

# The National NOTARY®

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Introducing Your  
2014 Notary  
of the Year  
Honorees  
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## TRANSFORM YOURSELF

Creating New Opportunities  
Amid a Down Mortgage Market



**June 1-4**  
Annual Conference

# NNA 2014

**The NNA Conference is the only national gathering of Notaries and those looking to hire them.**

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Four Habits that Protect You from Liability  
Mastering the Five Steps to Notarization

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How to Perform Electronic Notarizations

**Intro Professional Notary/NSA**  
NSA Certification (pre-Conference)  
Be the NSA They Call First & Most  
Your First Signing from A to Z

**Advanced Professional Notary/NSA**  
How NSAs Expand their Biz  
Getting Results with Social Media  
Secrets of Top-Earning NSAs

**View the full agenda at [www.NationalNotary.org/Conference](http://www.NationalNotary.org/Conference)**



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- Expert Speakers
- Exhibitor Hall
- FUN!

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— Julie B.

*The Conference was absolutely amazing! The information I gained is so valuable and it was great to meet reps from different companies that I work for all the time, as well as give them feedback. Loved every minute!* — Jocelyn W.

*I had such a great time at Conference again this year and met so many great Notaries. Looking forward to 2014 NNA Conference in Phoenix, AZ.* — Linda M.



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# YOUR ASSOCIATION



9350 De Soto Avenue  
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www.NationalNotary.org

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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 the highest ethical standards of conduct and sound notarial practice.

## Our Core Values

The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when assuming the responsibilities of the office and performing official notarial acts.

Our Core Values of Membership promote:

- Compliance with state laws and regulations
- Liability Protection for Notaries, signers and employers
- Risk Management to reduce fraud and identity crimes
- Professionalism to promote reliability, competence and integrity
- Opportunities to increase earning potential

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The National  
NOTARY  
Vol. LVIII, No. 2, April 2014 Magazine

Published by the National Notary Association

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The National Notary (ISSN 0894-7872), February 2014 Vol. LVIII, No. 2, is published bimonthly by the National Notary Association, 9350 De Soto Ave., Chatsworth, CA 91311, a non-profit organization, to educate Notaries about the legal, ethical and technical facets of performing notarial acts and to instill in them a sense of self-respect and professional pride in their important role of public servant. • ALL RIGHTS RESERVED. Reproduction in whole or in part without the express written permission of the publisher is prohibited. • SUBSCRIPTION to all NNA members in the United States and its possessions comes out of their \$59 annual dues. International subscriptions are \$76 annually. Six dollars of membership dues are designated for a one-year subscription to the publications. • For address changes, send new and old addresses including ZIP code, suite or apartment number, and mailing label, if possible, to the NNA. PERIODICALS POSTAGE paid at Chatsworth, CA, and at additional mailing offices. • POSTMASTERS: Please send address changes to Customer Service, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.



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*The National Notary* proudly presents five outstanding Notaries, who are dedicated to the highest traditions of the office and commitment to serving their communities.

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## Transform Yourself

*Michael Lewis and Kelle Clarke*

It's no secret that the mortgage market is in the midst of its deepest downturn in 14 years. For Notaries who earn a living from loan-signing assignments, that is cause for concern. However, with ample preparation and the right mindset, it doesn't have to be. For many Notary entrepreneurs, industry downturns can translate into times of transformation and renewed growth opportunities. A number of these entrepreneurs share the lessons they've learned in creating thriving small businesses.

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## Elevating the Notary Office Is What Change Brings in Today's Challenging Times

It's springtime, and change is in the air. Yet, to be truthful, what we are experiencing is more than a seasonal aberration.

We could dismiss all this tumult within the Notary community by looking to new legislation or unexpected revisions to standard business practices, but that would oversimplify what we are experiencing.

Our environment today is one in which many individual elements are coalescing around the Notary office.

First, without question, are the new government regulations that more dynamically affect Notary services than ever before. The grand legislative enactment of the Graham-Leach-Bliley Financial Services Modernization Act of 1999 was the beginning of a trend toward more regulatory oversight and interest by various Notary-related industries.

But the game changer was the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

Even then, implementation and compliance concerns started slowly. Banks and lending institutions began to restructure their own business practices to conform with the law before turning outward to their service providers, like Notaries.

Only now, in a slow and methodical manner, have they

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***“The game changer  
was the Dodd-  
Frank Wall Street  
Reform and  
Consumer  
Protection Act  
of 2010.”***

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begun to confront the final — and most significant parts of documentary transactions — notarization and the Notary.

The change can be discomforting and upsetting.

When, in the past, a statute or regulation was revised or updated, it followed from a prior law and enhanced and improved a provision with which we were likely familiar.

Much of what is happening now, such as the Signing

Professionals Workgroup, is industry driven to guarantee that best practices will be met and compliance demonstrated.

Suddenly standards are being codified. Notaries must pass a test or provide proof of notarial knowledge and practical proficiency. Record-keeping that is an option in many states is fast becoming a requirement because the overarching laws demand it.

Certification and background screening will soon be a standard prerequisite to acting as a Notary Signing Agent or to contracting with the large title companies, mortgage providers or lending institutions.

To many, the old practices and procedures were sufficient. Today, it is being suggested they were not. The trust and integrity that notarization provides transactions is now acknowledged by those who require notarial acts, not merely by those who perform them.

Few of us like change. It is commonly unsettling and frequently inconvenient but there is a positive point of view: it contributes to elevating the office.

Standardization brings with it professionalism. Many of these changes will do much to enhance the vision we have long championed: the Notary as professional.

# ASSOCIATION NEWS

## Webinars and Educational Videos Available Online



**THE NATIONAL NOTARY ASSOCIATION** is compiling a growing library of webinars and educational videos covering a wide range of subjects — that are available at no charge at [www.NationalNotary.org/webinar-archives](http://www.NationalNotary.org/webinar-archives).

The videos are organized into three categories — Commonly Asked Questions, Signing Agent Best and New Law Updates — and are created as needed. We recently added a California New Law update that includes information about proofs of execution by a subscribing witness, immigration- and foreign language-related issues and more.

The commonly asked questions category covers such topics as “ID Fraud — A Notary Trap” and “Signature By Mark.” The signing agent section includes a business branding video, “10 Steps To A Flawless Signing” and more.

Many of the topics are suggested by our Notary community. If you have an idea for a good topic, please let us know via [Facebook.com/NationalNotary](https://www.facebook.com/NationalNotary) or email.

## ‘Prosper’ at NNA 2014 Conference



**REGISTRATION FOR NNA 2014 CONFERENCE IN PHOENIX, ARIZONA**, is in full swing, and it’s shaping up to be an important event for Notaries everywhere as the mortgage industry continues to undergo a massive sea change of policies and regulations.

NNA 2014, which will take place June 1-4, is themed “Prosper” and will feature a slate of keynote presentations, panel discussions, workshops and interactive events to help Notaries thrive in a challenging market. The Conference will include a wide variety of business-building and professional skills workshops as well as general Notary offerings and signing agent-specific events. It’s also the premier Notary networking event.

Visit [www.NationalNotary.org/Conference](http://www.NationalNotary.org/Conference) for more information or to register.



**THE NATIONAL NOTARY ASSOCIATION HAS BEEN NAMED** one of the Top 50 Mortgage Service Providers In America. The *Mortgage Executive* magazine compiled a comprehensive list of 50 companies from across the nation that they believe are leaders in the industry. They created this list to recognize and celebrate the service, dedication and hard work that service providers put into servicing the mortgage industry. Among the other organizations named to the list: First American, Lender Processing Services, Title Source and ServiceLink.

## Resources for NNA Members

**THE NNA HAS** transformed itself to create valuable benefits for members, and that is particularly true of the benefits we have put at your fingertips. Here is a rundown of the most valuable benefits you should be taking advantage of.

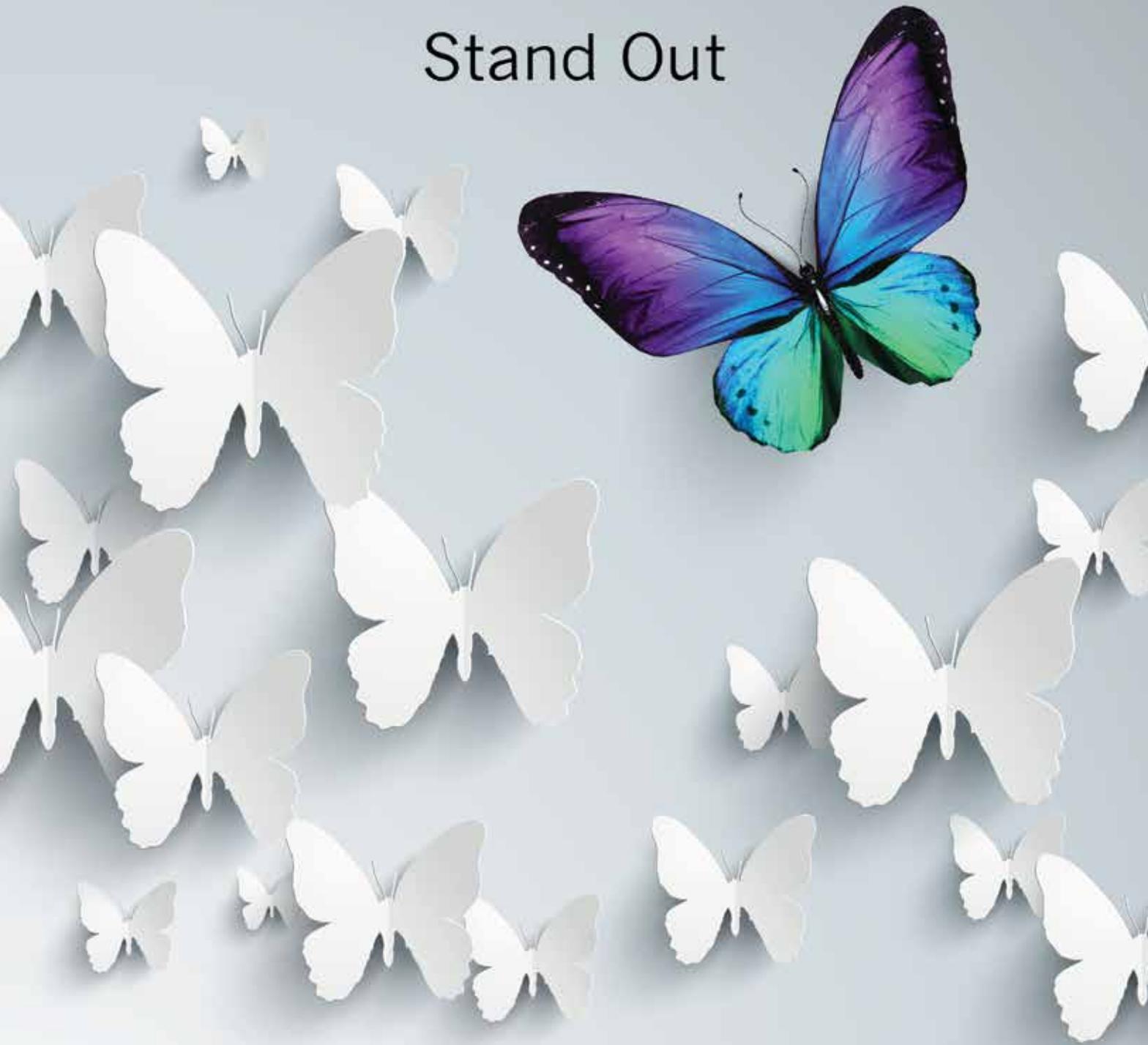
**Hotline:** If you run into a tricky notarization our NNA Hotline counselors are available by phone to answer your questions Monday through Friday, 5 a.m. to 7 p.m. Pacific Time and Saturday 5 a.m. to 5 p.m. Pacific Time. You can also email your questions to [hotline@national-notary.org](mailto:hotline@national-notary.org).

**Online Certificates:** The days of needing to stockpile pads of certificates for different notarial acts are over. The NNA has created a library of online certificates for every state for members to download freely.

**The U.S. Notary Reference Manual Online:** This reference guide contains the key Notary statutes, procedures and fee schedules for all U.S. states and territories, along with contact information for all U.S. Notary-regulating agencies.

**Log on to your member profile at [NationalNotary.org](http://NationalNotary.org) for these resources and more.**

# Stand Out



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## Kansas Is First U.S. State to Send Electronic ‘Apostille’

**KANSAS RECENTLY BECAME** the first U.S. state to send an electronic *apostille* — a certificate used to verify notarial acts and other important records — to another country.

The Kansas Secretary of State’s office said the *e-Apostille* was sent to Colombia on behalf of Dr. Fabio Rodriguez, a Kansas resident who needed to submit verifiable documents internationally to receive pension benefits from his native country. Previously Rodriguez had to travel to Topeka or to a Colombian consulate in Chicago or Washington, D.C., to obtain a paper *apostille*.

Kansas had been pioneering the use of *e-Apostilles* in a pilot program, and successfully sent a test certificate to Columbia in 2007. But this was the first time an *e-Apostille* was used to conduct real business.

“Dr. Rodriguez is fortunate that the *e-Apostille* system was already set up in Kansas so that his family can save time and energy while enjoying dramatic cost savings and a level of security which far exceeds the paper-only *apostille* standards,” said Kansas Secretary of State Kris Kobach.



## CFPB Addressing Borrower ‘Pain Points’ at Mortgage Closings

**THE CONSUMER FINANCIAL PROTECTION BUREAU** is taking a hard look at the mortgage closing experience to identify and remedy key consumer “pain points.” Most recently, the agency solicited comments from the general public.

The CFPB requested specific comments on 17 questions, including:

- How long does the closing process take?
- What are the common errors encountered at closings?
- Do borrowers review loan forms beforehand?
- Who is available to offer advice to consumers during closing?

The CFPB received hundreds of responses. One of the most-mentioned “pain points” is that borrowers often are not given enough time to review loan documents before they are expected to sign them.

One commenter said the hardest part is “seeing in the borrowers’ faces what you were telling them was not what they were expecting. But they are aware that if they do not sign the documents they will not get the loan, so they sign anyway.”

“I didn’t receive the date/time of my closing until the day before,” noted a borrower from North Carolina. “I had to scramble to obtain bank checks for the amount not covered by my pending mortgage.”

The comments can be viewed at [regulations.gov](http://regulations.gov). Search for CFPB-2013-0036.

## Expand Your Income as an Exam Proctor

**ONLINE EDUCATION IS** a booming industry, but when it comes to taking tests, many educational institutions still want someone on the ground to ensure that students don’t cheat. And this has given rise to a new industry: mobile exam proctors.

Andrew Davis, program manager for SmarterProctoring, said demand for mobile proctors is growing. Typically, students are required to take their tests at a neutral site, such as a library or business where there is an Internet connection. The student then contacts a company like SmarterProctoring to arrange for a mobile proctor to monitor the test.

Davis said Notaries are well-qualified to serve as proctors because of their role as impartial witnesses. While a Notary commission is not required a background check is. “A background check lets the school know the Notary is a model citizen. The student knows the Notary is trustworthy,” Davis said.

The typical fee for proctoring an exam is \$25-30 per hour. Availability of assignments varies, but can range from 10-20 exams per semester, according to Davis. “I don’t think people will give up their other work for proctoring, but depending on the Notary, it can be a nice way to earn supplemental income,” he said.

**For more information about SmarterProctoring visit [smarterproctoring.com](http://smarterproctoring.com).**



# TRANSFORM YOURSELF

Creating New Opportunities Amid a Down Mortgage Market **By Michael Lewis and Kelle Clark**

**T**HE MORTGAGE MARKET IS IN THE MIDST OF ITS DEEPEST downturn in 14 years, and the Mortgage Bankers Association predicts that things will improve only moderately in 2015. This can be cause for concern for Notary professionals who earn a living conducting loan signings. However, with ample preparation and the right mindset, it doesn't have to be. Industry downturns can translate into times of transformation and renewed growth opportunities.

*The National Notary* spoke with a number of Notary entrepreneurs, experts and others who shared their stories about creating thriving small businesses. One of the key ideals they shared was taking the initiative to reinvent themselves. Some were established signing agents who expanded their businesses. Some moved into the signing agent profession but used that as just one part of their overall business model. None of them followed the same path, but they all achieved a measure of success that does not depend on a single revenue stream.

## Changing Direction

David Shean of Irvine, California, was an escrow officer with several decades of experience when he got downsized in 2007 due to a corporate consolidation. He had never been out of work for more than three days in the previous 50 years, but he discovered just how scarce jobs were that year.

And Shean wasn't ready to stop working. "My wife said that she doesn't care about the economy. It's my job to cover the checks that she writes, and she's not ready to retire. Therefore I work," he quipped. "So that meant I had to use every avenue I could."

Shean had been a Notary since 1972 and, when combined with his experience as an escrow officer, taking on loan-signing assignments was a natural fit. But he didn't stop there.

Shean had been heavily involved in the California Escrow Association and had become a recognized expert in the field. When he started his own business, he called or visited all his contacts in the escrow industry to offer his consulting services. Companies initially started using him as an expert witness in court cases. One case also involved an issue with a notarization.

"After talking to the attorney, we realized that I could address the notarial issues, as well," Shean said. Since then, he both consulted on, and testified in, a number of cases including a high-profile fraud trial. The work has turned into a lucrative endeavor for him and he has become one of the few go-to Notary experts in Southern California.

But providing support to the legal system isn't the only opportunity out there. Herbert Willis of Port Richey, Florida, and his wife Crystal have a very different story of transformation. The couple spent years getting their signing service — Sunshine Signing Connection — off the ground, and

initially things were booming.

When the housing market melted in 2006, business dropped from hundreds of signings a month to none. "We had to find ways to diversify. It was a defining moment," Willis said.

Willis, who has a background in retail sales, said he started visiting online Notary forums and doing lots of Google searches to find new opportunities. One that caught his eye was in structured settlement — legal settlements that are paid out over time rather than in a lump sum.

He identified a number of companies that handled structured settlements and began cold calling them. He also used postcards and some Internet advertising to reach out, but his first assignments came from the cold calls. Today the Willis' continue to take on loan signings, but about 40 percent of their business comes from structured settlements and other non-real estate assignments.

Like Willis, Valerie Barrett, also of Irvine, California, was hit hard by the housing collapse. She had built a thriving career as an appraiser, but lost most of her business when the downturn came. So she started offering her appraisal services to estate attorneys. Then she obtained her Notary commission in 2008 and became a signing agent. It was a logical step to start offering notarial services to attorneys, immediately expanding her business model.

Barrett put in a lot of time pounding the pavement. She joined the local Chamber of Commerce and a number of other business and networking groups. To this day, she attends meetings every week and often gives presentations about the importance of independent Notaries. She also visits local attorneys and other prospective clients on a regular basis.

The result? Today, only 20 percent of her business comes from loan signings. The rest comes from estate attorneys, patent attorneys, adoption attorneys and other non-housing industry clients.

Cheryl Casebolt of Simi Valley, California, came to her Notary business through a different route. She had spent her entire career in the corporate world, first as a paralegal, then as an executive assistant, before moving into management, "I was just done."

Having been a Notary earlier in her career, working as a signing agent was a viable option to the corporate drudgery. She also came across an online advertisement from a virtual assistant/

conciierge. That seemed like a natural fit for her existing skills.

"I did my homework," she said. She called the person who placed the ad, talked to friends and family, went online to get a sense of pricing and found some training. She ultimately joined the International Conciierge and Lifestyle Management Association (ICLMA).

To launch her business — Busy Bodies Personal Assistant — she joined local business groups and attended regular meetings to make contacts. She also posted notices on free online sites. "I signed up on anything and everything that was free to keep my overhead down," she said.

That was five years ago. In the early days, most of her business came from loan signings, and that continued through 2012. Last year, she said, most of her business came from the conciierge and personal assistant work, and she expects the trend to continue.

While each of these entrepreneurs has a different story, they all share some common traits, starting with a willingness to work hard and do what is necessary to succeed. "I was working 70-80 hours a week when we first started Sunshine," Willis said. "I had to pass up a lot of birthday parties and barbecues."

Another common trait is flexibility. "If you stand fast to 'My way or the highway,' you may not be around very long," Shean said. "We must adjust and meet the needs of the market."

The paths taken by these entrepreneurs represent only a few opportunities open to Notaries. In the past year, the NNA has provided information about other business options, such as field inspections, process serving and mobile exam proctors

(see list below).

Mobile Notary John Kenneth Cole of Arlington, Virginia, became an ordained minister through an online church and now is registered to perform weddings in his home state and West Virginia. He specializes in last-minute ceremonies and has officiated at about 150 weddings.

Don't forget to look to your government for opportunities. It could be vehicle titling services in Pennsylvania or handling I-9 forms for the federal government.

## Keeping Your Business Going

Launching a new service or business line is only one battle. The real challenge comes with keeping that business going, and that means constantly getting in front of your potential client base.

"People deal with people they like, so getting face to face is important," said David Lewis, a Fairfax, Virginia-based mortgage originator and former Notary. "People also deal with the last person they talked to, so that means you have to have constant contact."

Lewis, who started in the mortgage business in 1986 and has survived many booms and busts, said marketing your services is a never-ending commitment. "Every year you lose 10 percent of your client list, so you have to bring in new clients to take their place."

Barrett, like most of the Notaries we spoke with, advertises in local media outlets and online, but relies heavily on that personal, face-to-face contact. Among other things, she joined several networking groups that included a large number of attorneys, and her involvement with the groups was more than just a one-time encounter. "It's

# INCOME OPTIONS

**NOTARY ENTREPRENEURS** find any number of lines of business to generate income. Here is a list of some of the options that have proven lucrative:

- Wedding Officiant
- Structured Settlements
- Process Server
- Virtual Assistant Services
- Estate Documents | Attorneys
- Healthcare Documents
- Auto Loans
- Conciierge Services
- Field Inspections
- Mystery Shopping
- Mobile Exam Proctors
- Patent Documents | Attorneys
- Adoptions

showing up on time, day after day so people get to know you.”

“Relationship-building is a huge element of networking,” Casebolt agreed. “People have to trust you to do business with you.”

To this day, Shean makes the rounds of local escrow companies. At one point, he even circulated discount cards. With each assignment, a client could check a box on the card. After five checks, Shean offered a discount on the sixth assignment.

Barrett goes a step farther. One of her personal passions is volunteering at a local shelter for at-risk children. She teaches them how to cook, and serves as a mentor. But her business logo is on her car. She also talks about the shelter at her networking groups, which shows that she is committed to her community — a message that helps build her reputation.

Willis relies heavily on social media to market his services. While he identifies prospective clients via social media, he focuses on building relationships. “My number one rule: Never ask them to buy,” Willis said. “The goal is to become a person that clients know, like, and trust, so they’ll come to me in the future.”

## Providing Value

Effective marketing may get your name in front of prospective clients, but all of the Notary entrepreneurs talked about how providing value — or good customer service — is essential to their success.

For Willis, that means doing things the way the client wants, whether it’s receiving orders via email or fax instead of through his website, or printing everything on legal paper. “We bend to them, rather than forcing them to bend to us.”

Barrett learns everything she can about her clients’ businesses. She’ll ask clients about the documents they need signed and pick their brains to understand how to give value because “the more you know about their business, the more comfortable they’re going to be doing business with you.”

She also has taken classes at a local community college to learn about different types of loans. That’s all part of bringing professionalism to the table, she said.

In all her work, details are the key, said Casebolt. “When I offer a service, I make sure I know what I’m doing. I want clients to feel they are getting their money’s worth.” That fact that she takes care of those details has helped her build her business through referrals. She even joked about one client who’s reluctant to refer her because he’s afraid she’ll get too busy.

Willis also is a big believer in continuing educa-

## CONTINUING EDUCATION OPPORTUNITIES FOR NOTARIES

- Register for online courses and certification programs
- Attend professional conferences in your field
- Sign up for webinars
- Participate in industry-specific online discussion forums, such as the NNA’s LinkedIn discussion groups



tion. “One mistake people make is that they stop being a student of the business,” he said.

As a business owner, that could include website building, Internet marketing, bookkeeping, business planning as well as learning more about your business offerings. And don’t forget to maintain any certifications or training you may need, especially for your original business line.

“When business is slow, you should ready yourself for the next boom,” said Lewis. “You study and get better at your job.” Among other things, Lewis brushes up on the rules and requirements of the mortgage industry to learn how the standards are changing and how to handle the more challenging loan products.

For these entrepreneurs, the final key to success is perseverance. “For any small business owner, you have to know that the steps you’re taking now that seem to be all uphill will be a lot smoother going down the other side,” Casebolt said.

“Sometimes I think about throwing in the towel myself,” Barrett said, “but then I think I can do a little more. Don’t be afraid. Believe in yourself.” ■

# CELEBRATING NOTARY MOMS AND THEIR FAMILIES

**N**EARLY THREE QUARTERS of U.S. Notaries are women, and many of them are mothers. Whether they work as independent signing agents or earn a regular salary from a corporate employer, they all have one thing in common: they serve the public to protect them from fraud.

Over the years, the National Notary Association has encountered more than a few Notary moms who share their unique careers with one or more of their offspring, and we wanted to celebrate them as we approach Mother's Day next month. So we reached out to our Notary community to hear their stories of teamwork and companionship.

## **Always Have Each Other's Backs**

Working with family not only means built-in back up when busy, but it can often offer a lot of opportunity for Notaries and signing agents to extend client reach and grow their family businesses.

"I couldn't have found a better partner," says Idaho Notary Elsa Freeman of her daughter

Tamara Scott, with whom she's been working side by side for seven years. For Tamara, working with mom was a good way to earn extra income while she gets her ballet studio established. For Elsa, working with Tamara means she has someone she trusts to take on assignments when the workload gets heavy.

Elsa and Tamara live 20 minutes from one another, which allows both of them a larger coverage area for their business.

"We are a successful team because of our willingness to work hard, brainstorm together, laugh together, and always have each other's backs," says Elsa.

Florida Notaries Maryellen Waskiewicz and daughter Nikki have also found the team dynamic rewarding, and have been working together ever since Nikki turned 18 and received her Notary commission five years ago.

"If we are assigned a loan signing as a team, then either of one of us can do it," says Maryellen. "We also can double check each other's work."



## Learning from One Another

For many mother-daughter or mother-son teams, the most rewarding aspect of the working partnership is being able to learn from one another, build on each other's strengths, and strengthen each other's weaknesses.

"My mom and I have a lot to teach each other, and we are constantly giving each other advice on different situations," says Louisiana Notary Jennifer Kleyle, who followed in her mother Connie Arbour's footsteps to become a Notary in 2011.

While Connie has been a Notary since 2002, she never dealt with small assignments, such as handling small succession affidavits and property transfers, says Jennifer. "Since I became a Notary we have learned how to do the documents together. Our favorite part about being a team is that we are able to work together while learning and growing our businesses."

Mom and daughter frequently travel together to attend conferences and continuing education classes, says Jennifer, who attributes the success of their partnership to the fact that they communicate on a regular basis and continue to find new ways to build on their skillsets.

Virginia Notary Alverta Elliott knew she wanted to start a business with her son when he received his commission last year, as both were highly motivated to work for themselves — and being Notaries offered them just the opportunity to do so. Despite their different learning styles, Alverta was happy to

train her son so they could work side by side, supporting and learning from one another.

## All In the Family

Some Notary moms have made their business a family affair. Alabama Notary Barbara Shelby Brewer is one of them.

"I am still a nurse, but being a Notary is easier on my knees," jokes Barbara who has been a Notary for over three decades. One daughter is an RN and does Notary work part-time, another daughter balances both a Notary and real estate career, and her son is in the process of finishing his business administration schooling while taking on mobile Notary assignments. With three out of six her children commissioned as Notaries, Barbara always has someone available to take on a client if she needs back-up support, and her kids have the opportunity to supplement their incomes.

Debby Thorpe, a 30-year mortgage industry veteran and California Notary for eight years who works with husband Greg, recruited their daughter, Heather, to join the family business because "working as a Notary would be a great way for her to work part time while in school.

"All of us are working as Notaries in the same area, giving our customers an almost guaranteed chance of at least one of us being available at any given time," says Debby. "We consider ourselves very lucky to have the opportunity to work closely as a family in a job we love." ■

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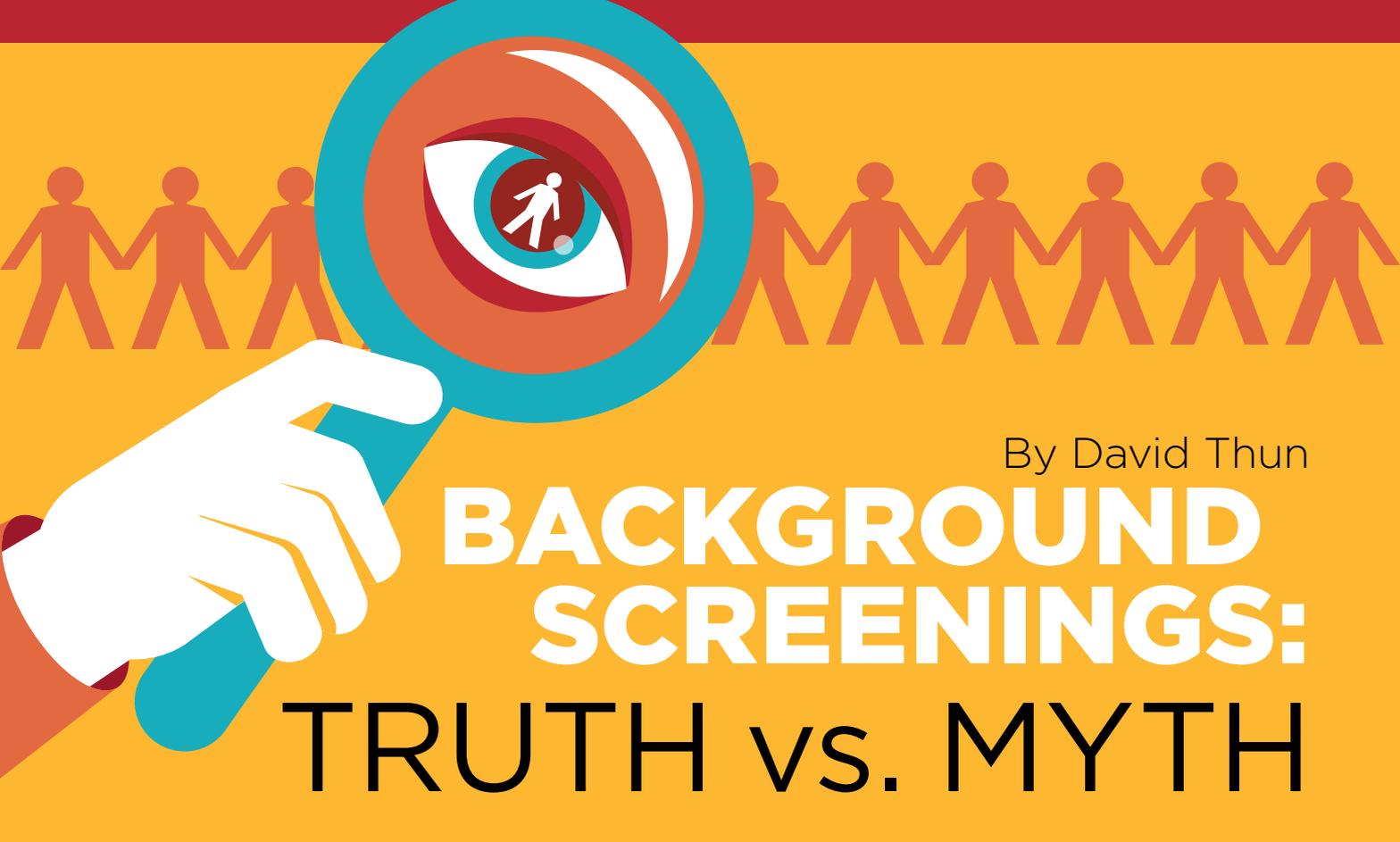
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By David Thun

# BACKGROUND SCREENINGS: TRUTH vs. MYTH

**SIGNING AGENTS HAVE ASKED MANY** questions about the annual background screening recommended by the Signing Professionals Workgroup (SPW) — comprised of executives from major lenders and title companies. The SPW re-evaluated the qualifications, training and performance expectations for signing agents in order to bring them in line with federal mandates. The result was a set of voluntary Standards that included an annual background screening. We took your questions to Christopher Ballas, CEO of Backgrounds Online — the company that conducts background screenings for the NNA — and he shared how his firm conducts screenings and cleared up some common misconceptions.

**MYTH: Few if any professions require an annual background check.**

Many positions require annual background checks, especially if the person handles sensitive data or is expected to enter a customer's home as part of their work, Ballas said. For example, he pointed out that his own staff must undergo two background checks every year. Heating and air conditioning repair, cable television technicians and professional limousine drivers are other jobs often requiring annual background checks. Staffing companies sometimes run multiple checks on a worker in a single year because they place employees in positions with many different companies, Ballas added.

"Notary signing agents not only handle sensitive documents and private data, they represent lenders, title companies and signing services," Ballas said. "Someone in an office doing data entry is not as much of a liability risk as someone who represents a business going into someone's home."

**TRUTH: Most states do not run background checks on Notary applicants.**

Many people assume that all Notaries automatically have a background check performed by their state. False.

In reality, more than 40 states do not run background checks on Notaries. California is one of the few exceptions, requiring a background check for all of its Notaries every four years. Of the other

states that screen applicants, a few do so only for people who indicate a previous legal problem on their commission application.

Because of this significant inconsistency in checking the backgrounds of Notaries — who often must visit the homes of borrowers during assignments — the SPW determined that an annual background check was appropriate to help ensure the safety of borrowers.

Some California Notaries have asked why the SPW can't simply accept the background check they get every four years. In the event of an audit by federal regulators, lenders must use vendors that can provide verification of a Notary's background check and document that all relevant records have been searched. Unfortunately, lenders and title companies cannot access California's state background checks.

**MYTH: Ongoing background checks are redundant — a one-time check is enough to ensure any professional is trustworthy.**

While less than two percent of Notaries screened by Backgrounds Online in 2013 failed their background screening, Ballas said that ongoing screenings are important because anyone's conduct can change over time — and it's essential for a professional in a position of trust to maintain a good record.

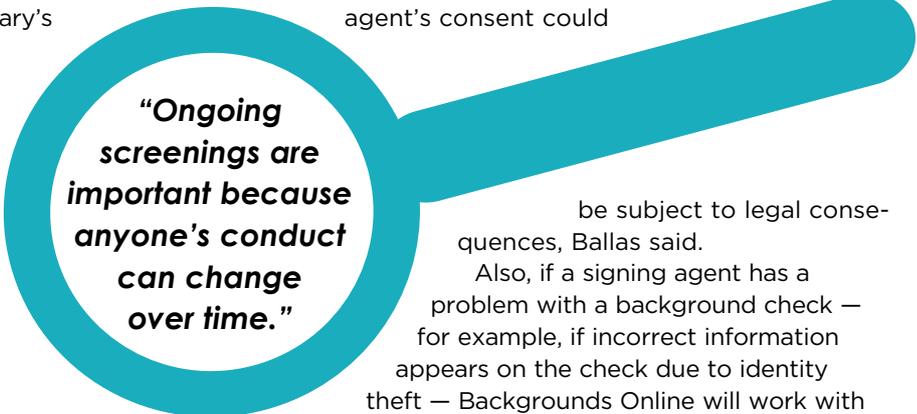
As an example, Ballas described a case in New York where an elderly employee of a Catholic diocese was excused from getting a background check because she had a screening done 10 years prior. The employee was later discovered to have embezzled \$2 million.

Some have suggested that background checks are unnecessary because qualifying for a Notary commission is sufficient proof of someone's honesty. Unfortunately, the standards for qualifying for a commission vary from state to state. And some Notaries have demonstrated they are willing to break the law after receiving their commissions — such as the recent case of a Notary in Indianapolis, Indiana, charged with selling her customers' private data to identity thieves. In fact, as of January 2014, the accused Notary was still listed with an active commission on the Indiana Secretary of State's website.

**TRUTH: After getting a background check, my private records will not be shared with other parties without my knowledge or consent.**

When Backgrounds Online completes a screening and generates a report, the signing agent retains sole control over the detailed results of the background check and is the only one who may share that information, Ballas said.

"We only share pass/fail information with the National Notary Association," Ballas said. "We do not provide the report directly to the lender or anyone else that may have a release form saying they have permission. We have had people call us and we refer them to the Notary." Any lender who shared a signing agent's background check information without the signing agent's consent could



***"Ongoing screenings are important because anyone's conduct can change over time."***

be subject to legal consequences, Ballas said.

Also, if a signing agent has a problem with a background check — for example, if incorrect information appears on the check due to identity theft — Backgrounds Online will work with the signing agent privately to resolve the issue, Ballas said.

**MYTH: Getting a background check requires me to make my Social Security number public to other parties.**

Backgrounds Online reports do not publish complete Social Security numbers on background screening reports.

According to Ballas, screening companies submit only the minimum information needed to conduct a search — in most cases, only the person's name and date of birth. Other personal details such as Social Security numbers are only used during a check in rare situations where additional data is needed to confirm a person's identity — for example, if there are two people with identical names and dates of birth that turn up in a search.

**TRUTH: Once I submit my private information for a background screening, the screening company is required to keep it safe.**

"We have an obligation under the Fair Credit Reporting Act to make sure that private personal information we gather is safe and a background screening is accurate," Ballas said. "If we don't follow the laws, we are out of business." ■

# HOW DODD-FRANK IS AFFECTING US ALL

By Lew Sichelman

## I AM AN UNINTENDED CONSEQUENCE.

I have loads of money. I own four properties free-and-clear. I have no debt. My credit file is impeccable. I have a credit score of 760. And I was just turned down for a mortgage.

Not just any mortgage, but a cash-out refinance of less than six figures on a foreclosure I bought for cash, rehabbed and turned back on the market as a rental. Furthermore, I was only asking for a loan-to-value ratio of 70 percent, meaning I was leaving 30 percent of the home's value as equity. And I was rejected!

All of my rental properties are fully leased, each supported by current rental agreements. The lender had copies of my tax returns for 2011 and '12, each year validated by copies of my returns from the IRS. The lender also had copies of each and every one of my bank statements.

And the lender still said "No!"

I pay all my bills on time. As soon as the bill arrives in the mail, a check goes out. In full! The very next day! Every bill, no matter how big or small. Out the next day. Sometimes I even take the envelope to the post office. But the lender doesn't think I am a good risk!

The reason: I had recently switched from being a W-2 employee who also had 1099 wages to a full-time 1099 worker. That is, I left the world of the fully employed to that of a full-time freelance journalist.

And since I could not show that I earned enough 1099 income over the last two years to pay for the loan — the history just wasn't there — the lender's underwriters said I wasn't a good enough risk.

Here's what my denial form-letter said: "Due to change of employment from some W-2 to all self-employment, Fannie Mae cannot approve due to the short time of all self-employment."

Now my loan officer was as aghast as I am. But he's not the one who gets to make the decision. He's basically a salesman. It's the underwriters who have the final word. Not even my agent's branch manager held any sway. The underwriters said, "No," and that's that.

Oh yeah: I was told to come back in 2013 when I could show at least 12-18 months' worth of free-lance or contractor income and we'll give your loan application another look.

Thanks a lot, Dodd-Frank. Thanks much CFPB.

Dodd-Frank is the common name associated with the Dodd-Frank Wall Street Reform and Con-

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**Editor's Note:** This article demonstrates that new federal regulations are affecting virtually everyone involved in the mortgage origination process — from lenders to third-party contractors to borrowers.

sumer Protection Act, the law Congress passed in 2010 to make sure the kind of lending that brought on the housing recession never happened again. You know, the liar loans, aka no-doc (short for no documentation) loans in which all the borrower had to do was fog a mirror. And CFPB is the Consumer Financial Protection Agency, the federal agency created by the law to carry out its dictum.

But surely lawmakers didn't mean people like me when they changed the rules. Now everything is income based, and borrowers have to prove — and I mean prove — they have the ability to repay. Apparently I can't, or at least in the eyes of underwriters, I can't.

It doesn't matter what the underlying value of the property is. It doesn't matter what kind of assets you have in the bank. It doesn't matter whether you have a profit and loss statement. It doesn't matter what your credit score is. It doesn't matter whether you can validate everything.

All those factors are still important, of course. But if you can't show you have enough coming in to support what's going out, those things don't mean diddly.

Don Frommeyer, an Indiana mortgage broker

**"What I thought was a slam-dunk mortgage has turned into a pink slip."**

and president of the Association of Mortgage Professionals, calls the new ability-to-pay rules the "new gold standard for lending." He says lenders now must follow a set of guidelines to establish your income, assets and obligations before deeming them eligible.

And things are becoming particularly tough on self-employed borrowers like me because income is calculated to consider the borrower's write-offs, the tax deductions all us self-employed dudes take to reduce our taxable income.

So here I sit. What I thought was a slam-dunk mortgage has turned into a pink slip. You got me, legislators. You nailed me, regulators.

You have protected the mortgage system — and the greater economy — from the likes of me.

People who have worked hard all their lives and did things the right way. We saved, we paid

our bills on time — but we can't

get a home loan.

I hope you are satisfied! ■

*Lew Sichelman has been covering the housing and mortgage markets for more years than he cares to remember, starting as real estate editor at the long defunct Washington Daily News and Washington Star newspapers and finishing with a three-decade stint with National Mortgage News. His weekly consumer column, The Housing Scene, is syndicated to newspapers throughout the country. Reprinted with permission.*



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# INTRODUCING YOUR **2014** NOTARY OF THE YEAR HONOREES

Notary of the Year Honorees epitomize the best traditions and highest level of professionalism of the Notary Public office. Join us at the **NNA 2014 Conference in Phoenix, Arizona**, this June to honor these dedicated individuals and find out who will be named Notary of the Year.



**“You have to be a self-motivated and trustworthy individual to be able to represent yourself as a Notary.”**

## **Valerie Barrett**

**Going Above And Beyond For Her Community**

**Home:** Irvine, California

**Occupation:** Mobile Notary

**Years She Has Been A Notary:** 6

Valerie Barrett goes above and beyond for the people of her community. Whether she’s mentoring new Notaries, attending to signers with health problems, or working with children in foster care, Barrett always makes time for those in need.

She first became a Notary in 2008, while working as an appraiser. When the real estate market crashed it was hard to find appraisal work, so Barrett chose to focus on marketing her Notary services. Today, she performs assignments for adoption attorneys, patent attorneys, banks and many other businesses. “One of the things I enjoy most is the opportunity to work with all kinds of people,” she said.

Barrett doesn’t see her commission simply as a means of income. It also creates an opportunity to help others in her community. While offering free notarial services to people in need, she often befriends signers, running errands or picking up food for them if they can’t do so themselves.

Barrett also volunteers with a program called CASA (Court Appointed Special Advocates), providing meals for children in the foster care system and helping them with tips on resumes, job interviews and other important future life skills.

“Notaries are a positive influence and provide a valuable service when someone is signing documents.”



**“I became a Notary to ensure adoptive families’ documents and their process are as efficient and trustworthy as possible.”**

**Tara Bradford**

**Connecting Orphans With Forever Families**

**Home:** Bozeman, Montana

**Occupation:** Adoption Advocate, Notary

**Years She Has Been Notary:** 4

Tara Bradford has spent her life facing the challenges of the adoption process, both as an adoptee from South Korea and an adoptive parent of three siblings from Ethiopia. As the Director of Encompass Orphan Care, Tara works to empower orphans, educate those who want to adopt children, and provide a network of support for families at every stage of the journey. She became a Notary to ensure the families she works with have access to accurately prepared paperwork for their dossier because improperly notarized documents can create a laundry list of problems.

Named the 2013 Montana Notary of the Year, Tara combines her Notary knowledge with her two Bachelor’s Degrees in Psychology and Elementary Education from the University of North Dakota to better serve her clients. Tara advocates for continuing education for all Notaries, better education for the general public, and wants to help “better communicate the value and implications of notarizations” to a global audience.

She travels to speak at conferences, goes out of her way to ensure privacy for her signers, and doesn’t charge for her services. Being a Notary is one more way she can give back to her community.



**“It’s important to give the public a sense of trust because Notaries are involved in their major life events.”**

**Lucius Morris**

**A Passion For Law And Education**

**Home:** Baton Rouge, Louisiana

**Occupation:** Attorney, Notary

**Years He Has Been A Notary:** 7

Lucius “Luke” Morris has always had a passion for the law. By the time he graduated high school in 2007, he was working for a CPA firm, and his boss encouraged him to a Notary. Unlike Notaries in most states, Louisiana Notaries play an expanded part in the state’s legal system, assisting clients with the preparation of documents and other duties. Morris passed the state exam at age 18 — the youngest person in the state to do so. Former Secretary of State and current Lieutenant Governor Jay Dardenne was so impressed that he wrote Morris a letter of recommendation to Louisiana State University to study law.

Morris has been active in the Louisiana Notary

Association, volunteering to review and study pending state legislation. He has also taught classes for fellow Notaries and participated in an email service called Notary2Notary, answering questions from colleagues about Louisiana law. On top of that, he received his law degree and passed the state bar. And he still finds time for charitable activities such as volunteering to help military veterans prepare wills, notarizing bar application documents for graduating law students at no cost and volunteering with a local animal adoption organization. “Being a Notary is not about the bottom line on a financial statement; it’s a moral obligation to help those in need,” he said.



## “I started Notaries4Alabama to create mentoring, training and networking opportunities.”

### Michelle Riley

**Education Advocate Building Supportive Community**

**Home:** Homewood, Alabama

**Occupation:** Benefit Advisor, Notary Entrepreneur

**Years She Has Been Notary:** 8

By day Michelle Riley is a benefits advisor for The Guardian Life Insurance Company. But by night she is a Notary activist. She founded Notaries4Alabama in 2013 — the only networking group for Notaries Public in the state — which is dedicated to training, mentoring and networking. In less than one year she has built a valuable community for Notaries in her area.

Armed with eight years of Notary experience and degrees in Communications and Political Science from the University of Alabama, Riley’s educational series covers everything from Notary basics to industry best practices to becoming a Notary entrepreneur. A recent class featured a local police

detective who taught Notaries what to do to avoid danger, and what to do if they find themselves in imminent danger.

Among the upcoming events, she is planning to host a representative from Alabama’s Identity Theft Taskforce who will show the various ways of tampering with identification cards. “That should be an eye-opening experience.”

Because of Riley’s activism on behalf of the state’s Notaries, Secretary of State Jim Bennett attended her Notary Public Day celebration on Nov. 7 and asked her to review the state’s Notary handbook to provide suggestions for areas that should be updated.



## “Journals are the most important piece of evidence to prove you’ve done your job as a Notary correctly and accurately.”

### David Shean

**A Voice For Notaries In The Real Estate Industry**

**Home:** Pasadena, California

**Occupation:** Escrow Consultant, signing agent

**Years He Has Been Notary:** 32

David Shean has nearly 50 years of experience in real estate. A signing agent and escrow consultant, he knows the industry inside and out.

A former president of the California Escrow Association, Shean has written articles on escrow and Notary issues, presented online webinars teaching Notaries about the escrow process and has testified as an expert witness in criminal cases involving forged Notary seals. One of the biggest challenges he’s faced is a lack of understanding of the Notary’s role. Escrow professionals often do not understand why Notaries must have a signer physically return if a document has to be re-notarized.

Shean has worked to help the real estate indus-

try and public better understand the Notary’s role and improve policies for Notary-employees. One company he worked for threatened to fire any employees who notarized documents outside of business hours. Shean explained to management that the policy wasn’t appropriate and was instrumental in getting the policy changed. Shean has actively supported legislation to help Notaries do their jobs better and is an advocate of strict ethical and professional standards.

“What we do is critically important,” he said. “Our authority is from the state. We may not agree with all the rules and regulations, but they are the ones who establish the rules.” ■



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## Online Vs. Offline Networking — or Both?

**NNA COMMUNITY MEMBER** David R. Harper asked our signing agent group on LinkedIn “Where do you find most of your business? Is it from your website and social media or from networking and referrals?”

**Claudia Bain:** “Most of my work comes from agencies who I’ve dealt with for the past four to eight years.”

**Marion Sylvester:** “I have found that most of my business comes from the social networking sites, 123 Notary, Notary Cafe and the NNA site.”

**Lynn Gidlow:** “I find that general Notary work comes from word-of-mouth, or referrals from websites. Many of these, especially businesses, turn into repeat business.”

For more insight on how your peers are building and maintaining business, please visit our NSA group on LinkedIn. [www.bitly.com/NSA-Group](http://www.bitly.com/NSA-Group)

## How Are You Handling the Downturn?

**OUR FACEBOOK COMMUNITY** is also buzzing with conversations about surviving the market downturn. Here’s how some Notaries responded:

**Angela Monk:** “I am an Enrolled Agent, and prepare individual tax returns. I do pick up and drop off documentation to make it convenient, and it adds nice variety to my work.”

**Karla Simmons:** “I went back to paralegal work, which I love!”

**Ulla Bentley:** “I work part-time for a non-profit organization. We do a lot of reverse mortgage counseling, helping low income families with home repairs, OR mobile home replacements, IDA savings programs, list goes on...”

For more insight on how your peers are finding alternative types of work, visit our Facebook page. [www.Facebook.com/NationalNotary](http://www.Facebook.com/NationalNotary)

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## *Issues You Might Face When Dealing with Documents from Other Countries*



Performing notarizations on documents going across international borders can be tricky and confusing, especially considering the differences between the U.S. and foreign Notary systems. With international business increasing, even among individual consumers, it's important to understand the general issues surrounding international notarizations before you encounter one.

### **U.S. Notaries Duties Differ from Their International Counterparts**

Notaries in most countries perform very different duties compared to their counterparts in the United States. U.S. Notaries are ministerial officials, which means they have a very narrow set of duties and are not permitted to explain or give legal advice to signers about their documents. In contrast, Notaries in other countries are charged with duties similar to attorneys, as they advise and help clients prepare documents.

These differences can confuse the public, and sometimes people involved in an international transaction ask U.S. Notaries to perform official acts that are not permitted under state law. One common example is when a Notary is asked to

verify that a U.S. resident is still alive in order to collect an overseas pension — often called a “proof of life certificate.” No state authorizes Notaries to certify whether a signer is alive, which often causes confusion for signers who are asked to do this by foreign government agencies.

If you are asked to perform an unfamiliar notarial act on an international document, find out first if the act is permitted under your state's Notary laws. You can contact your state Notary regulating agency or the NNA Hotline at 1-888-876-0827 or by email at [hotline@NationalNotary.org](mailto:hotline@NationalNotary.org)

### **Authentication and ‘Apostilles’**

Another confusing term Notaries sometime run into with international document is “*apostille*.” If you've ever been asked to notarize a document sent to another country, you may have met a signer who asked you, “Can you issue me an *apostille* to authenticate this document?” What is an *apostille* and what does it do?

An *apostille* is a certificate authenticating the notarial act on a document being sent between countries that have signed the Hague Convention. Basically, an *apostille* confirms to the document's recipient that the person who notarized the

document had a valid commission and the notarization is legitimate. Without an *apostille* attached, a document sent between countries must go through a lengthy verification process by several different agencies in order to be accepted.

Many signers mistakenly believe that *apostilles* are issued directly by Notaries. Only an authorized competent authority under The Hague treaty on authentication of public documents — typically the Secretary of State's office or other Notary-regulating agency — is authorized to issue *apostilles*. If a signer asks for an *apostille*, they will have to submit the document to the appropriate authorized agency, which will typically process and attach an *apostille* to the notarized document for a fee.

### **Alternatives for Signers**

If it turns out you can't notarize an international document, the signer has other options. Embassy and consular staff are authorized to notarize documents being sent to their home countries. If a foreign country requests a notarial act for a signer's document that a U.S. Notary isn't authorized to perform, the signer can contact that country's local consulate or embassy for assistance.



## *Caring for Journals, Separate Certificates for Multiple Signers, Notarizing Overseas...*

**If I am notarizing a motor vehicle title, do both the seller and the buyer have to be physically present at the same time in order for me to notarize their signatures, or just the seller?**  
-H.W., Scranton, PA

You do not need both parties to be physically present at the time of notarization, but you can only notarize for the person who is appearing before you. The other person can have their signature notarized at another time.

**If two signatures appear on one document to be notarized and both signers are present, do I have to create a separate jurat (or acknowledgment) for each one?** -K.H., Cypress, CA

If both signers appear before you, you can put both of their names on one jurat or acknowledgment certificate; for example, John Doe and Jane Doe. However, you would need to complete separate journal entries for each.

**My Notary journal has been damaged and is no longer usable. According to the California Secretary of State's website, I am supposed to notify them of the issue, but the site offers no information as to what I should do with the damaged journal. Should I keep it, or have it destroyed?**  
-K.B., San Diego, CA

If you have a damaged Notary journal, you are required to notify

the Secretary of State by certified mail informing them that the journal has been damaged. Explain the extent of the damage and all the information relating to the time period the journal covers. Keep the damaged journal, along with your other journals, and simply start a new one. You are required to turn in your journals, including your damaged one, to the county clerk's office if you resign your commission, if it has been revoked, or if it expired more than 30 days before you receive your new commission. Until such time, do not destroy or shred your journals, but keep them under your direct supervision and control in a locked and secured place.

**I am moving overseas and I have found that there is often a need for Notary services by American citizens living or trav-**

**eling abroad. Is it possible to get a commission in my home state of Pennsylvania and then use it overseas?**  
-J.N., Quakertown, PA

If you receive a Notary commission from Pennsylvania, your jurisdiction is only within the borders of the state; you would not be able to notarize outside the state or country. Until 2003, Pennsylvania appointed "commissioners of deeds" — individuals who resided in other U.S. states or territories, or foreign countries — who could take acknowledgments and proofs of execution of any deed, mortgage or conveyance of any land situated in Pennsylvania. Commissioners could also record any contract, letter of attorney or other writing under seal, and administer oaths or affirmations. Once a document was authenticated by a commissioner



# GUIDANCE FROM OUR EXPERTS



of deeds, the document could be recorded in the land records. However, the last appointments of commissioners of deeds expired in 2008.

**I was recently commissioned as a Notary Public, I have not yet received my official seal and other supplies. One of my church members has asked me to notarize a document. Can I notarize it by writing in my commission number, without using an official stamp? If so, what verbiage should I use to do so? -C.P., Bloomfield Hills, MI**

Yes, you may notarize the document as long as you have received your commission. Michigan law does not require Notaries to use a seal of office, but statutes stipulate a Notary must type, print or stamp, in addition to his or her

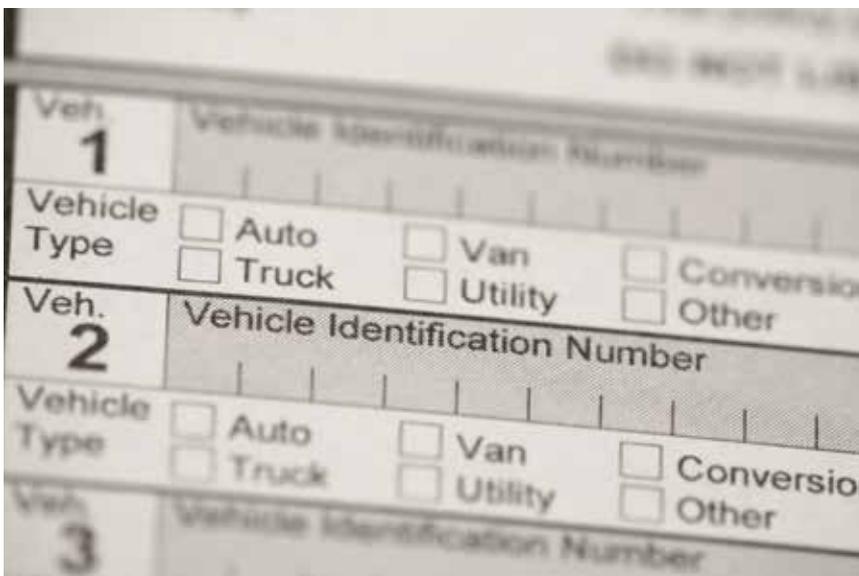
official signature, the Notary's name, title ("Notary Public") and commission expiration date, the name of the state and county in which the Notary is commissioned, the date the notarial act was performed and, if notarizing in a county other than the county of commissioning, the name of the county in which the notarial act was performed (MCL 55.287). The NNA recommends that you use an official seal when you notarize.

**Is it okay to use a stamp with my name and title (for example, "M.F. Williams, Notary Public") on acknowledgments or other documents requiring notarization? Of course, I would also sign where applicable. I would just like to use the stamp where I write in my name. -M.W., Los Angeles, CA**

Yes, you can use a stamp for your name and title on the notarial certificate. However, you may only use it when you perform an acknowledgment or proof of execution using California's statutory forms. Make sure it is the exact name as it appears on your Notary commission and the name you will actually be signing.

**I am looking for clarification as to what can or cannot be notarized as far as car title documents, as I was under the impression that Notaries can not notarize anything dealing with car titles, VIN numbers, or other auto-related documents. Can you please clarify? -E.P., Flourtown, PA**

In Pennsylvania, only Notaries who also are "Card Agents" approved by the state Department of Transportation can perform certain auto-related notarizations. The Pennsylvania Department of Transportation requires that certain statements concerning drivers and their vehicles be made under oath. Pennsylvania Notaries who serve as "Card Agents" are authorized to notarize and process paperwork, in these types of cases, related to the title and transfer of motor vehicles. For more information on becoming a "Card Agent," you can contact the Pennsylvania Department of Transportation, Drivers and Vehicle Services at [www.dmv.state.pa.us](http://www.dmv.state.pa.us).



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