Acknowledgment
- Corporate Acknowledgment
- Partnership Acknowledgment
- Attorney in Fact Acknowledgment
- Credible Witness Acknowledgment
- Signature-by-Mark Acknowledgment
- Proof of Execution by Subscribing Witness
- Copy Certification by Document Custodian
- Copy Certification by Notary
- Jurat with Affiant Statement



Coming Soon!
*The All-States
 Notary Law Primer*



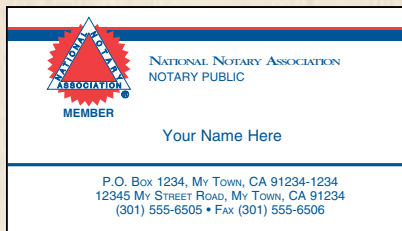
Notary Law Primers

State-specific information every Notary needs. Requirements for notarial acts, certificate wording for every notarization, wording for oaths and affirmations, how to renew your commission, and all laws that regulate Notaries in your state, including text from the official state handbook.

U.S. Notary Reference Manual

The most comprehensive guide for Notary procedures, with Notary seal specifications and samples, certificate wording requirements, Notary powers and limitations, and fees for all U.S. states and other jurisdictions.

Business Cards



Business Cards

Promote your business and stay at your customer's fingertips. Professional and elegant, NNA business cards help you stand out from the crowd. Available in three styles — Notary Public, Notary Signing Agent, and Notary Signing Agent — Certified and Background Screened.



Gold-Tone Business Card Case

Traditional • Deluxe • Magnetic • Rolodex

Signs of a Professional



Supplies shown not included.

Notary Carry-All

Convenient and classic, our carry-all fits all of your supplies in one place, with room for your journal, seal stamp, reference guide and more.



Office on Wheels

Perfect for the mobile Notary, this tote helps you travel with ease. Ample storage space accommodates legal-size files in addition to all of your other necessities.

Source Code
A39893

“We all need to step back and understand what it means to serve the public...”

— **The Honorable M. Jodi Rell**
Governor of Connecticut

Notaries have a proud connection to Calvin Coolidge, the only U.S. President to be sworn into office by a Notary Public.

As a commissioned Notary, a Public Official, you can draw insight and strength from a President who used civility and commonsense to lead a country, in a timely new book, *Why Coolidge Matters*.

This elegant volume honors our 30th President and America's Notaries by providing important lessons about values, trust, public service and the rule of law.

Strikingly designed with seldom-seen photographs and images of a time when civility prevailed, *Why Coolidge Matters* is a *must* for every Notary's coffee table or library.

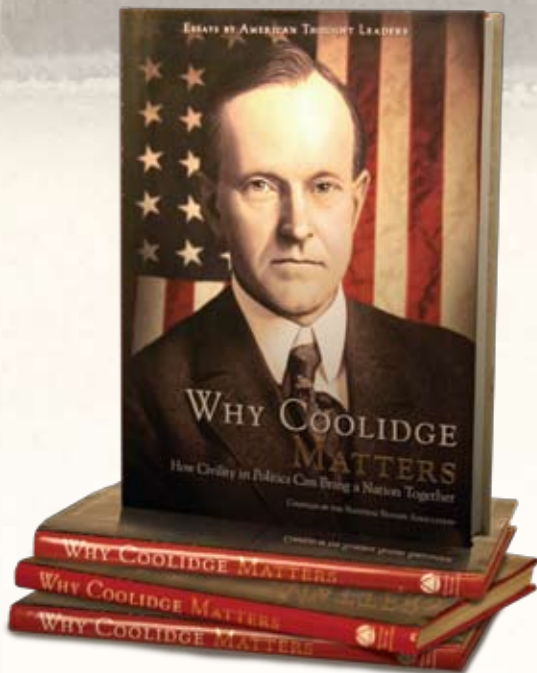
An instant collector's item, this beautiful book comprises 21 exclusive pieces authored by thought leaders — journalists, historians and political leaders, Democrats and Republicans alike — all honoring a President who matters more than ever.

Why Coolidge Matters \$29.95

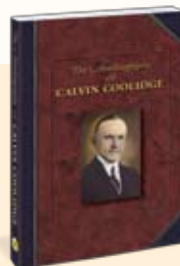
Hardcover with dust jacket, 204 glossy pages.

Coffee table or library shelf book. Collector's item value.

8 1/2" x 11 1/4". Item #7105



Published by the
National Notary Association



Also available:

'The Autobiography of Calvin Coolidge'

A fascinating and moving memoir of our 30th President, a man of principles and character whose humble origins and essential decency influenced every step of his extraordinary career in politics. Softcover, 5 3/4" x 8 1/2", 255 pages.

NNA Members Non-Members
#7098 | **\$17.95** | \$22.00

To order, visit WhyCoolidgeMatters.com
or call 1-800-US NOTARY (1-800-876-6827)



ETHICS MATTER WHEN LANDING THE JOB

REPUTATIONS FOR HONESTY, INTEGRITY TAKE
CENTER STAGE IN TODAY'S MARKETPLACE

America was profoundly shocked when the real estate and mortgage markets collapsed several years ago. Loss of trust after many people dismissed ethics and integrity in pursuit of fast cash helped cause the recession. This mistrust was compounded when banks across the country were found to have mishandled enormous numbers of foreclosure proceedings.

Now that ethics have come to the forefront of American business, employers are scrutinizing their practices to better prevent lawsuits and losses. This is good news for Notaries seeking employment.

"A reputation for ethics in job candidates is becoming a real priority for businesses, and this is a huge plus for Notaries," said Ken Springer, a certified fraud examiner and founder of Corporate Resolutions Inc., a firm that conducts background checks for businesses.


"Too many companies are being sued for the actions of their employees, or they have suffered losses because of them," Springer said. "Notaries have an edge in a job search because of their reputation for ethics."

Ethical operations actually benefit companies. According to *Forbes*, the value of the stock of the 100 most ethical companies increased at twice the rate of the S&P 500 in 2010.

On the other hand, "the legal and liability risks from unethical employee actions have never been greater," said Reid Bowman, general counsel at ELT, a leading specialist in ethics and compliance training for businesses. "The Department of Justice has just

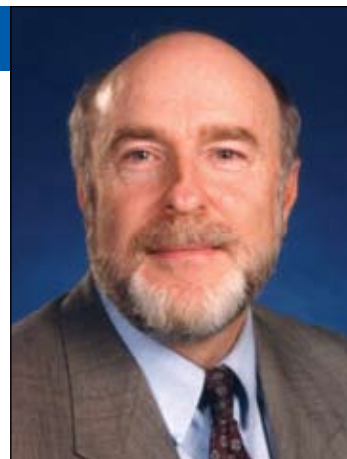
dramatically increased the number of cases it is investigating involving alleged foreign business bribes."

As businesses revitalize their ethical practices, they will be more inclined to hire applicants who will adhere to high standards. Having a commission already is a valuable qualification because countless employers need Notaries on staff. But having a record of solid ethical practices is likely to give you a competitive advantage. So when searching for a job, take note of the following tips:

- List any training in compliance and ethical conduct on your resume, like NNA training courses and certifications. It shows that you are trustworthy and understand the responsibilities of the Notary office, and it highlights a unique skill set that not all job seekers have.
- During interviews, don't be afraid to ask prospective employers about their ethics and compliance policies. It will reinforce your image as a trustworthy, competent job candidate. "I think a prospective employer would see such questions as a positive, not a negative," Springer said.
- Lastly, avoid the temptation to exaggerate on your resume. It's far better to be honest than to get caught with a falsified resume. Honesty is truly the only policy for finding the best career possible in a competitive market. 

Is Notarizing A Photograph Something A Notary Can Do?

By Charles N. Faerber
Vice President of Notary Affairs
cfaerber@nationalnotary.org



Notaries across the country rely on the NNA's Notary Hotline every day to answer their important questions. The following questions were among the thousands we received last month.

**How do I obtain notarial certificates for notarizing photographs?
C.M., La Quinta, California**

Notaries do not have the authority to notarize or certify photographs. However, there is an alternate solution. The person requesting the notarized photograph may write a statement regarding the photo and you may notarize the signature on this statement. The signer should check first with the receiving agency to make sure that this is an acceptable alternative and to find out what type of notarial certificate is preferred.

**My company's current policy for Notaries states that upon termination we get to keep our record books. But I heard that they are considering changing that policy. Can my employer legally do this?
S.V., Overland Park, Kansas**

A Notary commission belongs solely to the Notary Public, along with the notarial seal and record book, regardless of who pays for the commission. So it is the Notary's responsibility — not the employer's — to safeguard these tools of office to prevent forgeries and other misuse.

When placing my notarial seal on a signed document, does the seal have to include my commission number?

V.S., Ontario, New York

As a Notary Public commissioned in New York, you are not required by law to use a seal of office. If a seal is used, it

should sufficiently identify the Notary, his or her authority and jurisdiction. The New York Department of State suggests that the only inscription required is the name of the Notary and the words, "Notary Public for the State of New York." However, the state of New York does require you to print, typewrite or stamp beneath your signature in black ink the following:

- Notary's name
- "Notary Public State of New York" or if applicable and preferred, "Attorney and Counselor at Law State of New York"
- Name of the county where the Notary originally qualified for commission
- Notary's commission expiration date
- Wherever required, the name of the county in which the Notary's certificate of official character is filed, using the words, "Certificate filed _____ County"

I have signer who wants me to notarize something for Pennsylvania. He is here visiting in Missouri. Can I do that?

L.H., Hazelwood, Missouri

You may notarize documents from another state. In the venue portion of the notarial wording you would put the state and county where you are when you notarize the document and follow the laws of your state.

You can reach all our experienced Notary Hotline counselors at

1-888-876-0827

5 a.m. to 7 p.m.

*Monday to Friday and
5 a.m. to 5 p.m. Saturday,
Pacific Time*

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

— The Editors



Dealing With Discrepancies In A Signer's Name

NOTARIES SOMETIMES ENCOUNTER SIGNATURES THAT DON'T MATCH AN ID OR DOCUMENT. HERE'S HOW YOU RESOLVE THE DISCREPANCY.

Shakespeare once asked “What’s in a name?” and for Notaries, the answer is: everything. But there are many cases where a name appears inconsistently, or doesn’t quite match an ID or what’s printed on a document. Review these examples of name discrepancies, and how to deal with them.

NAME CHANGE DUE TO MARRIAGE

A common aspect of most marriages is that a spouse undergoes a name change, but there are often significant time gaps in updating personal records. Notaries often face an identification issue when the spouse/signer has documents drafted with a married name, but presents an identification bearing her maiden name. In these situations, the signer may bring a credible identifying witnesses to provide satisfactory evidence of identity, or the notarization must be declined until he or she obtains an updated ID.

DISCREPANCIES

In other cases, a signer’s name may appear slightly different on a document compared to how it appears on their state or federally issued ID. For example, a driver’s license may show “John Xavier Smith” but the name printed on the document may appear as “John X. Smith.”

In these circumstances, a practice commonly followed by Notaries busy in the field is to proceed only if the name on the document is less, but not more, than what appears on the ID. For example, “John X. Smith” is typed on a document but “John Xavier Smith,” is on the driver’s license. But Notaries are cautioned that this is not a hard and fast rule and when in doubt, they

should check with the agency issuing the documents.

However, if the name on the document is *more* than what appears on the ID, the Notary, should not proceed. For example, if the *document* reads “John X. Smith” but the license instead reads “J.X. Smith,” the difficulty to verify two initials with the name appearing on the document increases dramatically.

FOREIGN ALPHABETS

Some people may wish to sign their name using characters or symbols from a foreign language, such as the Russian Cyrillic alphabet or Chinese characters. You must not notarize if you can’t read the characters. Instead, the signer must re-sign using a language you can read.

OTHER NAME CHANGES

There are other situations where an ID might not match the name on the document, such as an entertainer who uses a “stage name” or immigrants who legally changed their names after coming to the United States. No matter what the discrepancy, the signer must always provide satisfactory evidence of identity that matches the signature on the document. Otherwise, the notarization must be refused.





Don't Trip Yourself Up Walking The UPL Line

As public servants, it's natural for Notaries to want to help their constituents. But there are strict laws prohibiting Notaries from giving certain kinds of

assistance to signers. Seemingly innocuous actions like filling in blanks on a document, answering questions about a transaction or choosing a notarial act on someone's behalf are all improper acts. Referred to as the "unauthorized practice of law" (UPL), they can get you into serious legal trouble.

But these situations can be easily avoided with some research and preparation. You must know the basics of what kind of services Notaries can and can't provide under UPL, and how to make sure you don't cross the line and accidentally offer help that you shouldn't.

Ministerial Officers

Notaries Public act as ministerial officers, which means laws restrict Notaries to performing carefully defined, specific tasks according to the instructions of the signer. If a Notary offers services or advice outside their defined duties, then the Notary has committed the unauthorized practice of law.

Many types of UPL may seem harmless or insignificant to the general public. A signer probably wouldn't think it was a big deal to ask a Notary "Which type of notarization do I need for this document?" But because a wrong answer can affect whether the document is accepted or rejected by a receiving agency and has major legal ramifications, Notaries aren't allowed to choose a notarial act on a signer's behalf.

Notaries are also prohibited from completing the document for a signer, offering advice or explaining a document's contents to a signer, or selecting a document on a

signer's behalf for a transaction. All these actions are considered UPL, and could result in serious legal and financial penalties if the signer has problems with the document.

Some Important Reminders

Remember these important guidelines:

1. *Don't act like a lawyer unless you are one.* Many signers assume that Notaries can give them advice in the same way an attorney can. While Notaries are often asked for help with a complex transaction or document, a wrong answer can cost you your commission or result in a lawsuit. If asked for input, a nonattorney Notary should always say, "I'm sorry, but I'm not a lawyer and cannot give you legal advice or answer questions about your document."
2. *Don't make decisions for the signer.* One of the biggest UPL risks is when a signer asks "Which notarial act do I need?" As an alternative, you can describe different notarial acts to the signer and let them choose one, but don't select it for them. If the signer is still uncertain, they should contact the issuing or receiving agent for the document and ask for further instructions.
3. *Don't complete a document for a signer.* A Notary can only fill out or edit the notarial certificate wording on a document. Any other information must be completed by the signer or an appropriate authorized agency or the preparer of the document.

As a Public Official, you seek a place to turn when you are **looking for guidance** and the **support** of a community that understands your duties.

No other organization can offer you the breadth and depth of education and resources to help you manage risk, protect your assets, increase your income and perform your notarial responsibilities professionally and in compliance with State laws and sound practices.

Only the NNA provides you with a wide array of resources to navigate the complex role of being a Notary Public.

With the NNA, you can:

- Stay up-to-date on the latest laws, trends, and issues impacting you and use that knowledge to work more effectively
- Gain in-depth and how-to insight on protecting your assets and successfully managing the risk associated with the notarizations that you complete
- Increase your value by gaining the specialized expertise needed to work with constituents with specific needs

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