

May 2019

# The National NOTARY®

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NOTARY  
WORLD:  
CHANGES  
YOU'D MOST  
LIKE TO SEE**



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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 they assume their responsibilities of the office and perform their official notarial acts.

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*Phillip Browne*

Nearly two decades ago, First Secretary of The Hague Conference on Private International Law Christophe Bernasconi took on the challenge of bringing international authentication of notarizations into the electronic age. For his dedication to improving the security of international transactions and notarizations, he has been named the NNA's 2019 March Fong Eu Achievement Award recipient.

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## Saying 'No' Can Be Good For Notaries

*Michael Closen*

No one likes to say "No" to a customer. But it's almost certain that at some point you will have to — and that's not a bad thing. Notary law expert Michael Closen discusses why it's important for Notaries to refuse certain requests, when a Notary should turn down a notarization and how refusals for the right reasons can help you if your work is ever challenged in court.

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## Becoming An AARP Fraud Trainer: A Good Fit For Mobile Notaries

*Jamie Liggins*

Veteran Louisiana mobile Notary Jamie Liggins has always been passionate about helping her community. So when she came across the AARP's Fraud Watch Network, she realized that becoming a volunteer trainer for the program was a good way to serve her community and build her business.

## COVER STORY

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## The New Notary World: Changes You'd Most Like To See

*David Thun*

Ever wished that you could change something about your work? You're not alone. Whether it's low pay, confusing state laws and office policies, or frustration with the way customers and employers treat you, many Notaries have reached out to the NNA asking for change. We invited our community to participate in a survey last March to ask what changes are needed the most to help Notaries today, and why — and some of your answers surprised us.

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### Ever Been Asked Awkward Or Uncomfortable Questions During A Notarization?

“I had a woman ask me when her home loan was going to close so she would know when she could throw all of her husband’s stuff out on the street.”

*Chris Jeffrey, Lake Elsinore, CA*

“Here in South Carolina we, as Notaries Public, can marry couples and sign off on marriage licenses. I did have a bride ask me the day after her and her husband signed their paperwork if I had turned the paperwork in yet and, if I hadn’t, could I NOT turn it in.”

*Sonita Leak, Greenville, SC*

“It’s always awkward to have a signer ask to have unrelated documents notarized after a closing, expecting me to work for free. The most bizarre question was during a home refi: ‘While you are here, would you mind notarizing our divorce papers?’”

*Christy Shaw, Fairbanks, AK*

“I was once asked what steps I took to become a Notary because someone’s 27-year-old grandson needed a job and had been living at home playing video games since he got out of high school.”

*Julie Rice, Playa Del Rey, CA*

Share your awkward situations with us here: [bitly.com/awkwardnotaryquestions](https://bitly.com/awkwardnotaryquestions).

### Requests For Your Notary Journal Entries

**FOR MOST NOTARIES, REQUESTS FOR copies of their journal records are not every-day occurrences. But they happen more often than you’d think. Such requests can come from just about anyone — your signer, other parties to the transaction, commissioning officials and even law enforcement agencies. Share your experience with us: [bitly.com/NotaryJournalEntry](https://bitly.com/NotaryJournalEntry).**

“The FBI was interested in an entry in my journal. It was related to a kidnapping

that happened 10 years before the request. Apparently, someone was using the child’s Social Security number and identity.”

*Kathleen Hansen Ralyea, Danville, CA*

“Not so strange, but in all the years I have kept Notary Journals (30), the time an agent from the police came to my door, unannounced, with a court order for one of my journals to be used in a fraud case — that was ‘strange.’”

*Lynn Gidlow, Beverly Hills, CA*

### Relive All The Fun From NNA 2019!

**IF YOU WERE UNABLE TO attend this year’s Conference, you can catch all the fun by visiting our photo album on Facebook at [facebook.com/nationalnotary/photos](https://facebook.com/nationalnotary/photos). You can also search #NNA2019 on your favorite social media network. Hope to see you next year!**



## Notarization Requests For Minors, Students

WITH SUMMER AND FAMILY vacations just around the corner, many Notaries can expect requests to notarize permission forms for children traveling abroad. Do you ever get notarization requests for students or minors during vacation time? [bitly.com/NotarizingForMinors](https://bitly.com/NotarizingForMinors)

"I do get an occasional form authorizing one parent to travel with a child across the Alaska/Canada border, or for a minor traveling with someone other than his parents and with a sports team."

*Christy Shaw, Fairbanks, AK*

"Yes. 1. Student got car impounded. Parent needed a notarized statement allowing car to be released.



2. Week before Spring Break, I notarized multiple forms for pledges — fraternity and sorority.

3. Permission to travel forms."

*Michelle Riley, Huntsville, AL.*

"I have a couple of customers who are minors who need their rodeo competition entry forms notarized."

*Paul McCool, Orange, CA*

## How Do You Stay Up To Date With Notary News?

**NOTARY SPOTLIGHT —** Cassandra S. Michel, J.D., from Del Mar, California, and the founder of Little Miss Notary, shared a photo with us showing how she catches up on all things Notary related — by reading the latest news articles from the *Notary Bulletin* on her laptop.



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### Phillip Browne Named Editor And Content Director

**PRESIDENT AND CEO TOM Heymann** has announced that **Phillip Browne**, the **NNA's Vice President of Communications**, has been named **Editor and Content Director of the Association's news and information programs**, which include *The National Notary* magazine, the *Notary Bulletin* and the important **Knowledge Center on the NNA's website**. **Browne's new title matches the responsibilities he has been shouldering during the past two years.**

"Browne, who has led the Communications team since 2005, is only the fourth person to serve as editor in the 50-year history of the Association's magazine," said Milt

Valera, founder of the magazine and himself the longest serving editor. "Phil has been a good steward of the magazine and now has become the guardian of it and all messages coming through the Communications team. His leadership of the NNA's content has helped position the Association as the unquestioned source for all things notarial in the digital world."

Browne, 48, is in his 14th year at the NNA after a career in newspapers and magazines as a reporter and editor. He holds a Bachelor of Arts Degree in Communications from California State University, Fullerton.



Phillip Browne

"I am honored to be entrusted with the responsibility that comes with this title," Browne said. "The information and guidance we provide Notaries is important for their professional development and their day-to-day performance. I look forward to working with our highly capable Communications team to push our content efforts even further."

### Close Encounters Of The Uncommon Kind

**MOST DAYS, NOTARIES handle common requests. But sometimes, Notaries face situations that are strange, unusual or completely bizarre.**

In March, Susi Sivkov, Seminar Instruction Lead for the NNA, spoke about handling odd situations at the Texas Secretary of State's 2019 Notary Public Conference in Austin. About 650 Texas Notaries listened as she covered real-life examples our team has encountered over the years ranging from how to notarize for a signer with no hands to certifying the birth certificate of a horse. Susi also shared the ways Notaries navigated through the unfamiliar territory, including the NNA Hotline caller who asked if they could notarize a tattoo.



### NNA Chairman Honored Twice In 2019

**MILT VALERA, THE NNA'S CHAIRMAN,** received two prestigious recognitions this year. His alma mater, California State University Northridge (CSUN), honored him with their 2019 Distinguished Alumni Award. His accomplishments were celebrated during the annual awards dinner in April, including



Debbie Thaw Valera and Milt Valera

building the NNA from a five-person operation into the 200-employee industry leading organization it is today; and the international recognition he brought to the American Notary Public office by working with The Hague and international organizations in virtually every country.

Both Valera and his wife, Debbie Thaw Valera, were celebrated in March for their unwavering support for providing access to educational opportunities for everyone, regardless of a person's socioeconomic status. The Alliance College-Ready Public Schools, a nonprofit network of high-performing charter schools in the Los Angeles area, honored the pair by officially naming their Sun Valley location the Alliance Milt & Debbie Valera Middle Academy.



## Archaeologists Find Ancient Seals From Biblical Times

**ARCHAEOLOGISTS WORKING IN THE ruins of a Jerusalem building destroyed thousands of years ago made a startling discovery — two preserved stamp seals used more than 2,000 years ago — one of which bears the same name as a court official mentioned in the Old Testament.**

One clay seal, or “bulla” (pictured below left) was used in ancient times to sign letters. The name “Nathan-Melech” was inscribed on the seal in Hebrew, which is the same name as a court official mentioned in the book of 2 Kings, according to the Israel Antiquities Authority and Tel

University, which ran the dig.

While it can't be confirmed that the owner of the bulla seal was the same man referenced in the Bible, the bulla was found in a building believed to have been destroyed around 586 BCE.

The second stamp seal, believed to be from the same era, bears the Hebrew engraving, “(belonging) to Ikar son of Matanyahu.”

Both seals were used to sign documents. The remarkable find illustrates how seals similar to those used by modern Notaries were relied on in ancient times to authenticate important documents.



## VA Governor Vetoes Bill Banning Felons From Becoming Notaries

**GOVERNOR RALPH Northam vetoed a proposal earlier this year to permanently ban convicted felons from becoming Notaries in Virginia, even if their civil rights have been restored.**

“This bill would impose a permanent penalty on certain individuals by barring them from becoming a Notary Public, a civil right that, currently, is explicitly restored,” Northam said in a statement on the governor's website regarding Senate Bill 1782. “This lifetime punishment undermines the significance and meaning of having one's rights restored.”

Northam also said that he believes the bill unfairly hurts former felons after completing their sentences, describing it as “antithetical to the concept of restorative justice and the belief that returning citizens deserve a second chance.”

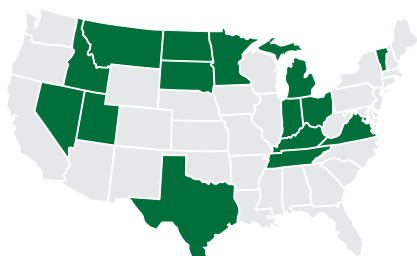


Photos courtesy of Eliyahu Yanai, City of David.

## Five New States Authorize Remote Notarization

**IDAHO, KENTUCKY, NORTH DAKOTA, South Dakota and Utah have passed laws this year authorizing remote online notarization in their jurisdictions.**

That brings the total to 15 states (see map) since 2011 that have enacted laws allowing signers to communicate with a Notary using audiovisual technology in place of physical appearance. At present, only,



Minnesota, Montana, Nevada, Texas and Virginia have remote online notarization procedures fully available.

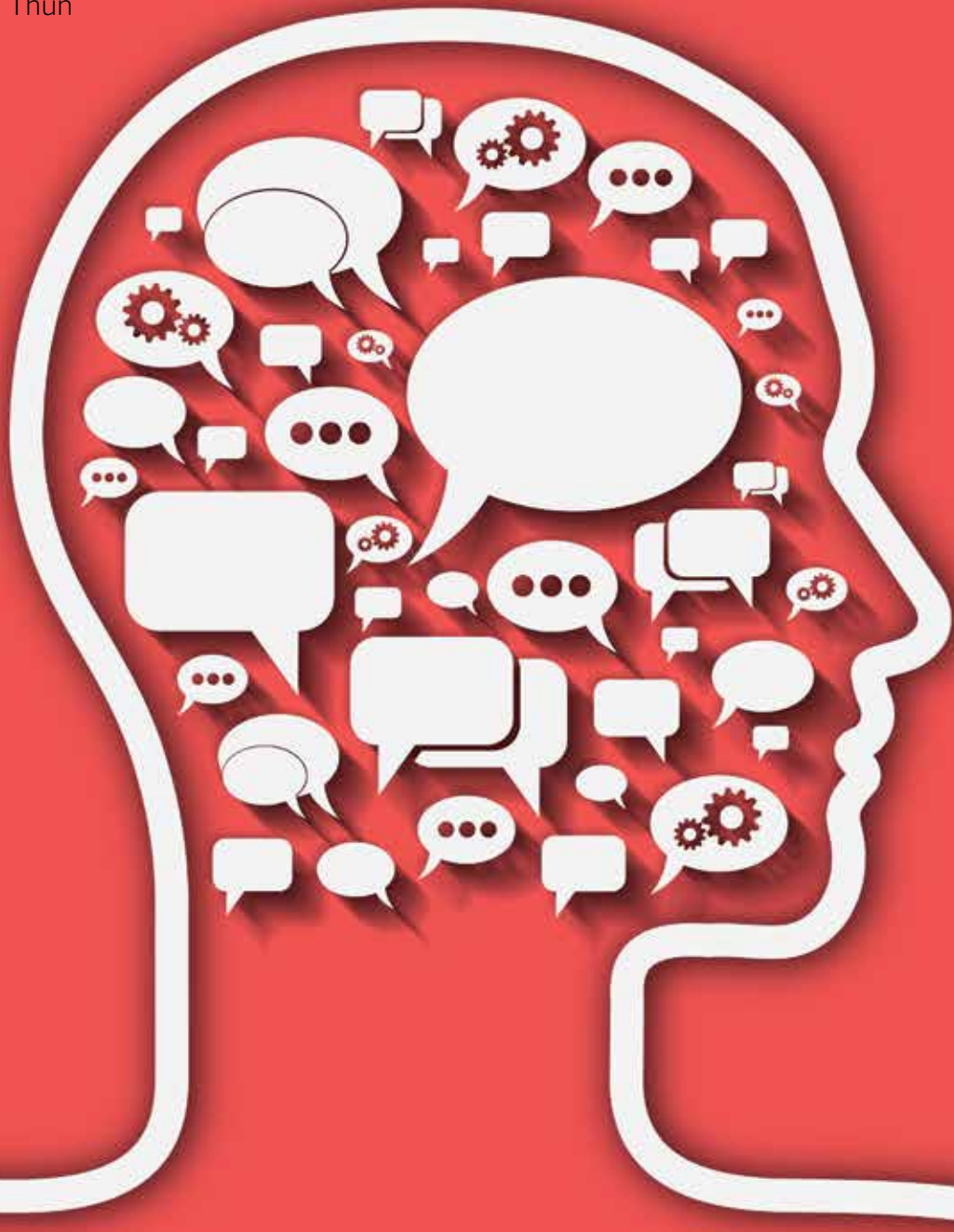
North Dakota, South Dakota and Utah's laws will take effect later in 2019, while Idaho and Kentucky's will not be effective until January 1, 2020.

Other states with remote notarization laws scheduled to take effect later this year are Indiana, Tennessee and Vermont. Michigan started the approval process for technology providers on March 30.

For the latest updates on remote notarization legislation, visit the *Notary Bulletin* news blog ([NationalNotary.org/Notary-Bulletin](http://NationalNotary.org/Notary-Bulletin)).

# THE NEW NOTARY WORLD: CHANGES YOU'D MOST LIKE TO SEE

By David Thun



# EVER WISHED THAT YOU COULD CHANGE SOMETHING ABOUT YOUR WORK?

You're not alone. Whether it's low pay, confusing state laws and office policies, or frustration with the way customers and employers treat you, many Notaries have reached out to the NNA asking for help with ongoing issues you've faced during

notarizations. We wanted to reach out to you directly to learn more, so we invited our community to participate in a survey last March to ask what changes are needed the most to help Notaries today, and why.

We were surprised to learn that the most popular answer was standardization. More than anything else, Notaries want more states to adopt consistent laws governing notarizations, along with standardized certificate wording in every state to reduce document rejection and make their jobs easier.

Standardization wasn't the only change our survey respondents wanted. Others want more practical, hands-on training to help them perform basic notarizations and spot fake IDs. And more than one in three respondents are interested in starting their own businesses — but said they need classes to teach them how to register, operate and pay taxes for a self-owned enterprise.

We spoke with survey respondents from across the country to find out more about why these changes are needed and how they will help Notaries. We also asked you to share your thoughts about the impact of other changes, such as the rapid growth of electronic and remote notarization. Here's what you had to say.

## Notaries Want Standardized Laws And Certificates

Without doubt, the most requested change was standardization of state Notary laws. Forty-one percent of our respondents said that standardized Notary statutes would help them better perform their duties. Another 36 percent said states should use the same Notary certificate wording.

Why is standardization so important? Because one of the most common problems Notaries encounter is signers and receiving agencies who don't want to accept unfamiliar Notary wording.

Customers often don't understand that a Notary cannot always complete preprinted Notary certificates from another state, said Kadidia Cooper, who frequently notarizes as part of her duties as chief financial officer for television station ValleyPBS in Fresno, California. As a result,

they don't like the idea of the Notary using different certificate wording even when it's required by law.

"Signers get nervous when you tell them you need to attach a different certificate," Cooper said. "I explain that the document requires California wording instead of what's provided with their document. But they worry that if a Notary attaches new wording, the document will be rejected."

Many state officials have recognized the need to address the inconsistency in Notary statutes between different jurisdictions. One solution has been to enact the *Revised Uniform Law on Notarial Acts* (RULONA) — a comprehensive set of model laws drafted by the Uniform Law

Commission to help states standardize and improve outdated Notary statutes. RULONA offers state officials standardized provisions for testing and training Notary commission applicants, identifying signers and performing notarizations.

"RULONA is intended to promote uniformity in Notary laws across different states," said NNA Vice President of Government Affairs Bill Anderson. "It's been an important asset in helping many states update

outdated or antiquated Notary laws and promote consistent procedures for notarization requirements."

Because it is a model law, states have the option to enact some, all or none of RULONA's provisions. To date, more than a dozen states have fully or partially enacted RULONA, including Colorado, Indiana, Montana, Oregon, Pennsylvania and South Dakota.

Since 1973, the NNA has published various iterations of the *Model Notary Act* (MNA) with the goal of standardizing Notary laws and practices. To date, more than 40 U.S. states and territories have adopted provisions of the MNA.

## Notaries Want Practical Training

Standardization of Notary laws isn't the only change our readers want. Mandatory training was the third most-requested change to Notary laws and practices (31 percent) with additional training on performing basic notarizations close behind (27 percent).

"I think training is a vital requirement to make sure Notaries are competent to serve the public and protect

Without doubt,  
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them from improper notarizations,” said Patrick Patterson, a mobile Notary and Signing Agent in Olympia, Washington.

Proper training is crucial to performing proper notarizations. Some states that previously lacked training have added classes and testing to their laws thanks to RULONA or other legislative updates. However, Notary education still isn't required everywhere. In addition, some states that require training focus more on Notary laws and misconduct penalties instead of basic procedures. Other states only provide

“Sometimes they don't even know they need to.”

Other Notaries said they'd like more training on subjects such as security features on official IDs or how to spot fraud during notarizations.

“Now that Pennsylvania is moving toward the new REAL IDs, I think it would be very helpful to have more training on what to look for to confirm the ID is genuine,” said Sara Calderon of Philadelphia. “For a while, we'll have both the old, standard IDs and REAL IDs to deal with.” (See the January 2019 issue of *The National Notary* magazine.)

a Notary for five years and wants to start her own business. “For example, do I need to get a business license? Do I need a website? How do I track mileage and report my automobile expenses on my taxes? I'd like to find a class that helps with the details and red tape of starting a business and provides a list of resources of where to go for business information.”

If Notaries are only allowed to charge a few dollars for each notarization, Notaries and signers alike won't take the notarization seriously — and if the notarization isn't taken seriously, Notaries will be careless and make mistakes, said Wissbrun.

“I had a conversation about fees with other Notaries at the NNA Conference. I was astounded that some can only charge \$1 for their services,” she said. “When you think of the time it takes to perform a notarization, I think states need a fee schedule that reflects that. If you only make \$1 to \$5, you are going to rush and try to get in as many assignments as you can. I don't think you are going to take time to pay attention to details.”

## Notaries Are Divided About New Technology

Although not in the top 10 changes requested in our survey (see sidebar on page 13), the issue of new technology — whether it's notarizing electronic documents and signatures or performing remote online notarizations — has drawn attention from Notaries and lawmakers alike. Five states — Nevada, Minnesota, Montana, Texas and Virginia — are currently performing remote notarizations and 10 others have passed remote notarization laws scheduled to take effect later this year and in 2020.

Notaries have argued passionately both to support or oppose the use of new Notary technology.

Some like Carrie Luke, a Notary Signing Agent in Alachua, Florida, have had positive experiences

“People have to be proactive and look to better themselves.”

— Christine Wissbrun, 2016 NNA Notary of the Year Special Honoree

written reference materials, and some offer no resources at all.

Christine Wissbrun, an experienced Notary at the City Clerk's office in Rochester Hills, Michigan, says many Notaries in her state are reluctant to perform their duties due to lack of training.

“A lot of municipal employees are terrified to perform notarizations. While the Bureau of Elections here in Michigan has started offering classes, I still think there's a need for more,” said Wissbrun, who was recognized in 2016 by the NNA as a Notary of the Year Special Honoree for her efforts to educate local officials about the role of Notaries.

Even if state-provided training is not available, many beginners aren't aware that some professional organizations have training available to help learn the basics, Wissbrun said.

“People have to be proactive and look to better themselves,” she said.

Calderon also said that many public and private organizations requesting notarizations are unaware of the rules Notaries must follow. Calderon wants these organizations to be better educated about Notary laws so that they don't unwittingly ask for illegal acts or provide incorrect certificates.

“We need to educate government agencies, school districts and other organizations about Notary laws so that when they create forms, they understand the need for the right wording,” she said.

## Mobile Notaries Want Better Fees And Business Training

Perhaps the least surprising change mobile Notaries want is the ability to charge higher fees (38 percent). A close second (34 percent) was more training on starting and running a business.

“Being a mobile Notary is a lot different from having a regular brick-and-mortar business,” said Jennifer Schott of Houston, Texas, who's been

performing notarizations using electronic signatures and documents and find the technology more convenient.

“It eliminates a lot of errors where people forget to initial or sign a document,” she said. “The borrower signs by tapping a screen, and the documents are immediately sent electronically to the lender. Usually by the time I’m done with the online forms, I’ve received confirmation that the lender has received them, so I don’t have to worry about documents going missing in the mail. It also cuts down the time needed to print documents. I’d like to do more of them.”

Others like Joy Benson of Brentwood, California, are worried about the rapid adoption of remote online notarization because of potential risk of fraud if a signer no longer must physically appear before the Notary.

“I think anything that takes the personal touch out of notarization is harmful,” Benson said. “The fundamental basis of our profession is identifying people. There are nuances you can pick up from a person only if you’re in the same space at the same time.”

“I’m old school and still believe in wet signatures and face-to-face interaction, especially in light of all the fraud associated with online activities,” Patrick Patterson said. “With all the advances in altering video, how can one know for sure the person they see on screen is the real person?”

Rebecca Morrison, who works as a Human Resources specialist and Notary for a family medical group in Windsor, Colorado, feels differently. Having seen widespread adoption of electronic documents and records in her workplace, she feels confident that electronic notarizations and remote notarizations can be made secure enough to be used with confidence.

“I think having to sign with paper and pen is archaic,” she said. “All our medical charts are electronic. I did the loan for my house electronically. If we can file our taxes and bank online securely, I think a secure method can be found for electronic and remote notarization as well.”

John Kenneth Cole of Virginia Beach, Virginia, was one of the first Notaries authorized to perform remote

notarizations and strongly supports standardized, nationwide training for all Notaries.

“I think training is the single most effective way to ensure notarizations, traditional and electronic, are performed in compliance with the law — and in compliance with best practices for preventing fraud and identity theft,” Cole said. “Notaries are on the front lines when it comes to preventing fraud and identity theft. Uniform training is a necessary part of that responsibility.”

While any kind of change can be unsettling, Cole says the important thing is for Notaries to continue to adapt and evolve while staying true to their basic principles.

“I think you have to grow your business to meet the technological and societal changes or risk being left behind,” he said. “There will always be elements that want to lie, cheat and steal. If you learn the technology and work with it in compliance with Notary laws and industry best practices — you’ll have the opportunity to succeed.” ■

## 2019 Notary Changes Survey: The Top 10 Results

What changes to laws, technology or notarization practices do you think would help Notaries the most?	What changes to mobile notarization, loan document signings and Notary business services do you think would benefit Notaries the most?
• More standardization of Notary laws between states: 41.08%	• Allow Notaries to charge higher maximum fees for their services in all states: 38.11%
• Use the same Notary certificate wording for all states: 36.49%	• Offer workshops and training classes in starting and running a Notary business: 34.59%
• Mandatory training classes in all U.S. states: 31.35%	• Allow Notaries to charge additional fees for travel and other services within limits set by state laws: 27.84%
• More training on how to perform basic notarizations: 27.84%	• Have states enact laws requiring customers and businesses to pay for Notary services within a set time limit after the notarization is completed: 25.41%
• Have states teach Notaries how to recognize fraud and/or identity theft during a notarization: 19.46%	• Allow Notaries to charge additional fees for travel and other services without restriction in all states: 19.73%

# 2019 MARCH FONG EU ACHIEVEMENT AWARD RECIPIENT

# CHRISTOPHE BERNASCONI

By Phillip Browne



**I**N 2000, CHRISTOPHE BERNASCONI WAS TASKED TO LEAD WHAT'S CALLED THE "Apostille Convention." As a legal expert holding the title of First Secretary of The Hague Conference on Private International Law, he was initially underwhelmed by the assignment. "It wasn't the most interesting thing to be put in charge of because

*apostilles* don't raise that many fundamental legal questions," Bernasconi said. "But when I looked deeper and discovered the significant impact that *apostilles* have on enriching peoples' lives and supporting global trade, my motivation and interest piqued."

Bernasconi's initial response is understandable because, to be sure, *apostilles* are quite simple. But their life-changing impact is nothing to dismiss. An *apostille* certifies that personal or corporate documents exchanged across borders are authentic, avoiding the red tape of differing legal systems and business processes. They are frequently used to authenticate notarized documents.

*Apostilles* are sought in countless transactions like international adoptions, marriages, real estate deals, powers of attorney, recognition of academic diplomas, job certifications, company articles of incorporation, contracts and more.

Bernasconi quickly dug into his new assignment and found that *apostilles* were working as intended, save for one caveat: the process was paper-based and slow. Not very efficient considering the massive adoption of electronic transactions at the turn of the century.

"I came up with the idea to make *apostilles* electronic. They could be requested online, issued in electronic form, and registered in a database so that those who receive them could verify their origin," Bernasconi said. Today, his vision has become reality as 35 countries are now using electronic *apostilles* under The Hague's e-APP Program.

For his unwavering dedication to improving the trust, security and efficiency of international transactions, and for his efforts to ensure that notarizations performed in any country are recognized and accepted, Christophe Bernasconi has been named the NNA's 2019 March Fong Eu Achievement Award recipient.

"Christophe's e-APP program has ensured that international life-changing events happen quickly, efficiently and more secure. He is truly enriching people's lives," said NNA Chairman Milt Valera. "I know Christophe well and I am proud to have partnered with him, the Hague and the International Union of Latin Notaries more than 15 years ago. Our historic collaboration has produced some truly revolutionary ideas and programs."

The award, established in 1979, is bestowed annually upon a person or group that has done the most to improve the standards, image, and effectiveness of the office of Notary Public. The award is named for its first recipient — California Secretary of State March Fong Eu — whose accomplishments in service to Notaries set a high standard by which all subsequent nominees for the honor are measured.

"Thank you NNA. What a tremendous honor," said Bernasconi, who today holds the distinguished title of Secretary General of The Hague Conference. "The fact that I join such an illustrious list of previous recipients really means a lot to me. But I also want to note the e-APP Program would never have seen the light of day without the NNA's active partnership, support and endorsement."

In 2005, Bernasconi, representing The Hague Conference, partnered with the National Notary Association and

"The e-APP Program would never have seen the light of day without the NNA's active partnership."

— Christophe Bernasconi, Secretary General of The Hague Conference

the International Union of Latin Notaries in a historic collaboration. The result was the International Forum on eNotarization and eApostilles, which the NNA first hosted at its annual Conference in Las Vegas.

In league with Christophe's vision of making *apostilles* electronic, and the need to determine how electronically notarized documents could be authenticated when exchanged between nations, the International Forum had three specific objectives:

- Survey eNotarization technologies available internationally.
- Establish the technological needs of electronic *apostilles*.
- Determine if electronically notarized documents and electronic *apostilles* fell within the scope of the current Hague Convention.

Formally endorsed by The Hague Conference, International Forums were hosted annually for six years at NNA Conferences around the country and attracted more



## Hague Conference on Private International Law

A global inter-governmental organization dedicated to creating internationally agreed-upon standards for cross-border trade and legal matters. The goal of the organization is to create a world in which private parties and companies experience a high degree of trust and security in their international business or legal matters, despite the significant differences between legal systems and business processes.

## Apostille

An *apostille* is a certificate that verifies that the individual who notarized a document held a valid commission at the time of the notarization. It is issued by the commissioning authority. In the U.S., that is usually the state Secretary of State's office. Essentially, it streamlines the process of verifying the validity of a document sent from one country to another, provided both countries participate in the Hague's Apostille Convention of 1961. *Apostilles* — which translated from French means to certify, authenticate or complete — simplify the process of authenticating internationally exchanged documents without having to go through cumbersome and lengthy diplomatic or consular processes. They physically consist of a sheet added to transaction documentation that features the seal of the authenticating “competent authority.”

than 100 dignitaries from 40 countries. During this time, Bernasconi also served as a member of the NNA's Model Notary Act Revision Committee, which produced the *Model Notary Act of 2010*.

As a result of this notable collaborative work, Bernasconi had the “e-APP Pilot Program” firmly in place. And by 2013, the first electronically notarized document authenticated with an electronic *apostille* was sent from Kansas to Colombia. Soon after that, the term “Pilot” was dropped from the program's designation and it became a permanent part of the Apostille Convention.

“Today the e-APP Program is recognized in its own right, and I'm very proud of that,” Bernasconi said. “We reached this point without having to amend the Apostille Convention or develop new protocols. We are truly making people's lives easier, more convenient and more secure.”

In fact, The Hague Conference had 85 member-states in 2005. Today there are 117, and many of them joined to take advantage of the e-APP

program. But despite this success, there is much work to be done.

While 35 countries are using electronic *apostilles* on electronically notarized documents, many more countries could benefit from the program. “We need to see if we can have greater impact, and The Hague Conference really needs the support of any party or organization that can help us promote the program,” Bernasconi said.

In time, more and more countries will discover the security, convenience and efficiency of electronic *apostilles*. And this will be accomplished by developing new partnerships and support organizations around the globe, which has been the enduring ideal of the e-APP Program since the beginning.

“Thank you NNA for having been by our side for all of these years. For all the friendship I have been privileged to experience,” Bernasconi said. “Thank you for your input and thank you for recognizing the small contribution I have been able to make towards the effective operation of the Apostille Convention.” ■



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# SAYING ‘NO’ CAN BE GOOD FOR NOTARIES

By Michael Closen



**N**O ONE LIKES TO SAY “NO” TO A CUSTOMER. BUT IT’S ALMOST CERTAIN that at some point you will have to turn down a signer’s request. And that’s not a bad thing.

Why? There are two reasons. First, refusing an unethical or illegal request is part of your duties. Notaries have a responsibility to follow the law and should never agree to any act that violates the basic rules of notarization, or that would enable document fraud or other crimes. Second, saying no when justified means that you are carrying out your duties carefully and responsibly. While you should never refuse a request without good reason, you should never act as a “yes man” who gives in to any demand.

When refusing a notarization, there are three important questions to ask yourself:

1. Do I have a good reason for turning down the request?
2. What do I need to record in the journal entry if I refuse a notarization?
3. How do I best protect myself if I have to appear in court due to my refusal?

Here are the answers to each of these questions.

## Have Good Reason To Say ‘No’

Notaries should not refuse someone’s request arbitrarily — you should always make sure that you have good cause. You cannot turn down a request simply because of a gut feeling, a nagging suspicion or because you simply “don’t like the look” of the signer.

Some reasons for refusing are clear cut. For example, if the signer asks you to notarize his absent wife’s signature on a document. Since the signer’s request would violate your state’s Notary laws, you must refuse to proceed. Another example would be if a signer asked you to falsify information in the Notary certificate, such as including a wrong date of notarization. If your signer lacks satisfactory proof of identity that complies with your state’s laws, you would also have to say no.

Other reasons, however, are less clear cut and require you to make a judgment call, typically involving something

questionable about a signer's behavior or appearance. In these situations, you should ask questions to see if the signer allays your concerns or continues to behave in a manner that indicates you must stop the process.

A good example would be if a signer were to show up wearing a large hat and sunglasses, making it difficult to compare her appearance to the photo on her driver's license. If the signer refuses to take off her glasses and hat or if her appearance does not match the ID photo, it may be time to stop the notarization.

Or suppose an elderly signer is accompanied by a younger relative. The signer doesn't respond to your questions, but the relative insists the signer is willing and demands that you proceed. Unless you can speak directly with the signer without interference to make sure he understands what he is signing and is doing so willingly, you should stop things right there.

### Record Your Reason

Your next step is to document in your journal entry why you refused the notarization. Situations where you refuse a notarization are one of the prime reasons to keep a journal. Should your decision be questioned later, having a clear record showing why you acted is one of the strongest defenses you can have against accusations of negligence or misconduct.

For every notarization, always record the essential information and signatures from the signer in your journal before performing the requested act. That way, if it turns out you have to stop the notarization and the signer leaves unexpectedly, you still have the full information to document the refusal and — if you suspect a crime — alert the police.

Be sure to clearly record why you refused the notarization and provide as many details as you can that support your reasons.

Noting something such as, "I refused because I didn't like the way the signer looked at me," doesn't provide a clear reason.

But if you can say, "The signer's hair color, age and height didn't match his ID photo, and he acted nervously," that's a plausible indication that something suspicious is going on.

### Saying 'No' For The Right Reasons Can Help Protect You In Court

Refusing a notarization for the right reasons may become the most important notarial act you will ever carry out — provided you have properly recorded the information in your journal. The reason is if you are later sued or accused of misconduct, your journal will be admissible evidence in any trial or disciplinary proceeding. Your entire journal could be scrutinized by the judge, hearing officer, jury, or discipline panel.

**“Never act as a ‘yes man’ who gives in to any demand.”**

Judges and juries often gauge a Notary's honesty and professionalism based on not just one notarization or journal entry, but the overall evidence in the journal. A Notary who keeps a poor journal record is not likely to be deemed trustworthy or professional. A Notary who keeps a diligent record of past notarizations — and is willing to refuse improper requests — is far more likely to receive a favorable decision in a court case.

I once testified in a multimillion-dollar trial in which a Notary was charged with negligence and fraud in the performance of three specific notarizations. Over a period of several years, the Notary had recorded more than 1,200 notarizations, including one

refusal to notarize. I testified about how the journal and refusal showed that this Notary had acted thoroughly and conscientiously for years. Some of the jurors were smiling and nodding as I explained what the journal showed. The verdict went in favor of the Notary.

The law's reasonable care standard is the Notary's best friend. You will not be held liable if you show that you have exercised reasonable care in conducting the notarization. And a detailed journal is the best way to prove reasonable care. So, always, always, always keep a detailed journal record of every act — especially if you have to say no. ■

*Michael Closen is Professor Emeritus at the John Marshall Law School in Chicago, Illinois. A respected consultant on model Notary statutes and legislation, Closen served on the drafting committees for The Notary Public Code of Professional Responsibility and various editions of the Model Notary Act, and recently authored the book, Professor Closen's Notary Best Practices: Expert's Guide to Notarization of Documents.*





# BECOMING AN AARP FRAUD TRAINER

## A GOOD FIT FOR MOBILE NOTARIES

By Jamie Liggins

**FIRST BECAME INTERESTED IN VOLUNTEERING WITH AARP IN 2016 AFTER** attending a fraud presentation at the NNA's annual Conference in Dallas, Texas. After the event, I thought about how much I hate seeing people take advantage of senior citizens. As my parents are getting older, I really wanted to do something to help protect the elderly community. That's when I decided I wanted to volunteer as an AARP fraud trainer.

This is a natural progression for my Notary career. I began my business, Notary Access, in 1992 after I watched Notaries help my parents with documents they needed notarized. I became curious and after doing some research, I decided to take a class and earn my commission.

When I started Notary Access, I did general Notary work and later focused on loan signings and mortgage closings. I also taught Notary law classes and mentored other professionals. Given my experience, and my desire to give back to the community, it made sense for me to sign up as a trainer for the AARP Fraud Watch Network so I could use my expertise to protect the elderly.

As much as volunteering with AARP is a good way to help our communities, it also makes good business sense. In fact, there are a number of reasons this is a good fit for mobile Notaries.

*I get to make a connection with people and make a difference in their lives.*

### **What Is The AARP Fraud Watch Network?**

The AARP Fraud Watch Network offers information and resources that can help you protect yourself, your family, and other members of your community from identity theft, medical fraud and other scams. Although the organization is focused on helping individuals over 50, the information AARP provides is useful for anyone no matter what their age.

Notaries can sign up to become a volunteer through AARP's website ([www.aarp.org/fraudwatchnetwork](http://www.aarp.org/fraudwatchnetwork)). Once you fill out the application, the organization will contact you to explain how the program works and initiate the training. The training process will vary depending on what state you are located in. In my case, AARP provided a mentor to help me become comfortable making fraud presentations. After I completed the training, I received presentation materials addressing a wide range of scams and fraud.

### **The Benefits Of Becoming An AARP Trainer**

Becoming an AARP fraud trainer has been a rewarding experience that has helped me both personally and professionally. The following are some of the ways Notaries can benefit from the program:

**Reinforcing our mission as Notaries.** We are on the front

lines of defense against identity theft. Since AARP is a leader in consumer protection and fraud prevention for the elderly, its mission is also our mission. Being a fraud trainer and a Notary is a good combination because of the shared goal of protecting the community against identity theft, medical identity fraud, investment fraud and more.

**Establishing new relationships as a Notary.** Doing AARP presentations at locations such as health care facilities has been a great way to help my community by educating residents and caregivers at those facilities. Also, in the event someone at these facilities needs a critical document such as a medical directive or power of attorney notarized, they know they can contact me for these services if needed.

**Increasing knowledge that helps Notary business.** When you become a fraud trainer, you receive information from AARP on the latest methods that scammers are using to defraud senior citizens. This information not only helps you as a trainer, but it can also be used in your Notary business to help protect your clients because you will know what to look for. You can let people know you are a fraud trainer volunteer on your website or Facebook page, and that way they will know that you are knowledgeable in the field of fraud prevention.

**Improving public speaking skills.** You don't need to have a lot of experience in public speaking to be a good AARP fraud trainer. Once you become familiar with the information and watch how your mentor does presentations, your personal passion to help people will make it easier for you to speak in public. Speak from your heart and you'll find that people will be engaged and responsive to the information you're presenting. And remember, if you need help making your presentations, you can always ask your mentor questions. That's what the mentor is there for.

**Giving to the community.** What I like the most about being an AARP fraud trainer is that I get the opportunity to make a connection with people and make a difference in their lives. I don't like to see people being taken advantage of, especially seniors, so when members of the community attend my presentations and learn something new that benefits them, it makes me feel great about what I'm doing. ■



*About the author: Jamie Liggins of Shreveport, Louisiana, is a long-time mobile Notary and the NNA's 2004 Notary of the Year.*

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# When You May Notarize In A Signer's Absence



There are times when a signer needs a notarization but cannot appear in person before a Notary. In such cases, some states permit a signer to sign the document in the presence of a witness. The witness, not the signer, then appears before the Notary, who identifies and administers an oath to the witness who will then sign the document. Based upon the witness's oath, the Notary performs the notarization. This is called a "proof of execution by subscribing witness."

### Elevate Caution In Absence Of Signer

While most notarizations require the original signer's presence, proofs of execution are one of the only notarizations in which the signer is not required to appear before a Notary. You will instead have a subscribing witness with proper and valid ID present who can confirm the document signature, but you will not have the original signer in front of you. While you must

always exercise care when performing any notarization, it is most important when completing a proof of execution.

### Know Your State's Rules And Restrictions

Not all states allow Notaries to perform proofs. Sometimes Notaries aren't even aware that they are permitted to do so as rules for proofs of execution may be included in real estate statutes or state laws rather than state Notary statutes. Because the signer is not present, states often have strict criteria for using proofs of execution by subscribing witnesses and that criteria varies greatly.

California requires a subscribing witness to be identified by another credible identifying witness who is personally known to the Notary. The credible witness must present an ID card allowed by law to the Notary.

Subscribing witnesses in Texas must either be

personally known by the Notary or be identified by a credible witness, while North Carolina prohibits a subscribing witness from being a grantee or beneficiary of the document. Pennsylvania requires any subscribing witness be an attorney licensed in that state. Tennessee, as well as Virginia, requires two subscribing witnesses for a proof of execution, and Florida prohibits its Notaries from performing proofs at all. With varying laws nationwide, take the time to check your own state's rules before accepting a request to perform a proof of execution.

### Real Estate Documents And Proofs

Due to high risk of real estate fraud, California prohibits its Notaries from performing a proof of execution on powers of attorney, on documents requiring a thumbprint in the Notary's journal or on any instrument affecting real property. Certain real property documents

— decrees of foreclosure, non-judicial foreclosures or deeds of reconveyance — are exempt. Conversely, Oregon permits proofs of execution only for certain real estate transactions, but state officials recommend Oregon Notaries consult with the state Real Estate Division.

### Proofs In The Workplace

Some employers ask Notary-employees to perform proofs of execution as an easy alternative to their clients' having to appear in person. While it can be argued that there is no valid reason to not appear personally in front of a Notary, state laws governing proofs do allow this practice. It is a responsible move, however, to remind your employer that the most common cause of Notary-related lawsuits is due to the failure of requiring a signer's presence — whether a state's law permits it or not.



## Embosser Requirements, Journal Entries, Fire Inspection Forms

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

**Q** I have received my inked Notary seal. Am I required to also use an embosser?

*L.P., Pennsylvania*

**A** A few years ago, Pennsylvania required Notaries to use both an inked seal and metal embosser, but Pennsylvania now requires Notaries to use only an ink stamp. You may use an embosser in addition to the rubber stamp seal. However, the embosser is optional and may not replace the rubber stamp seal.

**Q** What information do Pennsylvania Notaries have to record in their journal entries?

*J.T., Pennsylvania*

**A** Journal entries must contain all the following information:

- The date and time of the notarial act.
- A description of the record, if any, and type of notarial act.

- The full name and address (city and state) of each signer for whom the notarial act is performed.

- If the identity of the individual is based on personal knowledge, a statement to that effect.

- If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and any identification credential presented, including the date of issuance and expiration of an identification credential.

- The fee charged.

**Q** Does a fire inspection form need to be notarized?

*L.L., Kansas*

**A** That is a decision determined by the signer of the document, the issuing agency or perhaps a state law. If a signer requests the form to be notarized, you may notarize it provided you follow all state laws.

**Q** Can I accept a foreign passport as proof of a signer's identity?

*T.A., Texas*

**A** You may accept a foreign passport only when notarizing a deed or other instrument relating

to a residential real estate transaction (Civil Practices and Remedies Code 121.005[b][3].)

**Q** If a signer requests a notarization but forgot to bring acceptable identification, could the Notary suggest using a credible identifying witness?

*R.D., California*

**A** No, a Notary cannot use credible witnesses for a signer who has an ID but forgot to bring it. A credible witness must take an oath swearing to the identity of the signer stating the signer does not possess any of the identification documents authorized by law to establish the signer's identity (Civil Code 1185 [b][1][A] [iv]). The signer would have to return with their valid identification to have their signature notarized.

**Q** Can I notarize the signatures of my stepson and stepfather on a power of attorney? I have no financial attachment and would receive no financial gains from either party.

*A.M., California*

**A** Yes. According to California law, you may notarize a relative's signature if you do not have

a beneficial or financial interest and you are not named in the document. However, you may want to consider not notarizing for your relatives to avoid any question of personal or financial interest if the document's validity is ever challenged.

**Q** Are Notaries allowed to provide blank power of attorney forms for their customers?

*B.H., Missouri*

**A** No. The preparing, providing, or printing of a document for a customer is considered the practice of law, and may only be performed by an attorney.

**Q** How do I void out a line item in my journal?

*S.W., Nevada*

**A** For any correction made to a journal entry, simply cross out the journal entry with a single line and make a note within the journal entry detailing the circumstances and initial and date the correction.

**Q** Can I notarize a document that will be filed in another state?

*M.F., New York*

**A** Yes, you can notarize a document that will be filed or recorded in another



state. Most U.S. states and jurisdictions, including New York, have statutes that explicitly confirm that notarial acts performed by Notaries of other U.S. states and jurisdictions will be recognized.

**Q** I live in Pike County, Pennsylvania, and my Notary stamp is from Monroe County, Pennsylvania. Am I allowed to notarize in both counties, or only in Monroe County?  
*M.C., Pennsylvania*

**A** Yes, you are allowed to notarize in both counties. A Pennsylvania Notary Public has statewide

jurisdiction. This means you can notarize in any county in Pennsylvania. (57 Pa.C.S. 310[a][4].)

**Q** My co-worker would like me to notarize a translation of her Polish birth certificate. However, the person who translated the document is outside of the U.S.; is that an issue?  
*S.S., Colorado*

**A** Yes, it would be an issue because typically, when notarizing a signature on a translation declaration, the translator who provided the translation must appear before the Notary and sign a statement

verifying the translation is accurate. Thus, you could not notarize a declaration of a translation if the translator is not present.

**Q** Can I use rubber stamps in the columns of my journal that read “jurat” and “acknowledgment”?  
*D.A., California*

**A** Yes, you may use stamps to complete not only the type of notarial act, but to record other information such as a date as well.

**Q** Can I notarize for an incarcerated individual using the individual’s prison ID?  
*V.A., California*

**A** Yes, if the individual is incarcerated in a California state or local facility. A California Notary may accept an inmate ID card issued by the Department of Corrections and Rehabilitation while the inmate is in custody in a state of California correctional facility. Additionally, a Notary may accept any form of inmate identification issued by a sheriff’s department while the inmate is in custody in a local detention facility (CC 1185 [b][3] [C] and [D]).

**Q** Am I authorized to notarize a California property quitclaim if the signer is not a California resident? The signer has an Illinois driver’s license; may I accept that?  
*K.A., California*

**A** Yes, a California Notary can accommodate a signer from any place of residence who provides acceptable identification. In your case, a driver’s license from Illinois is permitted to identify an individual for notarial purposes, if the ID is current or issued within the last five years, and contains a photograph, signature, serial number and physical description (CC 1185 [b][4][B]).





# The Notary's Guide To Notarizations And Their Differences

Notaries should know the differences between common notarial acts to perform their duties properly.

While Notaries cannot choose the type of notarization for signers, you can explain what each one's purpose is, giving your signers the knowledge to help make the right choice.

### Acknowledgments

An acknowledgment ensures that the signer of a document is who they claim to be and has voluntarily signed the document. They're often needed for documents that are real estate related.

To perform an acknowledgment, the signer must personally appear before you at the time of notarization to be positively identified and to acknowledge the signature on the document is their own and they signed willingly. Your client may sign the document before bringing it to you for notarization.

### Jurats

A jurat, also known as an "affidavit," "verification on oath" or "affirmation,"

requires a signer to swear or affirm that the contents of a document are true. He or she must personally appear and sign the document in your presence. You must then administer an oath, or affirmation if the signer prefers, and have the signer speak aloud the promise that the statements in the document are true. Administering the oath or affirmation is a vital part of a jurat or verification because the signer is affirming that the contents of the document are true, and may be prosecuted for perjury if the contents are false. California requires proof of identity for a jurat.

### Oaths/Affirmations

At times, a signer simply needs you to administer an oath or affirmation orally, rather than as part of a jurat, affidavit or another written document. The purpose of a verbal oath or affirmation is to compel a client to truthfulness. The oath is a solemn pledge to a Supreme Being, while an affirmation is a solemn pledge on the individual's personal honor.

### Copy Certification

A copy certification confirms that a copy of an original document is a full, true, and accurate reproduction of the original. Documents requiring copy certification may include driver's licenses, Social Security cards and more.

To perform a copy certification, the person, or document custodian, takes the original document to a Notary. The Notary typically will photocopy the document and complete a certificate for the copy certification to confirm the photocopy is a true copy of the original.

While copy certifications are considered common, nearly half of U.S. states bar Notaries from performing this type of notarization. Some states stipulate that you may only certify copies of documents, not images or other items. Others allow

Notaries to certify copies of both records and items such as graphs, maps or images. California only allows Notaries to certify copies of powers of attorney or the Notary's journal if requested by state officials or a court of law. Many states, including Florida and Texas, also forbid the copy certification of vital public documents.

### Signature Witnessing

Some states, such as Colorado and Pennsylvania, authorize Notaries to perform a signature witnessing in which you certify that the individual appearing before you is who he or she claims to be, and the signature on the record is the signature of the individual before you.

The main difference between a signature witnessing and acknowledgment is that you must always witness the document being signed.

Learn more about best practices and procedures in the NNA's Notary Essentials course:  
[NationalNotary.org/Notary-Essentials](https://www.nationalnotary.org/Notary-Essentials)

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