

The National NOTARY®

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CUSTOMER

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TRUST

INNOVATION

INTEGRITY

ACCURACY

PROTECTION

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The National NOTARY

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SHERYL TURNER
Copy Editor

ELIZABETH RESEN
Senior Production Manager

VANESSA RUIZ
Mail Coordinator

MILT VALERA
Founding Editor and Publisher

9350 De Soto Avenue
Chatsworth, CA 91311

(800) US NOTARY
(800) 876-6827
www.NationalNotary.org

(818) 739-4000
(818) 700-1942 fax

Publications@NationalNotary.org
www.NationalNotary.org/Bulletin
Article submissions, feedback, letters

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 they assume their responsibilities of the office and perform their 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** with reliability, competence and integrity
- **Opportunities** to increase earning potential

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COVER STORY

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Customer Service: The Notary Way

David Thun

For most jobs, Customer Service simply means pleasing your customers — but for Notaries, it's a lot more complicated than that. You must satisfy your clients while strictly adhering to state law, and it can get tricky when the law requires you to tell a signer, "No." Balancing integrity with customers' needs is essential for Notary entrepreneurs to prosper. In this article, we talk to several veteran professionals about the practices they've found work best to ensure success in their careers.

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Preventing Elder Abuse

Lori Hamm

The growing problem of elder financial exploitation often is committed with a Notary as an active, though sometimes unwitting, accomplice. While Notaries are intent on assuring that grandma was physically in their presence and was the person named in the documents, they also should apply the standard of reasonable care in assessing grandma's ability to knowingly and willingly sign those documents.

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Community Involvement And Local Networking

Valerie Barrett

When Valerie Barrett was trying to get her Notary business off the ground during the Great Recession, she found great success combining her passion for community service with savvy business networking. Here is her story.

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Industries Under The Microscope

Kelly Rush

Mobile Notaries aren't the only ones feeling the pressure to comply with a growing list of testing, background screening and other requirements. Professionals throughout the mortgage and housing industries are taking a hard look at their business practices to make sure they're in line with an unprecedented wave of new regulations, and their clients' and partners' expectations.



Relinquishing A Space That Witnessed American Notaries Coming Of Age Over 40 Years

the Notary office as an example of feminism where women had the right to serve without discrimination.

In the process, I learned about matters far beyond notarization. Real estate, wills and trusts, banking, adoptions, and how most of our life-changing moments inevitably require a Notary.

Of course, along the way, there was the entire spectrum of legislative and administrative

concepts like eSignatures and eNotarization are a reality and growing more common. We are fortunate to be in a position that, rather than being left behind, is part of the march forward.

I could never have predicted the extent to which the Notary office would change, even as I wrote imaginary pieces about the Notary's future or the consequences of a day without Notary services. Truthfully, it was all conjecture.

Today, we know differently. Each of us has experienced the effect of the computer and electronic technology as well as a signer's sentiment if we even suggest we are unavailable for a signing.

I learned over the years that writing about Notaries is more expansive than writing about government and widgets, which, after all, are rather singular and circumscribed topics. I am fortunate, though, to have had this opportunity to expand my world-view.

Last year, I decided not to renew my commission after 38 years as a California Notary. And, at the same, I decided to relinquish this space to other writers and observers.

As 2014 draws to a close, and after four decades of offering my thoughts on Notaries, I am ready to step aside and let others share their ideas and observations about a unique public office that has the distinctive quality of changing lives every day.

When I moved to California 40 years ago I didn't think I'd be writing about

Notaries. In the years following the success of Bob Woodward and Carl Bernstein with Watergate, I had visions of striding the journalistic heights of investigative reporting and breaking news.

Imagine my astonishment, when after working on a small Pennsylvania daily reporting murders, fires and union strikes, the local Los Angeles newspapers reminded me they didn't have women working their news rooms.

But, I remembered what a college professor had said: A writer is a writer whether you write about government or widgets. It's just a matter of subject.

So that is how I came to write about Notaries. And the subject was enormous. There wasn't a current issue or event that didn't, in some fashion, involve Notaries.

I wrote about right-to-die questions. We featured a story on the 1978 Jonestown massacre, the single non-natural disaster in U.S. history before 9/11. I revealed

“We are fortunate to be in a position that, rather than being left behind, is part of the march forward.”

activities that percolated down from state and federal government and our own momentum of working to replace and revise outdated Notary laws and regulations.

Being a Notary and writing about Notaries reminded me that despite our being defined as impartial public officers empowered to witness the signing of documents, to determine the identity of the signers, and to take acknowledgments and affirmations and to perform such other acts as are allowed or required by law, there was always more to be written.

Now, we discuss technology, and once unintelligible

Multi-Lingual Notaries in Demand

IN TODAY'S MULTI-ETHNIC ENVIRONMENT, being fluent in foreign languages can be a great career asset for Notaries.

Fluency in Spanish is highly valuable, as Hispanics now comprise 17 percent of the U.S. population, according to the 2013 Census — making them the largest ethnic minority. Fluency in Asian languages also can help, as Asians comprise the fastest-growing group in the U.S.

According to the State of the Nation's Housing 2014 report, minority and ethnic households are likely to make up 46 percent of first-time homebuyers by 2025.

Whatever languages you speak, there are likely signers out there who can benefit from your ability to directly communicate with them during the notarization process.

Be sure to include your language skills in any advertisements and online profiles. But don't forget to check your state's Notary handbook or guidelines to make sure you comply with any restrictions on advertising your services in another language.



Using Craigslist to Boost Business

WHEN IT COMES TO AFFORDABLE ADVERTISING, Craigslist is free, easy to update, and, for many Notaries, works for generating business. Here are some guidelines for using the classified advertisements website:

1. Post often: "People only look at the top of the list," says Colorado Notary David Harper. "I always want to be in the top three." Harper posts every other day, which is the most Craigslist allows for reposting free ads. Post under multiple categories, such as Legal Services and Financial Services.

2. Use a catchy title and an engaging image: Harper changes out his ad title to target different audiences. He also includes an eye-catching image because it lends more credibility to his ad.

3. Keep your message clear and captivating: Avoid visual "clutter" and stick to main selling points. For Harper, that's "fast and affordable service." Be sure your location and contact information is prominent.

Avoid Four Common NSA Mistakes

FOR NOTARY ENTREPRENEURS, a solid reputation is critical for getting and keeping clients. But even small missteps can tarnish your good name. Herbert Willis, president of Sunshine Signing Connection, shares four reputation-blasting mistakes you should avoid:

1. Unprofessional behavior on social media: Bad language, party photos and rude behavior online can quickly land you on "no-call" lists.

2. Offering unsolicited legal advice: Always keep quiet, even if you question a loan detail. It's never your role as a Notary to offer advice.

3. Failure to follow instructions: You should perform your role as instructed, and notify the company if you are unable to do so.

4. Unprofessional appearance: Most agencies don't require suits and ties, but proper grooming and neat, professional attire should be the norm whenever conducting business. You are acting as a company's representative; it's imperative you make a positive impression.

Opportunities in Mystery Shopping

ARE YOU A NOTARY WHO IS PUNCTUAL and pays careful attention to detail? Mystery shopping may be a great way for you to earn extra income.

According to Dan Denston, executive director of the Mystery Shopping Providers Association (MSPA), businesses want detail-oriented, observant, and punctual professionals — traits Notary entrepreneurs often possess.

To get started, Denston recommends registering with companies in your area that are members of the MSPA. Avoid companies that charge fees. You can find more information on mystery shopping at <http://www.mysteryshop.org/shopper>



**Be Confident.
Be Prepared.
Be Right.**

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NATIONAL NOTARY ASSOCIATION

2015 NOTY Nominations Close December 31

THERE IS STILL TIME TO NOMINATE SOMEONE you think exemplifies the very best of what it means to be a Notary Public. Tell us who you think deserves recognition and why by filling out the Notary of the Year nomination form before December 31 at www.bitly.com/NOTYForm.

Every year the NNA recognizes Notaries whose actions and accomplishments go above and beyond their basic commissioned duty.

The Notary of the Year designation is the highest honor an American Notary Public can earn and is awarded to Notaries who give back to their communities, lobby for Notary legislative reform, and work to elevate the professionalism and integrity of Notaries.



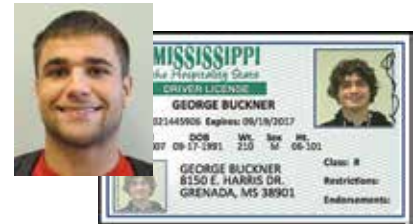
2014 Notary of the Year Honorees from left to right: Michelle Riley, Luke Morris, Valerie Barrett, Tom Heymann (NNA CEO), Tara Bradford, David Shean (Notary of the Year)

NNA Staff Wins KTLA's 'Summer Fridays Breakfast Beat'

LOCAL LOS ANGELES BROADCAST STATION KTLA ran a six-week long series featuring businesses with late night and early morning staff, and the news crew came to the NNA to celebrate the hard work of the folks in our call center and manufacturing department.

Reporter Allie Mac Kay got a glimpse of how Notary seals are made, heard the phones ringing off the hook in the call center, and was regaled with some of the unusual stories our Hotline counselors encounter every day — like the guy who wanted his living will tattoo notarized.

KTLA rewarded the NNA's early morning staff with a breakfast catered by McDonald's. To watch all three segments of the broadcast, check out our Press Center (<http://www.nationalnotary.org/press-center/nna-in-the-news>).



Face-Matching Quiz Challenges Notaries

ONE OF THE MOST CLICKED ON FEATURES on the NNA's website in recent months is a face-matching ID quiz that challenges our community's identity-vetting skills.

Nearly 3,000 people took the quiz, which was created with the help of Megan Papesch, an assistant professor of psychology at Louisiana State University, and appeared with a *Notary Bulletin* article, "The Notary Challenge: Matching Faces To ID Harder Than You Think."

To find out the results, check out the *Bulletin* article (bitly.com/matchingfaces).

Get Mobile Winners Announced

THE WINNERS HAVE BEEN ANNOUNCED for this summer's exciting "Get Mobile Giveaway" which celebrated the launch of the NNA's revamped website.

Lura Holden, of Chatham, New York, won a Dell XPS 18.4" portable touch screen all-in-one computer; Robert Awe of San Jose, California, won a Microsoft Surface 2 32GB tablet; and Cynthia Cullison of Marysville, Washington, won a Samsung Galaxy S5 smartphone.

CUSTOMER
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PROTECTION

By David Thun

“**CUSTOMER SERVICE” IS A CONCEPT** as old as business itself. It’s also a simple concept in most jobs — but not for Notaries Public. For most jobs, if you focus solely on providing customers with exceptional service, they will remember and keep doing business with you. And in the 21st century, where customers use online services like social media, Yelp and Angie’s List to help them rank the performance of service providers, superior customer service has become one of the most important keys to success for any business.

But for Notaries who use their commissions to earn income — whether they do it full-time or part-time — giving stellar customer service comes with a special set of demands.

Consider the task of a mobile Notary hired by a signing service to handle a loan-signing assignment. That Notary often serves up to four customers: the borrower, the signing service, the title company and the lender. And if you're hired by an attorney to notarize a set of adoption documents, at minimum, you're serving the attorney, the client and the child.

At the same time, all Notaries have another "boss" — the state that issued their commissions — and must always follow their Notary laws and regulations when performing their duties, even if that sometimes requires telling customers "No."

And there's still another customer: the general public, who relies on the integrity of the notarial act.

The self-employed Notary must engage in a constant balancing act between doing what's necessary to make a signer, a title company or a signing service happy and following their duty to the public. That's especially true when times are tough and competition gets tougher. *The National Notary* reached out to a number of experienced Notary entrepreneurs asking them to share the business practices they find essential for flourishing in today's challenging market.

"There Is No Magic Bullet"

One of the most important lessons that experienced Notaries agree on in today's market is that there's no "magic bullet" or secret formula to success. A person can't simply expect to get their Notary commission and then sit at home waiting for signers to knock at the door and offer enough assignments to earn a good income.

To succeed at making Notary services a business takes ironclad integrity balanced with patience, an ability to handle complex multiple instructions and dedicated effort to building a reputation that draws the best job offers. Notaries who demonstrate personal integrity, flexibility and willingness to put in extra effort to perform impeccable services are the ones who build reputations that ensure success.

"Over time, companies get to know and like the work you do," said David Krause of Expert Notary Services in Seattle, Washington. "I don't think there's any shortcut for that. I do what needs to be done, and don't scream or yell when there's an issue. Instead, I look for a solution."

A key for Krause is proactively fixing mistakes and solving problems. During a recent signing assignment, he discovered he'd made a mistake on one document. He contacted the escrow officer,

described the situation and offered to take the document back to the signer and have it notarized correctly. Everyone makes mistakes, Krause noted, but clients appreciate it when you take a proactive approach to fixing them.

Today's market is far more challenging than when Krauss became a mobile Notary in 2005. But by providing exceptional service, he positioned himself to thrive in the post-housing bubble environment. Krause says he works to build strong relationships not only with signers, but with the schedulers at companies he works with — the people looking for Notaries who will provide professional service with no problems. By getting schedulers to see him as someone who makes their jobs easier, he's continued to thrive in a shrinking market.

Meeting the Client's Needs

In today's technology-driven, business environment, many self-employed Notaries deal with clients via the Internet or smartphones, and that can make clients seem like disembodied entities. But successful entrepreneurs like Shannon Ziccardi

"Everyone makes mistakes, but clients appreciate it when you take a proactive approach to fixing them."

**— David Krause, Expert Notary Services
Seattle, Washington**

of A+ Mobile Notary/A Quick Note in Lake Forest, California, never forget that they are dealing with people who are trying to get their jobs done.

Part of meeting the client's needs is keeping your skills and knowledge sharp, staying current with new laws and regulations affecting your Notary commission and maintaining any certifications and training you require for your business needs, Ziccardi said.

Working as a Notary signing agent brings additional complications from lenders, signing services and title companies. All of these businesses have their own instructions that must be followed to successfully complete loan signing assignments, and these companies rate Notaries on their ability to follow directions along with the borrower's experience with the Notary. A signing agent has to balance all of these demands in order to build a successful business — and it's not easy.

"Each hiring entity I work for is different. Each has a different agenda and wants a different thing. It's important to adjust," Ziccardi said.

He added that it's especially important to remain adaptable if you're a Notary signing agent who plans to work with many different types of transactions, such as refinancings, home purchases, or estate planning documents. "You can stick to one format if you work for one entity, and handle one type of loan only," he said. "But if you handle different things, there's a whole gamut of situations you'll have to deal with."

Sometimes, dealing with a situation means telling the customer "No." Many signers, despite good intentions, don't always have a clear understanding of the rules Notaries must follow. This means some requests have to be turned down because the Notary can't do it without violating the law — and afterwards the Notary has to deal diplomatically with a frustrated customer.

But Notaries can't break the rules for anyone — especially not for money. Offers from dishonest signers or businesses of extra pay in exchange for "favors" such as ignoring proper procedure when notarizing may be tempting. But no amount of cash is worth breaking the law. Many Notaries who agree to improper offers find themselves facing lawsuits, loss of commissions and even jail time for being greedy or simply failing to realize that a request was illegal.

"Even if you're experienced, don't be condescending or patronizing. Be friendly and professional."

— Sonita Leak, Greenville, South Carolina

Ziccardi described a time several years ago when he was asked by a mortgage broker to notarize the signature of a person lacking proper ID on loan documents in order to expedite a closing. Ziccardi refused the request.

"I told him that he wasn't just talking to a regular Joe on the street — he was talking to a Notary and what he was asking was highly illegal," Ziccardi said. He complained to the escrow officer working on the transaction, warning that the broker was asking for illegal notarizations and was likely to get people involved with the loan in trouble. He urged other Notaries to walk away from anyone asking you to break the law.

"I think this kind of thing has happened to almost all Notaries at one time or another. But you don't want to work with people like that," Ziccardi said.

Notaries must sometimes make sacrifices in their personal lives to succeed in business as well. Though working as a self-employed Notary doesn't require clocking in and out at an office, you have

to be prepared to sacrifice free time during nights and weekends to make yourself available to the customer base in your area. That means being flexible and willing to take on tough assignments.

"There's a lot of work out there for mobile Notaries, but it all ties in to being flexible," said David M. Green of Gettysburg, Pennsylvania, who does a lot of general Notary work in addition to loan-signing assignments. "Often, you will be offered work on short notice or irregular hours and you have to be rarin' to go."

Building on Customer Service

Meeting your clients' needs and making their jobs easier does have a very important benefit: They refer you to others.

Green, who also provides bookkeeping, insurance and tax preparation services, does a lot of work for local hospitals and nursing homes. Because he is available at night and on weekends and will meet clients wherever they need, he gets a lot of new business through referrals.

At every assignment, he makes sure to hand out his business cards and let clients know he provides a variety of services. And they often remember him come tax time or when they need insurance.

Green once got a call from a signer at 9:30 p.m. who needed a document notarized quickly in order to get an insurance payment from a car accident. Green invited the signer to his home to perform the notarization immediately. The signer not only promised to come back to Green with additional business but wrote him a strong online testimonial praising his work.

Lana Brown of All Around Town Mobile Notary Service in Los Angeles, California, shared how providing quality notarizations led to one of her clients, an attorney, inviting her to join a marketing referral group for small businesses called LeTip, where small business owners and self-employed professionals recommend other members to customers who need specific professional services.

"I'm the only Notary in my group, and my client base grew from that," Brown said. All because she provided one client with great service.

Courtesy and Professional Conduct

At its heart, top-notch customer service is all about your interaction with people, and people remember how you treat them. All of the Notaries we spoke with emphasized the need to be courteous and not get upset with signers. This is especially important if you are a mobile Notary or signing agent who travels to signers' homes. Often a Notary signing agent is the only person a borrower will have face to face contact with during a loan document signing. How you behave

with that signer will affect what the signer thinks of your service as well as your reputation with companies offering assignments.

“It can be something as simple as smiling and greeting your customers with a firm handshake. Introduce yourself to them when you meet face-to-face for the first time, even if you’ve spoken to them by phone previously,” says Sonita Leak, a mobile Notary, signing agent and marriage officiant based in Greenville, South Carolina.

As a signing agent who handles loan signings at different locations throughout the day, one of Leak’s most important practices with clients is staying in constant contact. If she encounters a delay during one notarization, she always takes time to contact other companies and signers she’s scheduled to meet later in the day and let them know what’s going on. She always texts a confirmation to let signers and companies know when she’s coming.

Brown, too, always keeps in contact with clients throughout the course of assignments. “We’re not like phone or utilities companies, who can show up anytime during the business day,” she said “We are expected at a certain time, so if I’m going to be late, I always communicate.”

One thing Notaries we spoke to emphasized was that you don’t want to make a bad impression on potential business contacts through social media. Many businesses seek out Notaries through social media sites and online discussion groups. Inappropriate conduct or language online toward companies, signers or other Notaries can come across as unprofessional and can hurt your reputation and potential to find new clients. Even if you’re not criticizing a particular company, it’s easy to appear negative and difficult to work with.

Leak advises Notaries to treat all their business contacts with courtesy, adding that it doesn’t matter whether a company contacts you only once or twice per year, or on a regular basis.

“Even if you’re experienced, don’t be condescending or patronizing. Be friendly and professional,” she said.

Be Passionate

Ziccardi offered what may be the most important advice for anyone who wants to work as a Notary, whether they work in retail, an office, or are self-employed part-time or full time — choose a career that you are passionate about. He became a Notary after decades working in the restaurant industry, and loves the opportunity to get out from inside a building, travel and meet signers throughout his business area.

“I spent thirty years doing something that was okay and made me a good living, but I wish I had

become a Notary sooner — I’d have been happier longer,” he said. “If you do what you love, you never work a day in your life.” ■



Three Customer Service Practices Recommended by Notaries

- 1. Be on time for every notarization.** *“I think the most important thing is being on time and accurate. You want the signer to tell people that you arrived on time and the notarization was quick and fast — that goes a long way.” — Lana Brown*
- 2. Show signers and clients that you know what you are doing.** *“Make sure your commission and training stay up to date, and pay attention to what’s going on in your industry.” — Shannon Ziccardi*
- 3. Keep your schedule flexible.** *“Whatever the client needs, give them top-notch service. Be available above and beyond what signers may need. If they ask you to be there at 10 p.m., you do it.” — David Green*

Three Customer Service Mistakes Notaries Should Avoid

- 1. Don’t complain about your situation or take frustrations out on your signers.** *“Don’t badmouth companies you work for or criticize your competition in front of signers. Your job is to conduct the notarization and make sure everything goes smoothly. Never talk about negative stuff with customers.” — David Green*
- 2. Don’t neglect letting people know if a scheduling issue comes up.** *“If you are going to be late, it’s important to let people know. It’s a big frustration for signers and companies when Notaries only call after the fact.” — Sonita Leak*
- 3. Don’t ignore mistakes or expect other people to fix them for you.** *“Don’t say ‘I screwed up, I’ll just send the document in and hope it’s not an issue.’ If you catch your mistakes and take a proactive approach to fixing them, that’s really appreciated.” — David Krause*



PREVENTING ELDER FINANCIAL EXPLOITATION

THE ROLE NOTARIES SHOULD PLAY

By Lori Hamm

IN MONTANA, AS IN EVERY OTHER STATE, there has been a significant increase in the number of cases of elder financial exploitation. What is particularly concerning is that these crimes are often committed with a Notary Public as an active, though sometimes unwitting, accomplice. This is certainly not the role Notaries should play in our society.

One recent case involved an elderly lady with dementia whose son used her power of attorney to sell her home and drain her bank accounts of over \$240,000. She was left destitute — dependent on Medicaid and state-funded nursing care — a far cry from the well-planned and comfortable golden years she and her recently deceased husband had worked and saved for during their 60 years of marriage.

How was the Notary involved in this crime? She admitted to the authorities that she had notarized the power of attorney even though the son was forcibly directing his mother to sign the document when she had no idea what she was doing. By the time the crime was discovered, the son had squandered most of the money and left the country. The banks, the title company, and the other institutions involved in this case all absolved themselves of accountability for the same reason: They relied upon the notarized power of attorney as sufficient authorization for the transactions carried out by her “lawful” agent. And the Notary? Her defense was that she thought all she had to do was identify the elderly woman as the signer of the documents.

Protecting the Public

The National Notary Association advocates that Notaries, as public officials, play a key role in protecting the public. In the NNA’s White Paper, “Why Notarization Is More Relevant and Vital Than Ever,” published in 2011, the case was made that Notaries in the 21st century lend credibility and legitimacy to documents requiring the imprimatur of the Notary Public. The final paragraph summed up the message well:

“Properties are conveyed, contracts are honored, adoptions are finalized, estate plans are established and medical wishes are respected — all because documents bearing the authenticating signature and seal of a Notary Public are trusted. The notarial act is the foundation of trust and the Notaries who perform them are Society’s guarantors of integrity and authenticity.”

Those very elements of trust, integrity, and authenticity are called into question by some of the most egregious instances of elder financial exploitation, like the one above.

Sadly, elder financial exploitation is often committed by family members and caregivers — the people who should be most protective of the welfare of these vulnerable individuals. These crimes are particularly heinous because they

are deliberate and premeditated, and frequently the damages cannot be recovered in time to help the victims.

A man who claimed to be a caregiver for an elderly gentleman in a small town in Montana is now facing over twenty years in prison for multiple counts of elder abuse and financial exploitation. A friend of the caregiver, who notarized several of the documents purportedly involved in the scheme, is also under investigation for her part in defrauding the victim of assets and property worth hundreds of thousands of dollars. At the heart of the state’s prosecution is the contention that the victim was mentally incompetent to

handle his affairs, and the caregiver and his accomplice stole his entire estate by means of documents that were forged and fraudulently notarized. The trial is scheduled for early next year.

With the proliferation of identity theft and the billions of dollars in cost to individuals and society at large, Notaries, of course, must diligently focus on demanding the signer’s physical presence and proof of the signer’s identity. That isn’t all though; the Notary should determine that the signer is intentionally signing the document and is aware of what the document is. The NNA’s *Notary Public Code of Professional*

Responsibility, Guiding Principle III, states:

“The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.”

Unfortunately, while Notaries are diligent in assuring that grandma is physically in their presence and is indeed the person named in the documents, they often do not realize that they should apply the standard of reasonable care to assessing grandma’s ability to knowingly and willingly sign those documents as well. Most states’ Notary laws don’t specifically require Notaries to do so. However, to protect the public in general and our eldest citizens in particular, it is imperative that Notaries take the extra step to verify that signers of powers of attorney and other high-value documents have voluntarily signed their names and understood what their documents mean if the trust that is implied by the notarial seal is to be maintained.

There are a number of things that Notaries can do to become a force in preventing elder financial exploitation and abuse.

Sadly, elder financial exploitation is often committed by family members and caregivers — the people who should be most protective of the welfare of these vulnerable individuals.

Become Educated

Professor Emeritus Malcolm Morris of the Northern Illinois University College of Law, in his presentation during the NNA 2014 Conference in Phoenix, issued a challenge for Notaries to educate themselves when he noted that Notaries have the choice to become either “functionaries or professionals.” A functionary does the minimum; a professional takes the time to learn as much about the duties and responsibilities of the office as possible and prepares for handling unusual and complex situations before they arise. This is particularly necessary for preventing elder financial exploitation.

Professional Notaries should become familiar with the kinds of documents most commonly involved in elder exploitation. Learning the differences between the types of powers of attorney (general, limited, durable and medical) and knowing the types of documents that are used to transfer property (quitclaim deeds, deeds of trust/warranty deeds, titles) prepares the Notary to perform the requested notarization with confidence and a basic comprehension of the potential consequences of the document being signed. It’s not necessary to have extensive knowledge about these documents; simply having a general understanding of their purpose creates a strong foundation for the professional Notary, who can then be extra vigilant when signers present themselves for notarization.

It’s also important for Notaries to recognize that not every situation of possible elder financial exploitation involves the elderly person directly. As shown by the two examples above, the initial fraud occurred when an enabling document — the power of attorney — was negligently or fraudulently signed and then notarized. Subsequently, the document was used by the agent to sign other documents, many requiring notarization, to perpetrate additional crimes.

In order to thwart those secondary frauds, Notaries must know and follow their state’s regulations about verifying an agent’s authority to sign in a representative capacity. Some states, like Montana, require that a Notary must verify the signer’s capacity *before* notarizing a document signed by an attorney in fact, trustee, or guardian. However, in most states, Notaries are not explicitly required to do this.

It must be noted that some states’ statutes are silent on this matter and other states specifically prohibit Notaries from requesting authorizing

documents. Every Notary must know exactly what his or her state expects regarding the verification of an agent’s authority and capacity to sign on behalf of another person or entity, and then must act accordingly.

Assess the Situation

It is often difficult to determine the potential for abuse. Like many of the situations that Notaries face, reality doesn’t always match the model circumstances. Professional Notaries must know what the warning signs are and prepare themselves in advance to deal with the complex and unusual conditions that can occur when dealing with elderly signers or those who are signing on their behalf.

Some of the red flags include:

- Someone other than the signer requests the notarization
- You have been told that the signer is sedated or medicated
- The signer appears confused, lethargic, tired or sleepy
- The signer appears reluctant to sign the document
- A friend or family member seems to be pressuring the signer to execute the documents
- The signer/agent seems to be in a rush or hurry to have the notarization completed

Not every one of the above situations is always a problem, of course; for instance, it’s not that unusual for a person to ask if you will notarize something for a spouse or a friend. Yet when an adult child unknown to the Notary asks the Notary to come to an elderly parent’s home to notarize end of life documents, the Notary should be more alert for signs pointing to the possibility of fraud.

Manage the Notarization

Once the signers present themselves for the notarization, it’s critical for the Notary to assume control of the notarial process by directing it from start to finish. Unless witnesses are needed, the Notary should seriously consider removing everyone but the signer from the room. This offers the Notary a one-on-one opportunity to directly assess the signer’s awareness and intention to sign the document and to confirm that the signer is free from duress or pressure to sign the documents. This experience culminates in the signer either acknowledging his or her signature to the Notary or swearing to any required oath for the notarization.

Remember, performing a notarization is not an Olympic speed event. Points aren’t earned for



completing a notarial certificate in record time. Don't let the customer or other impending duties pressure you into rushing through the process. Take the time necessary to ascertain what you need to know and to explain to the signer what you are doing. Ultimately, this will ensure that you perform the notarization properly.

Create the Record

The final way that Notaries can combat elder financial exploitation is to complete a detailed record of the transaction. The journal entry is the official record of the transaction, and together with the notarial certificate on the document itself, provides confirmation that the document was properly signed or acknowledged in the presence of the Notary by the signer or legally authorized representative, who willingly executed the document for its intended purpose.

A Notary who records the specific details of the event in a journal provides invaluable information should a future challenge arise about the legitimacy of the transaction. It is not necessary to limit the entries in your journal to only those elements required by law or those suggested by best practices. Think of your journal as your diary and include any data that you think might be

important if there would ever be a question about the transaction or the notarization. For example, you might want to record that the notarization was requested by the signer's caregiver; that the caregiver was excused from the room before the notarization took place; who, if anybody else was present; that you visited with the signer for several minutes and determined that he/she was aware of the document, indicated that he/she understood its purpose, and intended to sign it for that purpose. That's great contemporaneous evidence to complement the notarial certificate!

As the "guarantors of integrity and authenticity" Notaries Public can and should play a critical role in deterring, preventing, and combating the scourge of elder financial exploitation. A notarized document should always be a shield, not a weapon, in the fight against elder financial abuse. ■



About the author: *Lori Hamm is the Notary Compliance and Training official in the Montana Secretary of State's office.*

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COMMUNITY INVOLVEMENT: ONE NOTARY'S KEY TO SUCCESSFUL NETWORKING

By Valerie Barrett

Changing careers can be a scary experience. Like millions of Americans, I was forced to undergo a career change in 2008 after the global economic downturn.

Making the transition was a struggle, but I have profited greatly by learning what it takes to succeed. One of the most important lessons I learned was the value of networking, and I found success in increasing my involvement in the local business community.

After working many years as a real estate appraiser, I began a new business endeavor by

marketing appraisal work to estate attorneys. I further supplemented my income by offering my services as a mobile Notary for attorneys, brokers, and escrow companies. As these lines of business continued to grow, I eventually started working with adoption attorneys, banks, long-term care facilities, criminal and patent attorneys — all of which provided a natural gateway for the further expansion and growth of my Notary business.

But this success did not come simply by handing out business cards. I realized how important it was to build relationships in my community. Having lived and worked for many years in Orange County, California, I knew there were many professional networking organizations that would provide excellent opportunities to market my mobile Notary business.

I wanted to do more than just join an organization. For example, I co-founded an organization called The Orange County Stadium Club, which helps people connect with like-minded professionals during breakfast meetings.

At these events we share our experiences and discuss our business strategies. These meetings built a foundation of mutual trust and respect between the members, which promotes us doing business with each other. The Stadium Club also is heavily involved in community volunteer activities, which further expands networking opportunities with a larger group of professionals committed to enriching their local community.

I have always felt strongly about helping to enrich my community and made it a core value of my company, Notary Docs. It was therefore a natural, easy, and enjoyable commitment of time and energy to invest in the Stadium Club.

I found another valuable opportunity through doing more with my long-time charity of choice: the Orangewood Children's Foundation (OCF), which offers education and shelter to emancipated children.

Twice a month, Notary Docs sponsors breakfast for twenty OCF emancipated youth. The perks are not only working with foster youth, but also getting my business name on their calendars. This provides important exposure and recognition. Recently, I started introducing Stadium Club members to OCF and exposing them to wonderful opportunities to make a real impact in addressing social problems facing our community.



Valerie Barrett with members of the Orange County Stadium Club after giving a presentation about the duties of Notaries.

The key to networking ... is to research, discover, and become actively involved in organizations that offer "a best fit" to your business.

For business professionals, there are many opportunities to connect with nonprofit organizations. In my community, The Profit Connection of The Orange County Chamber of Commerce helps bring together small businesses like mine with a broad range of community-sponsored activities.

Activities such as new business promotions, ribbon cuttings, auctions, golf outings, fundraisers and board membership all have provided Notary Docs with invaluable opportunities for wider recognition throughout Orange County, and that has translated into business success.

In my opinion, the key to networking — and to growing a small business — is to research, discover, and become actively involved in organizations that offer "a best fit" to your business, one that comfortably meets your needs as well as providing significant business leads and opportunities.

It has been my experience that supporting your local community naturally adds credibility and marketing value to your business as well as providing an additional source of positive social networking.

I certainly attribute a large portion of the sustained growth and success of my small business to local networking. Today, about 80 percent of my business comes from estate attorneys, patent attorneys, adoption attorneys and other non-housing industry clients.

During the ups and downs of business, I hold on to this quote from Helen Keller: "When one door of happiness closes, another opens; but often we look so long at the closed door that we do not see the one which has been opened." ■

About the author: Valerie Barrett is the owner of Notary Docs in Orange County, California, and is a 2014 NNA Notary of the Year Honoree.



INDUSTRIES UNDER THE MICROSCOPE

By Kelly Rush

NOTARIES AREN'T THE ONLY ONES FACING FEDERAL COMPLIANCE MANDATES

For two years, independent mobile Notaries who take on loan-signing assignments have been feeling the pressure to comply with a growing list of training, background screening and other requirements from the companies that hire them. But they are far from being the only ones under the gun.

Long before Notaries were placed under the microscope, professionals throughout the mortgage and housing industries began to grapple with the demands of an unprecedented wave of new regulatory initiatives. Everyone from title and escrow agents to real estate agents and mortgage brokers are taking a hard look at their business practices to make sure they're in line with new regulations and their clients' and partners' expectations.

Though many of the new requirements are aimed at banks and other mortgage lenders, these institutions hire outside companies to help manage mort-

gage lending and servicing, and lenders are being held accountable for the actions of their vendors.

And the pace of government oversight does not appear to be slowing as federal agencies continue to issue new regulations and bulletins. Consequently, companies throughout the industry are conducting audits, hiring compliance officers and documenting best practices, among other actions. Scores of individual worker classifications — both full-time employees and independent contractors — are feeling the heat to meet training and certification requirements.

Service Providers Affected

Since the Great Recession, mortgage originators have been hit with some of the most stringent and wide-ranging standards.

The Secure and Fair Enforcement for Mortgage Licensing Act of 2008, known as SAFE, gave states one year to pass laws requiring that all originators be licensed according to national standards. It also required state agencies to participate in the Nationwide Mortgage Licensing System and Registry (NMLS).

In addition, the act requires state-licensed mortgage originators to pass a written test, complete pre-licensing education courses, and take annual continuing education courses. It also requires originators to submit fingerprints to the NMLS in order for the FBI to conduct criminal background checks and to authorize the NMLS to obtain an independent credit report.

And they are not the only ones.

Todd Ewing, the founder of Washington, D.C.-based Federal Title and Escrow, said that the regulatory environment for his industry is as different as “night and day” since he started the company in 1996.

Ewing is dealing with requirements for safeguarding personal information, recordkeeping, and the use of new forms, among other things.

To meet the mandates, he has implemented a series of best practices developed by the American Land Title Association (see the October edition of *The National Notary*), and has hired a CPA firm to assess the program. The firm will also conduct quarterly audits to ensure that the company’s policies remain up to date.

Some of the changes he’s made, such as sending documents containing sensitive, personal information in an encrypted format, have met with push-back, especially from time-crunched employees who don’t want to deal with passwords and logins. “There’s been a huge resistance,” he said.

The company’s commitment to staying compliant came with other costs.

Ewing said that a small organization that needs to hire data and security professionals, and an audit or CPA firm, may spend \$100,000 or more. The effort was expensive, but it is now an effective marketing tool. Ewing sends lenders the company’s Best Practices as proof of their professionalism.

Kathy Bookless, a real estate broker based in Illinois, said several regulatory changes have affected her. She had a real estate salesperson’s license first, but several years ago, every agent was required to take a test and become a broker.

She also used to have a set number of appraisers she could use, and could select someone who knew the area well, and could give an accurate appraisal based on the geographical location and other factors. Now, an indirect party at the bank is choosing the appraiser in order to avoid conflict

of interest issues, and this person may choose someone who isn’t familiar with her territory.

“We get people from out of town and they don’t know our market,” she said. “A lot of appraisals are coming in under the approved price.”

Appraisers are dealing with their own mandates.

The Appraiser Qualifications Board (AQB), an arm of the Appraisal Foundation, which establishes minimum standards for real property appraisers to get a state certification, adopted a number of changes that cover education and licensing requirements which become effective in 2015. And by 2017, all candidates for a real property appraiser credential must undergo background screening, while state regulatory agencies have been strongly encouraged to perform background checks on existing credential holders.

For new applicants, the AQB requires that state regulatory agencies must, at a minimum, obtain fingerprints and any other identifying



Scores of individual worker classifications ... are feeling the heat to meet training and certification requirements.

information for submission to the FBI or an agency authorized to receive such information in connection with a state and national background check. Agencies are instructed to look for information that calls into question the applicant’s ability “to maintain public trust.”

Applications can be denied for a host of reasons, including: having a license or certification that has been revoked within the past five years; if the applicant has been convicted of or pled guilty or no contest to a felony involving an act of fraud, dishonesty, breach of trust, or money laundering within the preceding five years.

Lenders and clients are increasingly asking current license holders to submit to background screenings too as part of their risk-management policies. Some appraisers are declining to submit to the scrutiny because of privacy concerns, while others are considering the requests a necessary hoop to jump through in order to retain important clients.

Best Practices/Compliance Expectations

Both regulated companies and the people they do business with are now being asked to follow detailed guidelines released by several different agencies, including the Consumer Financial Protection Bureau.

The CFPB's expectations could be summed up in two words: Compliance management.

The agency wants companies to create and implement detailed standards for managing their consumer lending and servicing processes in the hope that they will self-regulate, according to Greenberg Traurig, a law firm that advises a variety of financial institutions on compliance issues.

The CFPB's Supervision and Examination Manual devotes a chapter to explaining what a compliance management system should entail. A company's program should include:

- A system for logging, tracking and promptly investigating and responding to consumer complaints;
- A periodic independent audit of the company's compliance with consumer financial laws; and
- A compliance officer who will set policies, monitor the business for weaknesses, and train employees.

"Many regulated companies make the mistake of concluding that all they need to do to satisfy the CFPB is to produce some evidence of a written policy that requires its employees to comply with

applicable laws," the firm noted in a recent report. "The CFPB expects compliance management systems not only to exist on paper, but also to be implemented and to be effective."

The Office of the Comptroller of the Currency has also issued extensive guidelines regarding compliance, and in particular, how organizations can reduce risk in their relationships with service providers. Companies are advised to develop a plan, scrutinize all service providers and their business practices, and continue to monitor their work throughout the duration of the contract or relationship.

No one in the mortgage industry, including Notaries, has escaped increased scrutiny from both regulators and clients. Many industry experts anticipate that the regulatory environment will become even more restrictive in the future, and recommend that workers create elastic compliance policies that are able to stretch and adapt to current demands.

While staying compliant can be challenging, say industry observers, it's becoming a matter of survival. Those who can show their business practices are up-to-date are well positioned to gain new clients, and protect the people they already serve. ■

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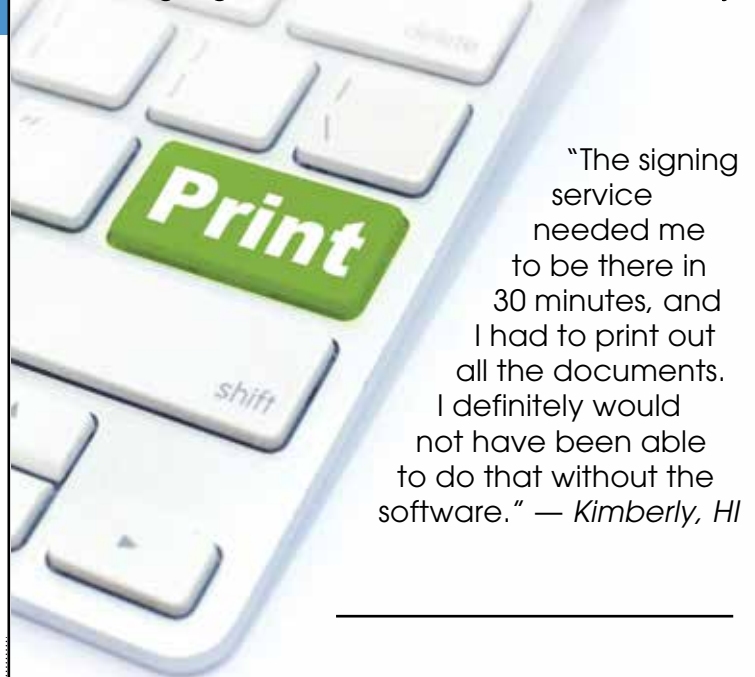
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I-9 Verifications: Can I Perform Them, and How Do I?

Hiring employees remotely is a growing trend in the global workforce, and the federal government is conducting audits on many businesses to ensure they are complying with hiring requirements, including worker eligibility. Consequently, more employers are asking prospective remote employees to find a Notary to perform I-9 verifications. There is some basic information all Notaries should know, in case they are asked to deal with an I-9 form.

What Is the I-9 Form and Do They Require Notarization?

Issued by the U.S. Citizenship and Immigration Services (USCIS), the I-9 Employment Eligibility Verification form verifies the identity and employment eligibility for all employees hired in the U.S.

Every one of America's 146 million-strong workforce has to fill out an I-9 form before starting their jobs. Employers are subject to hefty fines — ranging from \$110 to \$1,100 per instance — for compliance errors on I-9 forms. Companies who hire remote employees often require them to go to a Notary to complete their I-9s, because Notaries have expertise at verifying forms of identities.

There is no certificate wording included on the I-9 form, nor

is a Notary asked to affix his or her seal to the form. Therefore, an I-9 verification is not considered a notarial act. Notaries may only perform I-9 verifications in a non-notarial capacity, as a representative of the hiring company.

How to Perform an I-9 Verification

Section 1 of the I-9 form is completed by the employee, generally on the first day of hire.

The Notary, acting as an authorized representative, would then fill out Section 2 of the form, which includes verifying the signer's identity.

last page of the I-9 form.

The Notary checks to make sure that the employee presents one selection from List A or a combination of one selection



from List B and one selection from List C.

Inappropriate Requests

Despite the fact that notarization is not required on the I-9 form, Notaries often are asked to “notarize” the forms and include their seal impression — which is not allowed. Your answer to this request should always be “no.”

Keeping a Record

Although they are not considered notarial acts, Notaries are advised to record all I-9 transactions in a spreadsheet or other file (separate from your journal of notarial acts), including the name of the employee, the name of the company requesting the completion of Section 2, and the date you completed the document transaction.

| Name of Employee | Name of Company Requesting I-9 | Date Performed |
|------------------|--------------------------------|----------------|
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Special Restrictions for California Notaries

In August 2014, the California Secretary of State clarified that California Notaries who are not qualified and bonded as immigration consultants may not complete or make the certification on Form I-9, even in a non-notarial capacity, as doing so would violate Government Code Section 8223(c).



Notarizing for a Spouse, Certifying Copies of ID, Handling Powers of Attorney ...

Notaries nationwide rely on the NNA's Notary Hotline to answer their most challenging questions. The following questions are among the thousands our Information Services Team receives each month.

I am a Notary Public in Idaho. I am notarizing a quitclaim deed between my husband, who also lives in Idaho, and his brother, who lives in Washington state. Can I officially notarize it, since the brother lives in another state?

— T.R., Hayden, ID

It depends. If the brother is in Washington and his signature must be notarized, the answer is no. If the brother travels to Idaho, you may be able to do it. However, there is another matter to consider before you do. Idaho law states that a Notary has a disqualifying interest if the Notary shares the same beneficial interest as a party to the transaction (Idaho Code Section 51-108). If you share the same interest in the property as your husband, you would be disqualified from notarizing the quitclaim deed for either party.

I have been asked to come to a nursing home to notarize a power of attorney document. Should I have the client initial each paragraph and sign the final page? Also can I charge a travel fee in addition to the mileage and notarizing fee?
— M.W., Capitol Heights, MD

While the customer definitely must sign the document on the final page below the document contents in order for you to notarize the signature, the customer should initial each paragraph only if advised to do so by an attorney. A Notary who is not an attorney is not qualified to provide any advice for how to otherwise mark the document. As for your question about a travel fee, yes, you may charge a travel fee in

addition to the statutory fee for the notarial act. Maryland allows you to charge a travel fee of 31 cents per mile plus a flat fee of \$5.

I have been asked to notarize a federal form that requires an oath. The wording on the document does not match the approved California jurat wording. May I attach a loose jurat certificate with the correct California language, and should I still sign the non-conforming oath or cross it out and write, "See Attached"?

— A.F., Ladera Ranch, CA

In this situation, an oath may not necessarily be the same as a jurat. If the document has wording that says "Signed and sworn to before me" or something similar, you





may complete and attach a California jurat to the document. If not, then the signer should advise you on how to proceed.

Am I able to notarize a copy of someone's driver's license?
— *M.R., Reseda, CA*

It depends. If you mean certify a copy of the driver's license, the answer is no. A California Notary may only certify a copy of a power of attorney document (Government Code, Section 8205[a][4]). However, if a signer wants to photocopy his/her driver's license and sign a written statement in which he or she certifies the accuracy of the copy of the driver's license, you may notarize the signer's signature. In this case, the signer must

instruct you to perform a jurat or acknowledgment on the signature on the written statement.

Can we notarize jurats for a signer acting as an attorney in fact for someone else? For example, can a person with power of attorney to sign documents on behalf of a principal sign the principal's name in the Notary's presence and take an oath or affirmation on the principal's behalf?
— *K.T., Baldwin Park, CA*

One person cannot swear an oath on behalf of another person. Consequently, performing a jurat is not permitted in a situation where a signer is signing as power of attorney. For example, a Notary cannot administer an



oath by asking "does your mother swear that the statements on the document are true?" At that point, the signer should contact the issuing/receiving agency to see if they will accept an acknowledgment instead. Otherwise, you would need to decline to notarize the document. The state of Illinois is an exception; Illinois permits a signer to make verification upon oath or affirmation in a representative capacity.

How many witnesses are required to verify a signer's signature?
— *S.M., Larkspur, CA*

The question of how many witnesses are required on a transaction, if any, is a legal question beyond the scope of notarial law. A Notary is not responsible for having such knowledge. However, if this matter becomes a concern for the signer(s), they should contact the issuing/receiving agency, or an attorney for further assistance.



YOUR COMMUNITY

Don't Call Him 'Chum'

NOTARIES ACROSS SOCIAL are being treated to a handful of adventures with NNA mascots, Neil and Camille the Notary Seals! Fifty lucky Notaries were surprised with their very own Neil and Camille seals, and more are on the way to lucky Notaries. Visit www.bitly.com/ProtectYourSeal to find out if you've won!



"I don't mind acting as your credible witness, but stop calling me your 'chum'."

Why I Became a Notary

THE TOP DISCUSSION in the NNA's Facebook community is all about what motivated Notaries to pursue a path in consumer protection. Here's what some Notaries said when we asked what motivated them to become a Notary:

Sharon Hatch, San Dimas, CA: "One more reason to be an asset to my employer and community."

Eugenie Pence, Carolina Beach, NC: "To finally find the profession I was born to be in. Having worked for more than a decade in financial services, business administration and contracts, it seemed fitting to sit down with clients and make them feel as comfortable as possible as they sign on the dotted line ... and being able to have the flexibility of managing my own business and my own time and to make a living doing something I love!!!"

Patricia A Weiss-Nagy, Tolland, CT: "Been a Notary for 48 years ... love every minute. New people, places, families, pets, and various notarial work and/or transactions. It's always a learning experience and always rewarding."

Carlene Stevenson Smith, Rowlett, TX: "Because I like to help people and I thought this would be a great way to do so."

How do you relate? Share your stories by visiting: www.bitly.com/WhyIBecameANotary.

NNA Ambassador Network Now on LinkedIn

CALLING NNA AMBASSADORS: Join our new group on LinkedIn for the latest in NNA Ambassador Network updates. We'll be discussing local legislative support, military mentorship and our annual Notary Conference. We look forward to hearing from you soon at www.bitly.com/nnaan.

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