

The National NOTARY

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REAL ID



What **notaries** need to **know**

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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.

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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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- **Compliance** with state laws and regulations
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Judith Lawrence and Daniel C. Lewis

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10 REAL ID: What Notaries Need To Know

Kristin Stanberry

REAL ID, the federal law requiring states to upgrade the security of any IDs they issue, has been in place for more than a decade — but not all states are in compliance. For Notaries, that means you're going to encounter a lot of identity documents that have unfamiliar designs, symbols and security features. Your challenge in the short-term is making sure you can recognize and distinguish valid credentials from fakes and forgeries. To help, *The National Notary* teamed up with experts at Keesing Technologies — a global leader in ID authentication — to walk you through everything you need to know about identifying signers with REAL IDs.

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Why You Love Being A Notary



WE ASKED NOTARIES TO SHARE why they love doing what they do, and the comments came pouring in. Add your thoughts on our post at bitly.com/lovebeinganotary.

"I love making it convenient for clients to 'complete' their paperwork, while assuring others the document was signed by the right person."

Alan Waldo, Mobile, AL

"Being a Notary has exposed me to different parts of Pennsylvania. The families I meet are PRICELESS. I've had grandmas fix me dinner, make me a goodie bag for the road, and tell

me memorable moments about their house, children and grandchildren. It's a pleasure to visit my clients and get to know their history. I wouldn't change my job for the world."

Dawn Collins, Philadelphia, PA

"I love driving to different parts of the county that I've never seen and thoroughly enjoy meeting new people. Being a mobile Notary allows flexibility for my family and an opportunity for my sole proprietorship. Having the NNA in my back pocket is a perk, for sure. I adore being a Notary Signing Agent! Thank

you NNA for all of your support and education!"

Joy Ira Chavez, Shingle Springs, CA

"I love being there to help my community by using my bilingual abilities and school background."

Carlos Alberto Luna, Ft. Pierce, FL

"It's a dignified role, and this type of business allows me freedom. You can work as hard or as lightly as you choose. I also like the standards for Signing Agents. It needed to happen after the real estate boom."

Adrienne Villeneuve-Bourque, Las Vegas, NV

Check Out NNA 2019 Online Networking Groups



**NNA 2019
ST. LOUIS**
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LOOKING FOR A ROOMATE for NNA 2019 in St. Louis? Maybe you want to start networking early with other Conference attendees?

Visit the NNA 2019 event page at bitly.com/NNA2019FB to stay up to date with all the latest news on the Notary event

of the year. Join a growing group of Conference attendees at an attendee only group on Facebook. Visit bitly.com/NNA-ConferenceGroup and optimize your networking opportunities.

"As we get closer to May, I'll be talking with Paula Pike Cottrell about steps we can

take in St. Louis to make sure that anyone who is a member of this group and travels alone, doesn't feel all alone. This would be in addition to the excellent first-time attendee program started by the NNA last year."

Michelle Riley, Huntsville, AL

The Challenges That Come With Properly Identifying Signers

PROPERLY VERIFYING the identity of signers is one of a Notary's core responsibilities. Our social media community shared some of their challenges.

"My recent craziest experience — the signer's current driver's license was in her maiden name, but the documents were in her married name, and the address on the documents was not the same as her ID. She is now divorced but kept her married name. Her military ID is in her married name but is more than three years expired. She had two Social Security cards, one in each name. But, she had several utility bills at her physical address in her current, married name (which matched the docs). Talk about conflicting documentation to prove identity."

Shari Seelinger Roark, Vancouver, WA



"Identifying a client was tricky this weekend. He was 63, his driver's license had just his name — no suffix III. His Social Security card said Jr. — as did a Medicare card — and his birth certificate said Jr. He was trying to take a loan and sign a trust certificate that said III. His wife said he used all three interchangeably, and no one ever questions it. I did not know her, so I couldn't use her as a credible witness. I had this situation before and after declining learned from the loan officer that the Sr. had been in Europe,

and his son was trying to cash in on the trust. So, this weekend I had no problem declining and asking to be removed from the job. This loan officer was not understanding and quickly found another Notary to do it. I see my job as to IDENTIFY the signing party, then witness and execute the documents at hand."

Theresa Shannon, Reno, NV

"Most people no longer sign like they did when they were 16, so passports generally have a much more recent signature."

Lisa Christensen Morrill, Santa Barbara, CA

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Don't Let Being New Deter You

IF YOU'VE RECENTLY gotten your commission and only have a few jobs under your belt, don't let that discourage you from creating a Notary profile.

"It takes time and you gotta put in the work."

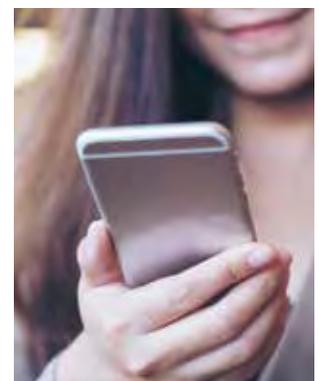
Jenny Toledo, Los Angeles, CA

"Thank you so much, I needed to hear this."

Sophia Jones, Fort Lauderdale, FL

"Love this! Just started my social media marketing journey."

Christina Pineda, Sacramento, CA





Celebrating Notaries From Coast To Coast

NNA TRAINING AND SEMINAR staff were on the scene with hundreds of Notaries in California and Maryland to celebrate Notary Public Day in November and participate in educational seminars.

Nicola Jackson, NNA training and education supervisor, joined a Notary all-star lineup at the 7th annual Maryland Notary Public Day including several Notary of the Year and Special Honoree award recipients. Elaine Wright Harris, 2009 Notary of the Year, President of Trusted Agent Services Group and founder of the event, invited Jackson to share information about the benefits of NNA membership with her attendees. In addition to more than a dozen workshops, the event featured a “Dress for Success” fashion show demonstrating what both women and

men can wear to loan signings, business meetings and brunches, conferences, semi-formal and formal affairs, as well as sporting events.

Laura Biewer, 2009 Notary of the Year Special Honoree and owner of At Your Service Mobile Notary, hosted her sold-out 3rd annual Notary Symposium in California’s Central Valley. Biewer discussed the differences between electronic and remote notarization. Valerie Barrett, 2014 Notary of the Year Special Honoree, joined her to teach Notaries what they can do when the law doesn’t provide detailed guidance. Attendees were treated to several other presentations, including personal safety instructions and self-defense techniques that Notaries can use if they find themselves in a dangerous situation.

Supporting Natural Disaster Survivors



IF YOU WERE AFFECTED BY A NATURAL disaster, the NNA will help you get back to business serving your community. We have

an exclusive program to replace your stamp and journal at no cost if they were lost or damaged in the record-breaking hurricanes, earthquakes, floods and wildfires happening across the country.

Survivors of these heartbreaking events rely on first responders, private organizations and public officials like you to help pick up the pieces of their lives — and the NNA is here to help you help others.

If you purchased your tools from us and are in the affected areas, please call our Customer Care team to access this offer (1-800-876-6827).

Honoring American Heroes

THIS UPCOMING MAY is Military Appreciation Month, and the National Notary Foundation is celebrating our heroes with complimentary Notary training. Honorably discharged U.S. veterans are encouraged to join us in St. Louis at NNA 2019 on Monday, May 6, 2019, to learn about starting a career as a Notary entrepreneur.

Following our 8 a.m. breakfast, veterans will get a taste of what the Notary community is really like and what to expect from Conference during our Opening General Session. Veterans will be able to attend three workshops during the day, including *How to Start and Build a General Notary Business*, *Market Your Notary Skills to Unique Facilities* and *Marketing Plans Made Easy for the Notary Entrepreneur*.

Call 1-844-4NNA-CONF to register before the April 30 deadline or visit NationalNotary.org/nna2019/veterans for more information about the program.





2018 New Laws: Remote Notarization, Fees And More

2018 SAW A WIDE VARIETY OF NEW Notary laws in several states, including notarization and travel fee increases, new remote notarization guidelines and more.

Arizona and Indiana raised the maximum fees Notaries may charge for their services from \$2 to \$10. Arizona Notaries must also set a fee level for themselves up to the maximum limit and can charge no more than that level for all customers. Maryland now allows its Notaries to charge the current federal mileage rate plus a \$5 additional fee for travel.

More states passed bills last year to allow remote notarizations using audiovisual communication technology instead of

personal appearance, including Michigan, Minnesota, Tennessee and Vermont. Minnesota's law took effect January 1, while Tennessee and Vermont's statutes will take effect later this year. Michigan will begin approving remote notarization technology providers in March.

Colorado, Indiana, Washington and the District of Columbia updated their Notary statutes by adopting the *Revised Uniform Law on Notarial Acts (RULONA)*. RULONA was created by the Uniform Law Commission to promote standardized Notary laws and administrative rules across different states.

Hawaii Authorizes Libraries To Provide Paid Notary Services

PUBLIC LIBRARIES IN Hawaii may now provide Notary services to visitors for a fee under a law passed last summer by the state Legislature.

The new law, which took effect July 11, authorizes public library staff to become commissioned Notaries, administer oaths and take acknowledgments in nongovernmental matters, and directs any fees paid for notarizations to be deposited into a library fund.

The bill was passed following a report from the Hawaii Senate Committee on Education that many public library staff members had received repeated requests for help with Notary services, particularly in rural areas of the state.

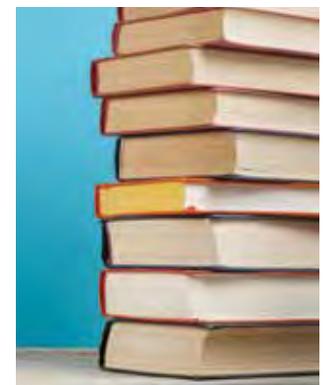
New Texas Rules Prohibit Recording Fingerprints In Notary Journals

TEXAS NOTARIES ARE NOW PROHIBITED from recording fingerprints or thumbprints in their journal entries under new administrative rules changes that took effect in August.

Under the new rules, Notaries may not record biometric identifiers including fingerprints, voice prints, retinas or iris

images in a journal. The only exception is for court clerks notarizing instruments for the court.

If a Notary inadvertently records prohibited information in a journal entry, the Notary must redact the information before providing public access to or copies of journal entries.



REAL ID



What **notaries** need to **know**

By Kristin Stanberry

IN THE AFTERMATH OF THE 9/11 TERRORIST ATTACKS, THE FEDERAL GOVERNMENT ushered in a new era of national security to improve protections of our infrastructure, government and citizens. One of the major initiatives was the REAL ID Act, which set new and improved security standards for all U.S.-issued driver's licenses and ID cards.

This coordinated effort by states and the federal government is aimed at preventing terrorists from fraudulently obtaining driver's licenses and identification cards — the same kind the 9/11 terrorists used to board U.S. flights.

After 13 years of planning and implementation, 37 states and territories have been certified as “compliant” with all REAL ID requirements, with the remaining 19 expected to be compliant by October 2020, according to the U.S. Department of Homeland Security.

For Notaries, that means you're going to encounter a lot of identity documents that have unfamiliar designs, symbols and security features. And while the REAL ID Act will have a tremendous impact on reducing fraud and imposture, your challenge in the short-term is ensuring your ability to recognize valid credentials and not refuse a notarization because you're not familiar with them.

In the long run, REAL ID will give you the ability to verify a signer's identity with a higher level of confidence; reduce the chances of being duped by an imposter; and reduce your exposure to lawsuits.

What's Changed?

Since the REAL ID Act was passed by Congress in 2005, the focus has been on improving both the security of the physical IDs themselves, and the process by which they are issued. Specifically, government-issued IDs must now possess anti-counterfeiting technology; the issuance process must have checks and balances to prevent “insider fraud”; and the issuing agencies must use documentary evidence and record checks to ensure applicants for REAL IDs are who they claim to be.

By October 2020, anyone who wants to board a domestic commercial flight or enter certain federal government facilities must have a REAL ID-compliant ID (or a passport). And while they aren't mandatory for other uses, like registering to vote or opening a bank account, those people and entities who rely on ID documents will have an increased level of trust in REAL IDs.

Millions of these ID cards currently are in circulation and are being presented regularly for satisfactory evidence of identification for notarizations. REAL IDs feature the basic requirements generally needed for a notarization: a photograph, physical description and signature. But there is much more.

Familiar Features, New Processes

Under REAL ID, all identity credentials must be made of modern, tamper-proof materials and have designs that are difficult to replicate. According to the Act, the personal data on each license or ID card must include the holder's:

- Full legal name
- Date of birth
- Gender
- Driver's license or ID card number
- Address of principle residence
- The holder's signature
- Photograph (digital)

The Act also specifies that cards contain machine-readable technology and security features that prevent counterfeiting, tampering and duplication. And, like U.S. currency, they must be stored in, and issued from, highly secure facilities by carefully screened employees.

In the application and issuance phase, the REAL ID Act requires strict control and careful verification of the identity of every applicant, whether they apply for a REAL ID-compliant or a standard (noncompliant) driver's license. Every state DMV must obtain a minimum proof of identity before a driver's license or ID card can be issued. Two key requirements are:

- Proof of lawful status (U.S. citizen, or foreigner who is in the U.S. legally)
- Social Security Number

The DMV will verify the authenticity of these documents before issuing an ID to the applicant.

One key difference between standard and REAL ID cards occurs during the application process at the DMV. Everyone who applies for a REAL ID-compliant driver's license or ID card must present additional documents (such as a birth certificate) in person at a DMV office. The additional documents provide an extra measure of security as defined in the REAL ID Act.

Differences In Design

The REAL ID Act is quite clear about distinguishing IDs that are compliant with the Act from those that are not.

Every state DMV must obtain a minimum proof of identity before a driver's license or ID card can be issued.

Some of these differences are visible symbols and other markings on the ID. Most states are placing symbols on the REAL ID-compliant IDs they issue. The symbols currently include:

-  Gold star
-  Black star
-  Star cutout in gold circle
-  Star cutout in black circle
-  Star cutout in gold grizzly bear (California)

Standard state-issued IDs also have specific visual “indicators” that further ensure they are authentic. These indicators vary by state, but typically are accompanied by the

- States must start issuing REAL ID-compliant credentials before DHS deems them or the IDs they issue fully compliant. This means that you may start seeing REAL ID-compliant credentials from states that are not currently in compliance. However, these are acceptable IDs so long as they line up with your state Notary requirements and guidelines. If the DHS later asks a state to change its ID’s, you may see anything from minor changes (such as a different symbol) to a totally new design.
- A state’s REAL ID cards may look a lot like — or completely different than — its previous IDs. This is because some states make only

- All U.S. states and territories should be fully compliant with the REAL ID Act.
- Individuals will need to present a REAL ID-compliant ID (or, alternatively, a passport) to board a domestic commercial flight, enter a military base, certain federal buildings and a nuclear facility.

All this means that the look of IDs you encounter may change over the course of time. No state requires Notaries to only accept REAL ID-compliant IDs. But the current environment means the IDs from some states may come in different forms for the near future.

Having access to a current and reliable reference resource, such as the *Keeping Documentchecker Guide*, is also critical. This approach will help you stay the course on what has been a long and winding road for our nation. ■

No state requires Notaries to only accept REAL ID-compliant IDs.

text “Not for Federal Purposes” or a similar phrase. Enhanced driver’s licenses, which some states issue, are also considered REAL ID-compliant and are marked as “Enhanced”; some of them have an American flag as their REAL ID symbol.

What REAL ID Means For Notaries

To achieve full compliance with the REAL ID Act, a state must meet more than 30 different criteria set by Department of Homeland Security (DHS). Some of the criteria relate to the administration of REAL ID by the DMV, and control of facilities that store and issue licenses and ID cards. Other requirements are more relevant to Notaries. For example:

minor changes to their card design, if it already meets the criteria for REAL ID. Other states issue REAL ID-compliant credentials in a totally new and different design.

- Once a state achieves full compliance with REAL ID, they must apply for REAL ID certification every three years. During the recertification process, they may modify design of the IDs they issue.

Where We Are And What’s Ahead

You may have noticed that some states adopted the REAL ID Act early on, while others are only doing so now. This has resulted in an uneven implementation of the standards nationwide. But by October 1, 2020:

Which States Do Not Issue REAL ID Driver’s Licenses?

At press time, the following U.S. states and territories had yet to begin issuing REAL ID-compliant driver’s licenses and ID cards.

Alaska*	Oklahoma
Illinois*	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island*
Missouri	Northern Mariana Islands
Montana*	U.S. Virgin Islands
New Jersey	

*Expected to start issuing REAL ID cards in January 2019.

Symbols, Images And Phrases Of REAL ID

Over the next couple years, Notaries will see government-issued IDs that contain a variety of symbols, images, phrases and other indicators which can cause confusion in trying to determine if a particular ID is genuine — whether or not it's REAL ID-compliant. Here are some examples of genuine IDs you might see:

The star and bear symbol in the upper right corner means that the license is REAL ID-compliant.



The phrase, "Federal Limits Apply," in the upper right corner means that the license is not REAL ID-compliant.



This driver's license is not REAL ID-compliant. You can tell by the lack of identifying symbols.



The star symbol in the upper right corner means that the license is REAL ID-compliant.



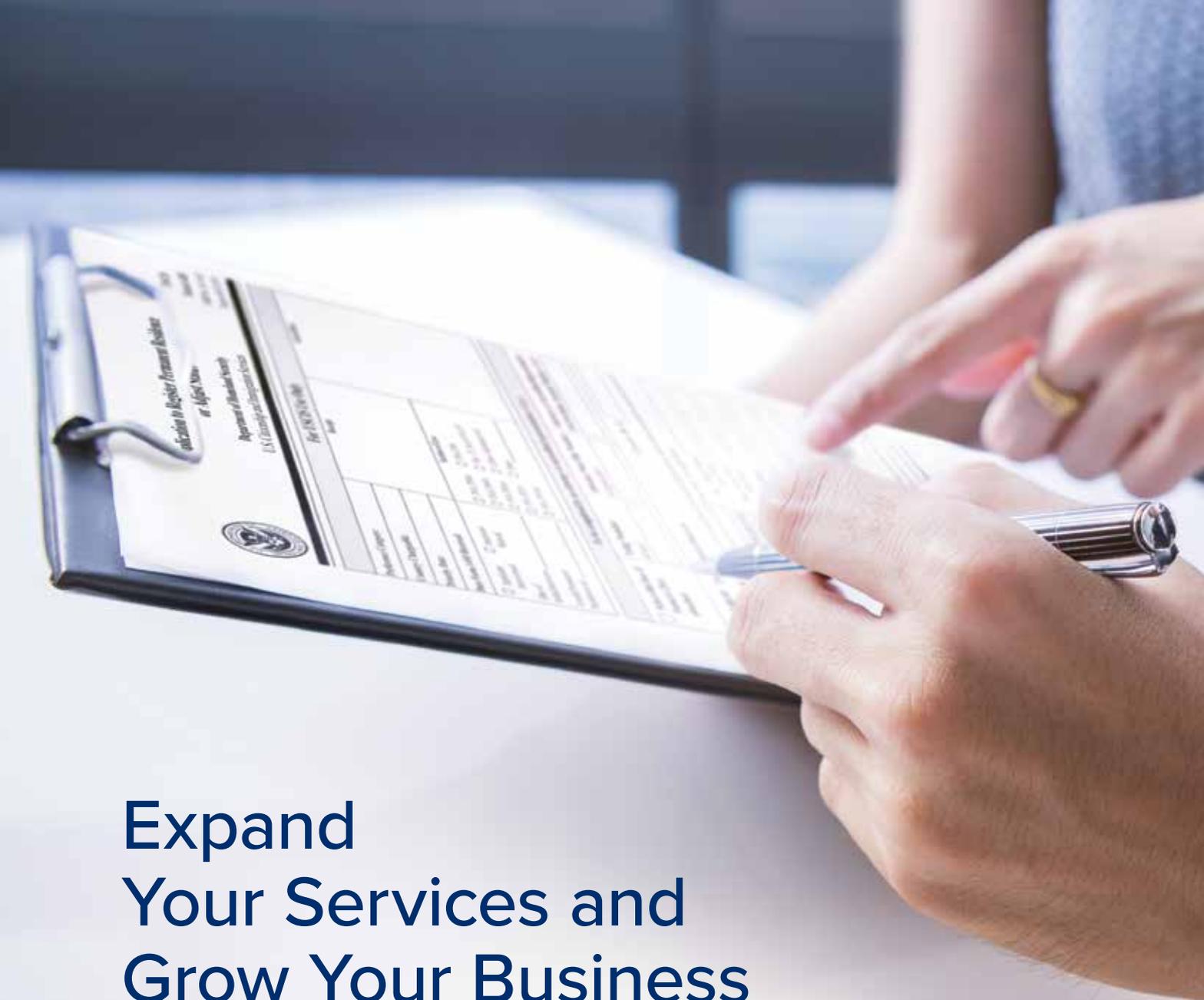
The phrase, "Enhanced Driver License," in the upper right corner means that the license contains extra security features and is REAL ID-compliant.



The phrase, "Enhanced Identification Card," in the upper right corner means that the ID contains extra security features and is REAL ID-compliant.



Note: Images courtesy of Keesing Technologies Documentchecker.com reference database.



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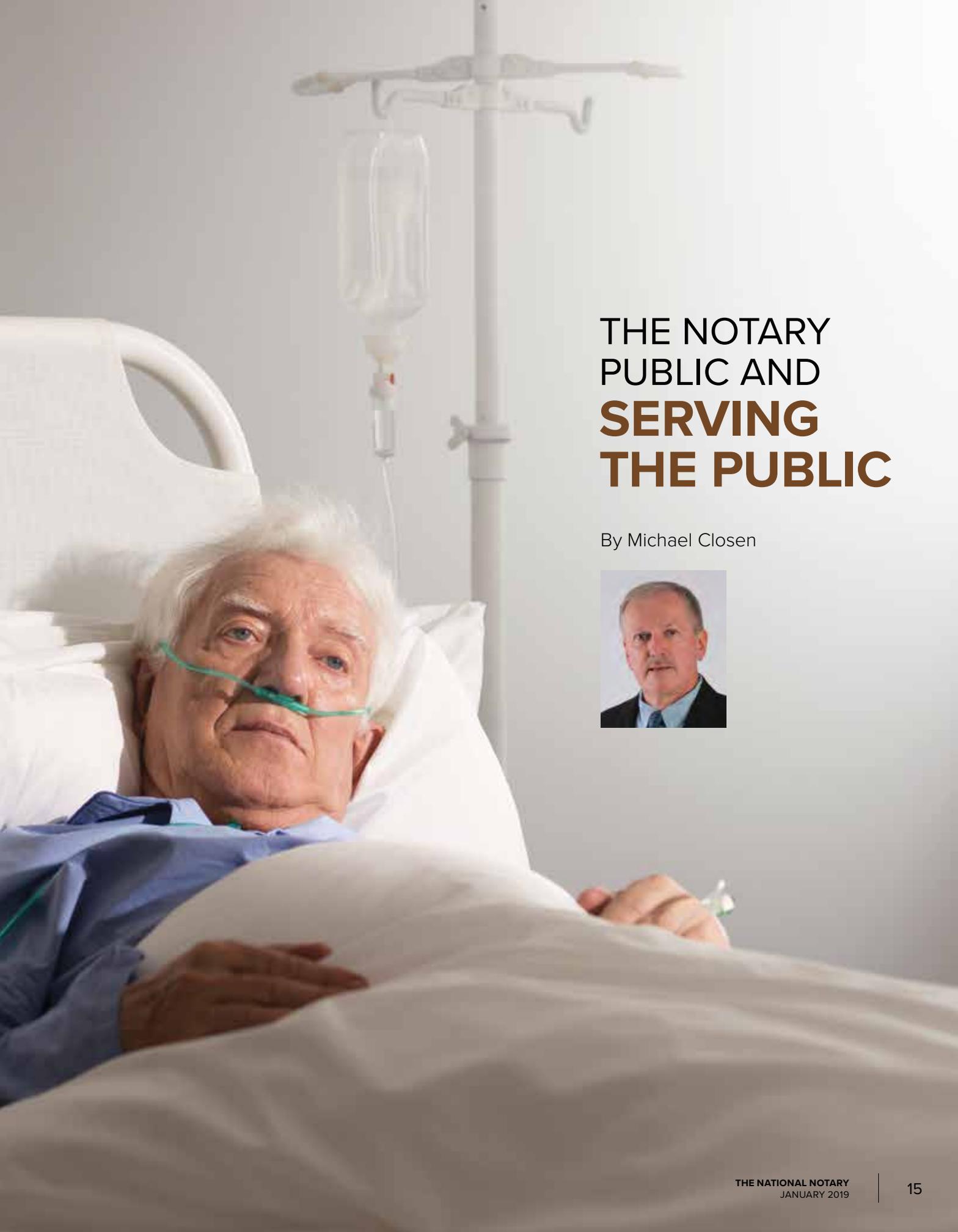
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THE NOTARY PUBLIC AND **SERVING THE PUBLIC**

By Michael Closen



ALL PUBLIC OFFICIALS, INCLUDING NOTARIES, ARE PUBLIC SERVANTS bound by the responsibility to abide by the legal duties of their offices. These responsibilities include the general duties of every public servant to treat members of the public respectfully and equally and not to discriminate against

individuals on the basis of their race, religion, gender, national origin, marital status, sexual orientation, disabilities or advanced age.

Most Notaries get their commissions as a part of their work — whether they are self-employed or work for someone else. But every now and then, a circumstance arises in which the Notary is asked to go above and beyond what is required of them by their jobs.

Such was the case for me when I found myself in a race against an impending death. And it reminded me of the word, “Public,” in the title, Notary Public.

The Race Against Impending Death

It started late one Friday afternoon. I received a phone call from a neighbor asking if I would perform a notarization for his father, Bill. Bill, his wife of 60 years, and his son lived together in my neighborhood, and had been friends of mine for several years. Bill was 85 years old and a decorated war veteran who was suffering from terminal lung cancer. He was admitted to a hospice care facility the day before the call to me.

Bill’s wife and son realized that he had no will and that the family home, which was worth hundreds of thousands of dollars, was titled in Bill’s name. They asked Bill if he would execute a quitclaim deed transferring ownership of the house to his wife. Bill agreed. The deed was required by law to be notarized.

Incidentally, at the time, I had retired from law practice, and these neighbors had never been my clients. Because Bill was expected to be in the hospice for a week or two, they asked if I would be available to perform the notarization at the hospice on Monday morning.

Instead, I offered to perform the notarization the next day, on Saturday morning, and I gently suggested that we should do it then. They agreed, and we met at the hospice on Saturday morning.

That morning, Bill was solemn, and I was sure he understood his situation. He was competent and willing to sign the deed, and I notarized it. Sadly, Bill passed on Sunday. If we had waited to perform the notarization until Monday, it would have been too late. I was so glad we had acted in time.

Important Lessons Learned

Whenever you are asked to perform a notarization, and the signer is elderly, is very ill or terminally ill, or is in a hospital or hospice, you should think about the possible death of the signer. This initial thought will then trigger other considerations.

Hopefully you will be influenced by the public service role to be available to perform the notarization promptly, even if that means doing so in the evening, on the weekend, or

otherwise outside the Notary’s normal work hours. If you are unable to attend to the notarization reasonably promptly, advise the parties involved to seek the services of another Notary who is available. If you know of someone, you can give them the Notary’s contact information.

At the same time, savvy Notaries understand that these situations tend to require diligence and prudence, particularly when dealing with an elderly signer, a terminally ill signer, a

signing in a hospice facility, and a transaction of substantial value. In this instance, I carefully performed the notarization and thoroughly recorded the appropriate details in my journal.

I have been consulted on two different lawsuits against Notaries: one in which the Notary performed a notarization at a hospital on a Saturday evening; the other in which the Notary performed a notarization miles away from her own home on Thanksgiving afternoon. Both suits involved elderly, seriously ill signers, and both signers died soon after the notarizations.

Obviously, doing good deeds on a weekend and a holiday did not save those two Notaries from being sued for

Savvy Notaries understand that these situations tend to require diligence and prudence.



alleged notarial errors. But as long as you carry out your duties carefully and thoroughly, and follow the best standards of practice as a Notary (such as keeping a journal detailing all your notarizations), these kinds of high-risk notarizations should not be a problem.

Final Thoughts

Even though we are public officials, there are reasonable limits to our obligations. Our responsibility does not require us to perform notarizations outside of customary weekday business hours. We are not required

to travel to the sites of notarizations; signers should ordinarily come to us, unless we serve as traveling Notaries or Signing Agents. We are not required to perform notarizations that interfere with our work or family activities, or to perform notarizations at our homes. We are not required to perform unreasonable numbers of notarizations for someone or drop everything to perform a notarization immediately.

Nevertheless, many working Notaries regularly provide extra public services. Indeed, many Notaries, like

me, got their commissions solely to provide a public service to our communities, and we never charge for our services or for travel expenses.

Because we provide a vital public service, I would encourage all Notaries to undertake volunteer service to the public when they can. ■

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.



ONLINE NOTARIZATION

WHY IT'S A GREAT CAREER GATEWAY

By Jeannie Franks-Belgrave



A **S A NOTARY, I UNDERSTAND THE IMPORTANCE OF SECURELY IDENTIFYING** signers and notarizing signatures on legal documents. For thousands of years, we have done this with the signer and Notary in the same place at the same time. But now technology allows the signer and the Notary to appear before

and communicate with each other through audio-visual technology.

Interest in the potential benefits and convenience of remote notarization is growing among businesses and consumers alike. More states are enacting remote notarization laws and more people are asking if local Notaries

can perform them. At the same time, many mobile Notaries are worried about the impact remote notarization may have on their businesses.

When Virginia became the first state to enact legislation authorizing online notarization, I decided to become an electronic Notary. Admittedly, the idea of online

notarization took some getting used to. Like many Notaries, I was concerned about the online notarization process, since the signer and Notary do not meet physically in person. It's hard for many traditional Notaries to understand this, and I had to understand it before I could commit to performing online notarizations.

Since there are valid concerns, I wanted to take the opportunity to address some of them. Let's start first with looking at online notarization measures that aim to prevent fraud, and then we'll consider the benefits of online notarization.

Verifying Identity During An Online Notarization

Most Notaries may be wondering how signers are identified for an online notarization and whether they can trust this new vetting process.

Since the identity vetting process requires the use of new tools, most Notaries who perform online notarizations probably will decide to work within a digital platform that provides these tools. Currently, there are several such platforms. (It's also possible to build your own platform.) In any case, when a client logs in to the platform to request an online notarization, they are asked a series of specific questions drawn from their credit and transactional history, a process called "knowledge-based authentication." They must answer several questions correctly in a matter of minutes.

Because the questions relate to the client's specific background, it would be very difficult for another person to know the answers. Knowledge-based authentication is used when you obtain your credit report from a credit bureau, have a car loan approved or pass through security at an airport if you don't have an ID. In most platforms, the client must pass the assessment before the client connects with the online Notary.

Most platforms also require the client to take a photo of the front and back of their ID and upload the photos into the platform. Then, the platform analyzes the ID for the existence and proper placement of ID card identifiers such as holograms, microprinting, typefaces and other security elements. Finally, an online Notary asks the signer to hold up the ID to the webcam so the online Notary can verify that the information matches the signer. This latter step, called "remote presentation" in the online Notary laws, corresponds to what Notaries do today in asking signers appearing physically before them to hand them their ID. Only the method of communication has changed.

Just as for Notaries, remote notarization is more convenient for customers.

Another security procedure of online notarizations is the requirement to keep digital records of the act. Typically, this means making an audio video recording of the notarization. Thanks to today's technology, online Notaries can make and keep a video and audio recording of a signer's actions during every step of the notarization and encrypt the recording so it can't be tampered with later.

If a court or state official asks to see the recording later to resolve a dispute or question about the notarization, the online Notary can provide the audio video recording as evidence about how the notarization transpired.

Benefits Of Remote Notarization

While many Notaries may find the thought of performing remote notarizations unsettling, in my experience there are many benefits.

The first benefit is convenience for the online Notary.

I can perform online notarizations from the comfort of my home without traveling. I save gasoline and depreciation of my vehicle, and avoid the stress of traffic and time deadlines.

While I enjoy and continue to perform traditional notarizations, online notarization enables me to take on more assignments and make myself available during a broader range of hours. For example, if someone needs me to perform a remote notarization late at night, I don't have to leave the security of my house to do it. There is no late-night traveling or concern about personal safety after dark.

The second benefit is customer convenience. Just as for Notaries, remote notarization is more convenient for customers. It's not surprising that customers are demanding online notarizations. In my first month as an online Notary, I conducted more than 100 online notarizations. I founded my own company, NotaryNow LLC, in August 2018, and today I have more customers asking for online notarizations than traditional notarizations.

While my traditional Notary tools remain safe and at my disposal if I need to use them, technology and new online Notary laws are giving commissioned Notaries like myself the ability to create a new and profitable notarial business that can grow from home.

Note: Online notarization may be performed only in the jurisdictions where online notarization laws have taken effect. Please consult your state laws before considering this professional path. — The Editors

Jeannie E. Franks-Belgrave is the President of NotaryNow LLC and author of the recently published book, Remote Webcam Notarization.

A hand is shown in the upper right corner, holding a single light-colored wooden block. Below it, a stack of similar wooden blocks is arranged on a light-colored wooden surface. The stack consists of three columns of blocks: the leftmost column has one block, the middle column has two blocks, and the rightmost column has three blocks. The hand is positioned as if about to place the block on top of the rightmost column.

12 KEY LESSONS TO BUILDING AND MAINTAINING A SUCCESSFUL NOTARY BUSINESS

By Judith Lawrence and Daniel C. Lewis

THE NOTARY INDUSTRY IS CONSTANTLY EVOLVING. NEW NOTARY LAWS ARE hitting the books in just about every state, just about every month. The mortgage and financial industry have almost completely changed the standards of business practices when it comes to utilizing Notary services. The general public is demanding a higher level of service when it comes to using the services of a Notary entrepreneur.

To keep up with these changes, the Notary entrepreneur needs to be able to depend on a set of standards of excellence when going about your daily routine of providing services for the general public. Here are several key lessons we have learned over the past years that help us run and operate a successful and profitable Notary business.

1. Know your business. Notary entrepreneurs must know their business. They must know:

- what is happening legislatively in their industry;
- who is their competition;
- where they can expect to get new business;
- how much it will cost to deliver superior Notary services, including a healthy profit; and
- what groups they can join, what events they can attend and what media attention is available.

2. Develop a strong work ethic. Let's face it, your clients (whether they are title/signing companies, insurance companies or the general public) want the Notary professional they are working with to have an above average work ethic. In this case this means always being professional, having a high level of productivity, being able to work effectively with others, having a determination to succeed, and consistently delivering a high quality work product. Having a strong work ethic will build trust and confidence between the Notary entrepreneur and clients which in turn will give you that special something that all smart business owners want... repeat business.

3. You must not depend solely on a strong work ethic.

This may sound counterintuitive from the prior key lesson. It can be a grave error for Notaries to put all of their time and energy into working hard and developing a strong work ethic and never take the time to step back and look at how they might be able to operate their business more efficiently and effectively. This includes, but is not limited to, vetting your clients, streamlining your expenses and determining ways to increase your profitability, etc. This can sometimes be difficult while you are busy working and/or going from assignment to assignment, but you must take this time to analyze your business in order for it to continue to grow.

4. Develop a plan. One of the best things you can do for yourself and your business is take the time to develop a plan. This includes a business plan, marketing plan, and a plan for success. Having a business plan will give you better clarity and allow you to gain a deeper understanding of the industry. It also helps you to

anticipate issues and hold yourself more accountable to the process. Planning for success by diversifying your Notary enterprise should be included in the plan.

5. Make self-development part of your normal activity.

This is a critical element to operating a successful Notary entrepreneurial business. As your business continues to grow, seeking out new opportunities can make the difference in sustainability. As Notary entrepreneurs, we must develop wisdom in all areas of our business. Wisdom is the application of knowledge, and knowledge is achieved by developing good self-improvement habits over time. Developing these habits should include attending workshops, reading books in your field, attending Notary conferences each year, etc.

6. Understand social media. Every successful company no matter what industry they are in, needs to have a social media presence. Having a broad social media strategy is important because your customers are active on social

media. Also, not having a good understanding of the social media landscape gives the advantage to your competitors. Utilizing social media can enhance your business and will often be the source of new business opportunities. You will want to consider a blogging presence, as well as a strong Google presence to help grow your business.

7. Networking. Networking (every aspect of it) is a critical element in building your business. When

starting a business, most Notary entrepreneurs do not start their career with a lot of funds to allocate toward marketing. Leveraging that weakness by networking with other Notary professionals in your area can pay dividends. For example, when you receive an assignment that you are not able to cover, you can recommend another professional Notary in the area and vice versa. When that Notary experienced the same thing they would recommend that assignment to you. In the early days, receiving these extra assignments without spending marketing dollars will allow you to grow and even expand your business.

8. Work on your business (not just in your business).

This is so important it needs its own section as a key lesson. To help figure out if you are working *on* your business (which I suggest) versus working *in* your business, ask yourself these questions: Are you attending a Notary workshop or conference in the next 12 months? Do you have yearly, quarterly, monthly, weekly, daily written goals? Are you tracking your success? Are you making adjustments to your business each quarter to operate more effectively and efficiently? How are you scaling your

As your business continues to grow, seeking out new opportunities can make the difference in sustainability.

business? When was the last time you planned a vacation for yourself and your family? Do you have a mentor? It has been said by successful entrepreneurs over and over again that the better the questions you ask yourself the better your business will be.

9. Find a mentor. This key lesson focuses on forcing yourself out of your comfort zone. Good mentors are not only successful in their fields, but they have habits and skill sets that you do not yet possess. Seeking out these mentoring relationships will be helpful to you in other areas such as physical and mental fitness, tax preparation, financial planning for retirement, business management and of course Notary business development. Always seek rooms where you are not the smartest one there.

10. Set written goals. Whether in your personal life or in your business world, everyone needs to set goals. Setting goals allows you to take control of your business. It allows you a platform to achieve maximum results and creates accountability for yourself. Goals also help to motivate you and will give you something to strive for. Developing the habit of having written goals can be one of the most powerful habits you develop. Goals will change from time to time as new opportunities arise. Allow flexibility while always stretching to reach new heights.

11. Put yourself on a budget. To be the absolute best, you definitely need to manage and budget your time, money and what you consume. Understand the difference between income-producing time and non-income producing time, how to properly manage your money (spending as well as savings) on a budget, as well as budgeting what you consume (food and information).

12. "Like it or not, we live in a 24/7 world." As Notaries, and particularly as signers, one living on the East Coast often received calls for assignments from companies operating on the West Coast. Emailing and texting now allows clients and schedulers to expect an immediate answer or clarification of availability for a last-minute closing and if the first company (or signer) does not answer, the client will call the next one on the list. As your business develops, your smartphone will become your most critical tool.

Imagine this: You are the owner and operator of the most efficient and effective Notary business in the world. You have Notaries around the country seeking you out and contacting you asking for advice on how to operate their business more effectively. You are able to write a sizable check each year to the charity of your choice because of your successful business. What key lessons can you take from this article to become that person today? ■

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Notary Tip: When The Signer Doesn't Match Their ID



Imagine you are sitting across from a signer with shocking pink hair. The person seated across from you looks nothing like the photo of the middle-aged, silver-haired woman on the ID. Midlife crisis? Or is it fraud? What about an individual who has just undergone significant weight loss surgery, grown a full beard or shaved that beard?

Your most important duty is to verify the identity of the signer. And the fact that your signer does not resemble their ID photo certainly raises a red flag. But it doesn't mean that the signer is an imposter.

While a visual match between the ID photo and the person present is preferable, the challenge arises when the match is not obvious. A lack of absolute visual match is not necessarily a reason to reject the ID. Here are some guidelines to keep in mind when faced with this challenge:

Don't Rely On Variable Traits

A person's appearance changes over time, and

sometimes frequently. Features such as hair-style or color, weight, facial hair, and whether a person wears contacts or eyeglasses are all subject to change. In states with varying driver's license terms and renewal policies, the ID photo may be 10, 15 or 20+ years old. Even when someone renews their driver's license, many states do not require them to get a new photo.

So when examining the ID, consider the following:

- Look at the birthdate to see if the signer appears to be the appropriate age.
- Look at fixed traits such as ear shape and placement, jaw or chin shape, eye shape, or distance between facial features.
- Look at the person's general physical description (height, weight, color of eyes or hair, etc.).

If one element is different but the other information on the ID (signature, height, etc.) is reasonably accurate, take that into account when deciding to accept the ID.

Look Beyond Physical Evidence Of Identity

As part of your process, ask the signer basic questions about the information on the ID.

- What is their zip code?
- What is their birthdate or astrological sign?
- What is the number of their street address?

You should also observe their behavior. Are they trying to rush you or spontaneously provide justification as to why their signature or appearance doesn't match?

Ask For Another ID

If concerned, you can ask the signer for another ID. Several states' laws allow a Notary to do this. What is acceptable as a second form of ID will vary from state to state, so be sure to know your state's requirements. For instance, California has a very specific list of acceptable forms of identification. It should also be noted that in California a Notary cannot "mix and match"

IDs, using the photo from one ID and the physical description from another. A single ID must meet the requirements.

Some states, such as Texas, do not allow the use of secondary IDs.

Some states allow for the use of credible identifying witnesses. In states such as California and Florida credible witnesses aren't an option when a person's ID doesn't check out. That's because the witness must swear that the signer does not have an ID that is on the state's list of acceptable identification credentials.

Ultimately, you are expected to make a reasonable judgment. If in your review of a signer's ID you reasonably conclude that the signer is not an imposter, then you can proceed with the notarization. However, if you are not convinced the signer is who they say they are, you can and should refuse to go forward.



Deaf Signers, Recording Signing Agent Fees, Stamp Disposal

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 How do you notarize a signature for someone who is deaf?

L.K., New Jersey

A New Jersey law does not have specific provisions for notarizing for the deaf, but *The Notary Public Code of Professional Responsibility* helpfully states that a Notary Public must be able to communicate directly with the signer in order to notarize his/her signature. Standard III-C-3 says: "The Notary shall not notarize for any person with whom the Notary cannot directly communicate in the same language, regardless of the presence of a third-party interpreter or translator."

Any form of direct communication is allowed. The Notary and signer may communicate in sign language. The Notary may communicate directly with the deaf person through writing notes on paper, or the Notary and signer

can type messages to each other on a computer or mobile device while in each other's presence.

Q I'm a Notary Signing Agent. Should I record my full signing fee in my Notary journal? If not, what do I put in the fee section?

V.T., Utah

A First of all, keeping a journal in Utah is not required, so just how you record information in your journal is up to you. Strictly speaking, the fee you receive from the signing company or closing agent is not a notarial fee. It covers all

you do as a Signing Agent, including notarizing signatures on closing documents. Thus, you aren't charging for the notarizations you perform. One possibility is to record "0" in the fee column of your journal and make a note that you were paid a flat fee for a loan signing on that date. Make sure you keep separate business records of all of the invoices and payments for loan signings you perform.

Q I notarize several documents at work on a daily basis. I was wondering if it is legal to purchase an address stamp to stamp

the book under "Address Where Notarization Performed" instead of handwriting the address every time. Please advise.

L.V., California

A Yes, using a date or address stamp is a great timesaver for entering information in your journal.

Q How do you properly dispose of old Illinois Notary stamps?

H. K., Illinois

A When the Notary's commission terminates through revocation, resignation or death, *The Illinois Notary Public Handbook* available on the Secretary



of State's website says "the notary, or the notary's heirs, should destroy or deface the seal so that it may not be misused."

Q As a Florida Notary who obtained my commission through Wells Fargo Bank, am I required to collect a customer's thumbprint in my Notary journal?

D.O., Florida

A No. While state officials urge Notaries to consider keeping a journal, Florida Notaries are not required by state law to maintain a journal or to obtain a signer's thumbprint in the journal.

Q Can my employer force me to use the soft cover brown journal entry book & black casing stamp if I purchased my own hard cover book and color casing stamp?

D.C., California

A It's not clear one way or another. California law doesn't precisely deal with your question, but Government Code 8202.7 states that a private employer may, pursuant to an agreement with an employee, pay for all of the costs associated with the commission. This would include the supplies you

use, including the journal. If you have entered into such an agreement with your employer, you may be bound to use the supplies they provide depending on how the agreement is written. On the other hand, having two seals is not prohibited, but you may only keep one journal at a time. You may consider using the journal the employer provided to you first and when it is full, use the journal you purchased.

Q Some of our bank branches do not have Notaries. To make it more convenient for our customers, can the

documents be scanned or emailed to another location to be notarized, provided the signer's ID is validated first?

D.T., Pennsylvania

A No, not unless the signer is personally appearing before the Notary at the other branch at the time of the notarization to be identified by the Notary in that branch and to sign the documents. The signer must personally appear before the Notary who is notarizing the signer's signature (57 Pa.C.S. 306).

Q Can two individuals that are signing the same document notarize each other's signatures?

S.H., California

A No. Government Code 8224.1 says, "A notary public shall not take the acknowledgment or proof of instruments of writing executed by the notary public nor shall depositions or affidavits of the notary public be taken by the notary public."





Ensure Your Certificate Language Is Compliant

An important part of your Notary duties is making sure the certificate wording you use complies with your state's requirements. The wording of a Notary certificate officially records and describes the details of the notarization. While the wording varies from state to state and form to form, it should contain certain specific elements.

The 4 Ws Of The Notarial Certificate

Ideally, every notarial certificate should answer four key questions: where, who, when and what?

WHERE means the location where you notarize the document. The certificate should include the words "State of..." and "County of..." at the beginning of the certificate. This is often referred to as the venue.

WHO means the person whose signature you're notarizing. Most Notary certificates will contain a blank space to insert the signer's name.

WHEN means the date you perform the notarization.

A Notary certificate should contain a space to enter the date of notarization.

WHAT refers to the type of notarial act you're being asked to perform. Look for key words: "acknowledged" usually refers to an acknowledgment; "sworn" or "affirmed" can indicate a jurat.

In addition to answering the 4 Ws, make sure there is a line for your official Notary signature and space for you to affix your Notary seal — if required.

There are exceptions to the 4 Ws. Make sure to familiarize yourself with your state's requirements and guidelines.

Out-of-State Certificates

As a general rule, you may complete an out-of-state certificate as long as the wording complies with your state's laws and it doesn't ask you to do something you are not allowed to do.

There are exceptions. California Notaries, for example, are required by law to use specific

certificate language exactly as it appears in statute for both acknowledgments if the document will be filed in California, and for all jurats regardless of where the document is filed.

Hybrid Certificate Wording

In some cases, a certificate will have both jurat and acknowledgment wording. This is often called a hybrid certificate. An example of hybrid wording is, "Acknowledged, subscribed and sworn to before me on (date)."

The hybrid certificate described above would require a jurat or verification upon oath or affirmation because the wording indicates you must administer an oath and watch the principal sign the document.

Two Certificates

A document for the purchase of real property may

contain two certificates: one for the buyer, and one for the seller.

If both the buyer and seller are at the signing table, you would complete the one certificate for the buyer and the other for the seller.

In this case, you are performing two notarizations, and you would record each notarization in your journal separately.

No Notarial Wording

What if the document doesn't contain a Notary certificate?

In most states, you can't perform the notarization without one. You'll need to have the signer tell you which notarial act to perform or find out which one the document needs.

Then you may complete and attach a separate certificate form with the appropriate notarial wording to the document.

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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