

July 2019

The National NOTARY®

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How mentoring
STRENGTHENS
the Notary
community



Shine

at the Notary event of

June 7–10

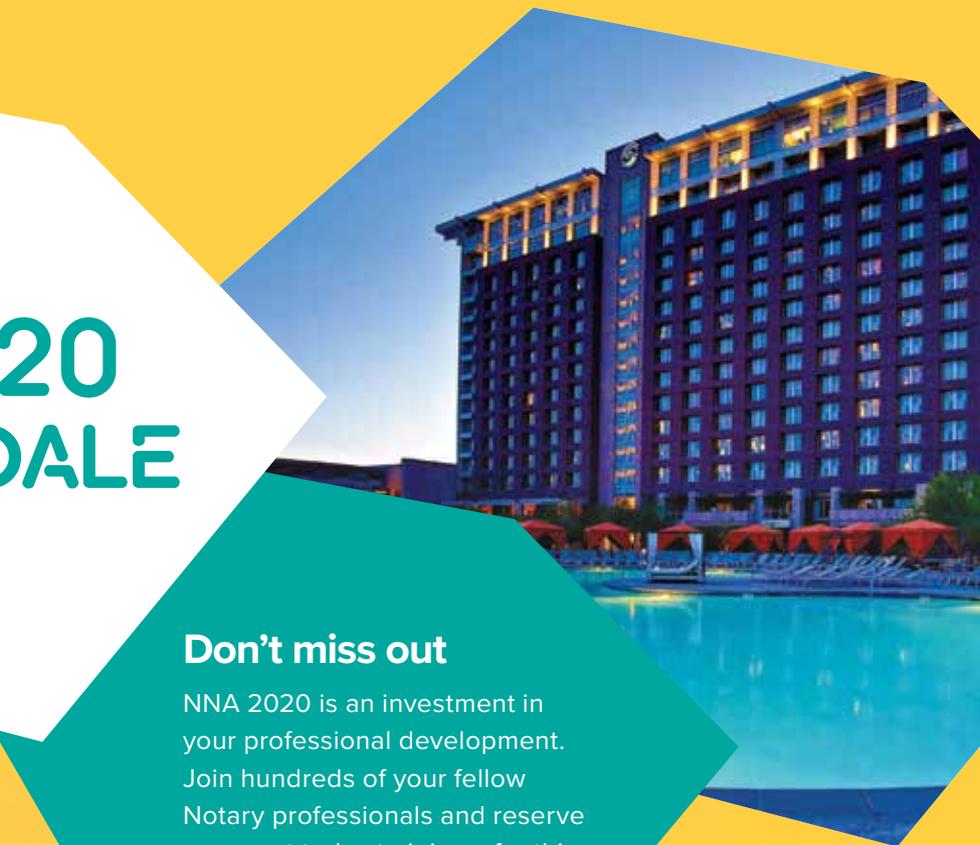
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OUR MISSION

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.

Our Core Values of Membership promote:

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

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How Mentoring Strengthens The Notary Community

David Thun

One of the first questions new Notaries ask is, "Where can I find a mentor?" That is true for mobile Notaries and office Notaries alike. The question, however, does not have an easy answer. It's not always easy to find an experienced Notary willing to take on the mentor's role. And new Notaries sometimes ask too much of their mentors. But mentors and mentees in both the office and mobile Notary worlds say the relationship can be very beneficial to both parties. And ultimately it's a good thing for everyone when experienced Notaries show the ropes to rookies.

12 [Common Mistakes To Avoid With A Mentor](#)

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Notary Liability Myths Debunked

Michael Closen

Myths about many things abound, and that is especially true when it comes to Notaries and the liability they face. While some myths may be exaggerated, others need to be taken quite seriously to help ensure sound practice standards and avoid liability, Michael Closen reveals the truth behind many of these myths.

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Graphic: Eight Tips To A Smooth Notarization

NNA Staff

While most Notaries understand the basic steps of completing a notarization, there are a number of things that can cause headaches at the signing table. This simple yet informative graphic offers practical tips about what to have on hand and more. Follow these simple yet crucial steps to ensure every notarization you perform is complete, accurate, lawful and goes smoothly — for both you and your customers.

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Beyond Loan Signings: Finding Your Niche

Kenya McCullum

Successful mobile Notaries understand that the key to building a thriving business is finding revenue from sources other than loan signings. But where do you find that revenue? There are niches in every community, and all you have to do is look for them to bring new business your way.



Why You Shouldn't Offer Unauthorized Legal Advice

WHILE IT MAY SEEM harmless to help a signer with questions, under the law only a qualified attorney or other authorized legal professional is permitted to provide this information — Notaries cannot. If you are asked to “legalize” a document by performing an improper or unlawful notarization, you should always refuse.

“The only legal advice I ever give anyone is: ‘If you have questions, consult an attorney.’”

Paul McCool, Orange, CA

“On my desk I have a sign saying, ‘I’m not an attorney. Only an attorney can give you legal advice.’”

Jacqueline Grant, Hollywood, FL

Has Anyone Ever Tried To Take Your Notary Tools Without Your Permission?

MANY EMPLOYERS OR SIGNERS INCORRECTLY believe they should be able to have access to the Notary’s stamp and journal while completing a notarization. Notaries on Facebook shared their stories:

“No, but someone tried to read the names in my journal.”

James Davey, Verona, NJ

“Years ago, I had a boss who asked me several times for my stamp and journal to have his girlfriend’s signature notarized without personally appearing. No way!”

Barbara Grasso, Sacramento, CA

“A few times, I’ve had small children grab my Notary stamp and take off with it.

They are fascinated because it’s a stamp, but luckily their parents typically get it back from them right away.”

Anthony Holt, Hinckley, OH

“The mother of a signer grabbed my Notary journal after I had completed the entry. She said, ‘I have a right to see everything you wrote.’ As I secured my journal, I informed her that as the mother of my signer, she did not need to see anything. I also added that if she wanted to see this entry so bad, she could complete a records request through the Secretary of State that would get forwarded to me for processing. One and only issue I’ve ever had.”

Notary Headquarters, LLC, Florence, AZ

Notary Horror Stories

WHAT’S THE WORST NOTARIZATION situation you have encountered in your career? Occasionally Notaries find themselves in unpleasant situations with signers.

“Tried to notarize title docs at a construction site sitting on an upside-down bucket with a board for a table. It was so cold the ink froze, and the pens wouldn’t write. We had to move somewhere warm, thank God.”

Joy Olsen, Lakewood, WA

“I went to a hospital room for real estate docs. The family was pulling a ‘sign here, mama’ to basically sell her house out from under her. She thought they were discharge papers for her to go home. I refused and walked out, and some of the family chased me down the hall. I had to have security

escort me to my vehicle and notified the hospital/authorities of elder abuse.”

Keithley Notary Services, Tulare, CA

“The worst signing was with a gentleman who was unhappy with his loan. He answered the door with a knife in his hand and kept it on the signing table the entire time.”

Michael Metzger, Los Angeles, CA

“The worst one was probably when I was inexperienced and had taken a closing for less than my time is worth. The package ended up being 300 pages and the client brought his accountant, who scrutinized every page. We had to make several calls to the title company. We were there forever.”

Christy Shaw, Fairbanks, AK



Have You Ever Had To Refuse A Notarization Due To A Signer's Mental State?

WHEN YOU NOTARIZE the signature of someone who's ill, hospitalized or affected by other health issues, it can be tough sometimes to tell if the person is willing and knows what they are doing. Notaries shared a few of their experiences with us:

"I'm a Director of Human Resources for a nursing home, and the previous nursing home I worked for paid for my commission and stamp. I was doing a power of attorney for one of the residents who asked that her grandson be the attorney in fact.

"Her daughter got upset over it in front of everyone. Nothing overboard, but visible. Then the resident changed her mind and said she wanted the daughter to be attorney in fact. The lady was a



little elderly, and I felt that she really didn't understand the circumstances surrounding all of this. I refused before I even had my journal out. The family understood and thanked me for my time."

Ramon Delgado, Hamden, CT

"A daughter wanted the deed of her mother's home. Mother, bless her, had no

clue as to who I was or why I was there. It was a no can do."

Julie Rice, West Hills, CA

"Not yet, but I certainly ask seniors if they understand what we are doing. I would have no problem stopping an appointment if I saw something I didn't like."

Shannon Smith-McKeown, Walla Walla, WA

Join our online communities and interact with the NNA and Notaries everywhere!



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How Do You Market Your Notary Services?

NOTARIES HAVE DISCOVERED A VARIETY of ways to catch the attention of new customers. Here are some tips from experienced Notaries:

"Everyone is a potential customer. My best marketing tool is my smile and listening to people, then I give a small pitch. Works pretty well."

Melissa Johnson Eldridge, Desoto, TX

"Business cards, Facebook and Google have worked pretty well for me. Word of mouth and networking have worked as well."

Steve Day, Columbia, MO

"It's hard to find the right customer at the right time. One way is to have a website so that when people search for you and need you, they can find you."

Alexis Henderson, Santa Barbara, CA



Celebrating Cathy Betts' Distinguished Notary Career

AFTER 19 YEARS SERVING AS AN NNA Notary Ambassador, 25 years of NNA Conference attendance, a 2005 Notary of the Year Honoree and now celebrating 65 years of life, Washington state Notary Cathy Betts is planning for her retirement — and her wedding.

Tom Heymann, NNA CEO, honored Cathy in front of this year's Conference congregation at the Grand Hyatt St. Louis in May and thanked her for her selfless years of service and dedication to the Notary Public office and the NNA.

"I want to thank the many, many NNA staff for all of their help throughout the years and for their friendship," Cathy later wrote to the NNA. "This last Conference meant a lot to me and the send-off ... I still tear up over it. I will always remember the classes from Professor Michael Closen and Malcolm Morris."

The National Notary Foundation is donating \$1,000 in her name to the educational institution of her choice — the Washington State University Scholarship



Cathy Betts

Fund. "I want to thank you for the offer from the NNA Foundation," said Betts. "I would not have been able to get my degree from WSU in '76 had it not been for grants and scholarship."

Cathy plans on continuing her Notary work through her last commission, which will expire in May 2020.

Godspeed, Cathy, we wish you all the best.

Notary Quick-Start Training

NOTARIES IN EVERY state now have access to a 5-step, basic review of Notary Best Practices that can be applied to the most commonly performed notarizations.

A brief but effective 20-minute course, Notary Quick-Start Training is sister to the more in-depth, state-specific Notary Essentials course, includes a printable

notarization guide for convenient

reference, and fulfills many organizations' compliance training requirements. Learn more at NationalNotary.org/QuickStart.



Everyone's Talking About Talking Stick ... And NNA 2020

NNA 2020 CONFERENCE is lining up a great slate of speakers and educational and income-building workshops to bring to the Four-Diamond Talking Stick Resort in Scottsdale, Arizona, next June.

Named the Tribal Destination of the Year 2017 by the American Indian Alaska Native Tourism Association, Talking Stick sits within the of the Salt River-Pima Maricopa Indian Community.

With distinct backgrounds and cultures, the Community is comprised of two Native American tribes: the "Akimel O'Odham" (River People) and the "Xalychidom Piipaash" (People who live toward the water), also known as the Pima and Maricopa.

With plenty of culture you won't see elsewhere, Talking Stick also boasts two golf courses; world-class, open-air spa and fitness

facilities; casino; pool; casual and fine dining; live entertainment; and spirit-calming views. So there's lots to do at the end of a busy Conference day.

Visit NationalNotary.org/NNA2020 for more information.



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Forget To Verify Signer's ID, Lose Your Commission

IT IS ONE OF THE KEY commandments for all Notaries: Always verify the identity of your signer. A high-profile, government official in Philadelphia learned that lesson the hard way.

Lisa M. Deeley, Chair of the Philadelphia City Commissioners, surrendered her Notary commission last year after it came to light that she had notarized documents on two separate occasions for the wife of a friend without verifying the identity of the woman, according to the consent decree issued by the

Pennsylvania Department of State.

It turned out that the woman was an impostor. Deeley, who got her first Notary commission in 1995, said her friend identified the woman as his wife, and she relied on that as proof of the woman's identity.

In addition, Deeley failed to properly record the notarizations in her Notary register. As a City Commissioner, Deeley is one of three elected officials in charge of elections and voter registration for the city. She was re-elected to the Commission in May.

Remote Notarization Coming To More States

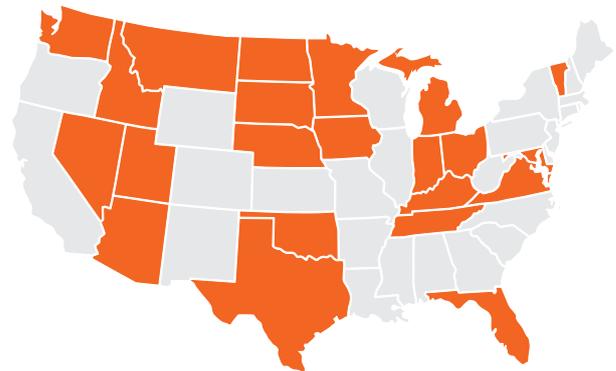
SEVEN MORE STATES have joined the remote notarization club in recent months: Arizona, Florida, Iowa, Maryland, Nebraska, Oklahoma and Washington enacted laws authorizing the requirement for the signer to personally appear before the Notary to be satisfied using audiovisual technology via the internet.

That brings to 22 the total number of states that have authorized remote

notarization, and a number of others are considering it during their current legislative sessions.

The laws in the seven latest states all go into effect next year.

In addition, Montana amended its law, removing many of the limitations on remote notarizations that previously restricted the practice mostly to in-state transactions. This law goes into effect on October 1.



A Signing Agent's Surprising Reunion

NOTARY SIGNING AGENTS spend much of their time in the homes of complete strangers. But every now and then they come across a familiar face. For David Tuttle of Kansas City, Missouri, that familiar face was a true blast from the past — 53 years in the past.

It started this spring as a routine refinance loan signing assignment for Ronald and Sandra

Baldrige. "I went blank staring at the email," Tuttle said. Back in 1966, then 19-year-old Tuttle was working at Hallmark Cards, Inc., when he received his draft notice. "It was a very traumatic time for me."

Tuttle had no family in town, so a co-worker named Ronald Baldrige invited Tuttle to stay with him for the week before Tuttle had to report to the

U.S. Air Force. "I always took solace in staying with a friend."

Fast forward to 2019. Tuttle called the borrower and discovered it was the same friend. "We still remembered each other half a century later." During the appointment, they caught up on their lives and have visited with each other a couple times since.



Signing Agent David Tuttle (left) with Ronald Baldrige

How mentoring **STRENGTHENS** the Notary community

By David Thun





ONE OF THE FIRST QUESTIONS NEW NOTARIES ASK IS WHERE THEY

can find a mentor. This is true both for mobile Notaries looking to start their business and office Notaries who need help understanding how to carry out their basic duties.

But finding a mentor can be a challenge. Some experienced Notaries and Signing Agents see mentoring as “training the competition.” New Notaries may not know where to start looking. And some students alienate potential mentors by making inappropriate requests for business contacts or private signer information.

But when done right, mentoring can provide unexpected benefits — not just for the person being mentored, but for the entire Notary community. While it may seem counterintuitive, many Notaries who learn from a good mentor say they’ve been inspired in turn to help other Notaries — and their business has benefited. In an office setting, having an onsite mentor is an invaluable resource for new Notaries and can prevent improper requests that can leave the business open to lawsuits.

But what makes a good Notary mentor, and where are the best places to look? *The National Notary* reached out to a variety of mentors and mentees to ask about their experiences and get their recommendations. Here’s what we learned.

Why New Notaries Seek Out Mentors

The one thing every Notary discovers when they start out is that notarization is a lot more complex than it looks. It’s easy to make a mistake that can get you sued or even cost you your commission. Many new Notaries feel insecure and want to find a mentor to teach them how to avoid potential landmines that can result from inexperience.

“I knew there were a lot of things I didn’t know, and there was the possibility of accidentally giving unauthorized legal advice,” said Cristal Nash of Chesnee, South Carolina, who got her commission in March 2018. Luckily, Nash’s landlord was an experienced Notary and offered to guide her.

“I’m a lot more confident after being mentored,” she said. “It’s helpful to know things like when to refuse a request, and that I have to have a good, solid reason so that the signer doesn’t get upset when I turn them down.”

When Selecia Young-Jones of Jacksonville, Florida, was starting her Notary business, she understood the basics of her state Notary laws, but she wanted help from someone

with practical experience when situations came up that weren’t directly addressed by state law.

“The information I had was enough to pass my Notary commissioning exam,” she said. “But just because you can drive doesn’t mean you can win the Indy 500.”

Young-Jones saw some posts online from Herb Guinup, a Notary in Tampa, Florida, with more than 30 years of experience. She took a chance and asked him for help, emphasizing that since she was in another city that he wouldn’t have to worry they were competing.

Guinup agreed to be her volunteer mentor. He answered her questions and also suggested that she join the NNA so she could benefit from educational materials and the Notary Hotline.

“In today’s world, there’s zero reason for an inexperienced Notary to have to go it alone,” said Notary educator Mark Wills of

Loan Signing System. “The biggest benefit of working with a mentor or instructor is that it’s a shortcut to success. You can teach yourself to play basketball, and it may take you three years to learn to shoot hoops, but if you find a coach, you’ll learn faster. It’s the same for Notaries.”

Mentoring Can Help Both Mentees And Mentors

One of the biggest challenges to finding a mentor is that experienced Notaries often fear they are training a potential competitor.

But Notaries who do mentor find a different reality.

“In today’s world, I believe mentoring new Notaries with real hands-on experience only helps strengthen the industry,” said Herb Guinup. “My personal philosophy is that any Notary who is dedicated to learning and understanding their role is not a threat to me or my business. I find sharing my passion for serving the public and handling notarizations with care and integrity very rewarding.”

Mentees who have been helped by a good teacher often seek to “pay it forward” by offering to assist others. Such was the case with Young-Jones.

“In today’s world,
there’s zero reason
for an inexperienced
Notary to have
to go it alone.”

— Notary educator Mark Wills

After getting her own Notary business up and running, she started an information network for local Notaries who help each other if someone's not available for a notarization. "One gal called me for information on conducting a wedding while I was on vacation in Arizona, and I walked her through it," she said. "Another time when I was

might require a little extra effort.

One of the best places to find a mentor is on social media. It's a simple matter to check out online message boards as well as Notary groups on Facebook or professional networking sites such as LinkedIn. Facebook, for example, has a Notary Public Mentor group.

it easier to find a mentor in their area. But if you live in a rural or less densely populated region, it may be more difficult.

Notary-regulating officials in some states periodically host conferences, which can be great ways to meet other Notaries. The biggest regular gathering is the NNA's Annual Conference, which many new mobile Notaries use to network and build connections.

Another alternative is to seek out a professional online mentor who offers full-time paid training programs and instruction to new Notaries. This requires a beginning Notary to budget for the costs of training, but also ensures you will have a dedicated, full-time instructor.

Carol Ray, owner of Notary2Pro, a training service for Notaries and Signing Agents that has been in operation since 2009, said it's important to do research, find out all you can about a particular mentor's style, and decide what kind of mentor suits you best.

"When you look for someone to train or mentor you, check for testimonials," she said. "Go to Google Business and

One of the best places to find a mentor is on social media.

unavailable to perform a wedding, she returned the favor by covering the assignment for me."

Where Can You Find A Mobile Notary Mentor?

A major obstacle for people starting a Notary business is that most mobile Notaries work out of their homes and do not engage with other Notaries during their daily activities. So it

Once you join these groups, engage with people and let them know you are looking for a mentor.

You may also follow Young-Jones' example and search for websites and online forums for Notaries in your region, and message them directly to ask if they are willing and available to mentor.

Notaries in large cities might find

Common Mistakes To Avoid With A Mentor

Below are some common mistakes Notaries should avoid when requesting help from a mentor.

Don't take your mentor's time for granted. Selecia Young-Jones said it's important to remember that a volunteer mentor has their own work to do. "You have to realize they may be busy, too, and ask yourself: 'Do I really need to bother them?'"

Don't expect your mentor to provide you with free business contacts. A mentor can provide invaluable help in learning proper notarization procedures — but don't assume they will hand business to you on a silver platter. A mentor is not obligated to share their customer contacts with you or guarantee you paid Notary appointments. Their guidance will help you launch your business, but it's your responsibility to

find your customers and assignments.

Do not ask to accompany your mentor on loan-signing assignments. While this is a common request, it is not an appropriate one because allowing a mentee to see a signer's loan documents is a potential violation of the signer's privacy.

"Allowing someone to ride along for a signing is a huge no-no," said Mark Wills of Loan Signing System. "Signing Agents sometimes forget about issues like a trainee seeing the borrower's Social Security number or other private data."

A more appropriate way is to for the mentor and mentee to meet in person and go through mock signings using sample documents that do not include genuine customer information. ■



see how long the mentor or instructor has been around. Join Facebook groups for Notaries and ask questions. Go with your gut. If you are making a big decision and something tells you that it's wrong, stay away from it."

Notary Mentors In The Office

Most Notaries carry out their duties as part of their full-time jobs, and new Notaries often need guidance on the basic requirements of notarizing. That is especially true because bosses and co-workers often are not familiar with Notary laws, and they may expect you to do things that the law does not allow. Having an experienced Notary on staff to provide proper guidance can be invaluable.

Joan Baffa worked for the law firm Debevoise & Plimpton LLP in New York for nearly five decades. She knew that proper notarial practices and procedures were of extreme importance, so she became in-house trainer for the firm's 165 Notaries.

"I was the go-to person when it came to Notary Public questions," she said. "I would train the partners, lawyers and staff on the do's and don'ts of notarizing documents. It definitely reduced the chance of lawsuits or problems for the firm."

For co-workers like Dana Jones, Notary and Assistant Managing Clerk at Debevoise & Plimpton, having a resource like Baffa, one of the NNA's 2015 Notary of the Year Honorees, was invaluable. "From start to finish, she helped make sure our documents were notarized properly and kept us all up on Notary changes."

If you are asked to obtain a Notary commission as part of your job duties, ask your employer if there is Notary trainer on staff or other experienced Notaries who can answer questions.

Many business — especially those with only a few Notaries on staff — simply may not have an in-house mentor available. There are other resources available (see at right).

Sheri Kesterke of Berrien Springs, Michigan, found herself in that situation. After going to work for the Village Clerk's office out of high school, she realized she needed to educate herself on Notary procedures. The NNA 2012 Notary of the Year sought out available resources, then dedicated herself to helping her staff as well as other municipal clerks around the state.

If your workplace needs a mentor for co-workers and managers, you may wish to take on that role once you become knowledgeable and confident with Notary practices.

What Are The Qualities Of A Good Notary Mentor?

How can you tell if a mentor will give you good guidance? Here are some of the most important things to look for:

Other Resources To Help New Notaries

Don't give up if you can't find a mentor right away. There are many resources available to help you gain the knowledge you need. Here are some examples:

- 1. Your State Notary Regulating Agency.** Some state agencies offer information resources for Notaries, including handbooks for performing notarizations properly or answers to frequently asked questions on their website. You can check what's available at your state Notary regulating agency's website: <https://www.nationalnotary.org/knowledge-center/about-notaries/notary-links#State-Notary-Sites>.
- 2. The Notary Public Code of Professional Responsibility.** Notaries often encounter ambiguous situations where state law doesn't provide specific guidance. *The Notary Public Code of Professional Responsibility* provides recommended guidelines to help Notaries perform their duties ethically and responsibly in the absence of statutory instructions. The Code is available online at: <https://www.nationalnotary.org/knowledge-center/reference-library/notary-public-code-of-professional-responsibility>.
- 3. YouTube Notary Tutorials.** Educational videos for Notaries are available on YouTube from various Notary trainers and professional associations. NNA videos are available at <https://www.youtube.com/user/NationalNotary>.
- 4. The NNA Notary Hotline.** NNA Hotline Counselors can answer questions from Notaries in any U.S. state or jurisdiction by phone (1-888-876-0827) or email (hotline@nationalnotary.org). While NNA members have unlimited access, nonmembers are provided with a one-time courtesy call.
- 5. Notary Quick-Start.** Notary Quick-Start is a 20-minute online course designed to help new Notaries with general information on the five steps for performing a proper notarization. For more information, visit www.nationalnotary.org/notary-quick-start-training. ■

1. Knowledge of your state's Notary laws. "The most common questions I get have to do with Notary laws, because all 50 states are different," said Bill Soroka, Founder of NotaryCoach.com and the Sign & Thrive Notary Training Course and Community. "The law is often subject to interpretation, and this leads to a lot of gray areas, and there are so many occasions where the law is silent about certain issues."

2. Integrity and professionalism. Whether looking for business-building guidance or help with Notary questions, you want a mentor who is scrupulous about following proper procedures and ethical practices. A Notary who fails to ask signers for proper ID, who doesn't require personal appearance or keep required

journal records is not the right person to mentor you.

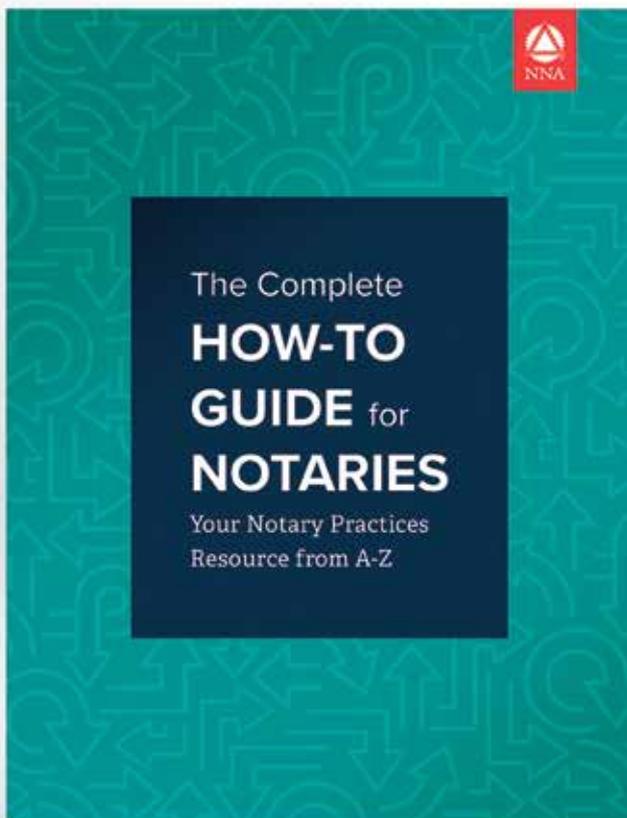
3. Patience and availability. "You have to be sure that you are available for your students when they need you," said Carol Ray. "I answer my phone every time it rings when one of my students has a question. People who bug you with questions want to do things right. I had one student who called me constantly, but she turned out to be one of the best Notary Signing Agents I know. Today she works with her state doing Notary training herself."

When seeking out a mentor, remember that the mentor's role is to help you master the fundamentals of notarization. It's not appropriate to assume that they will provide you with free business contacts

or arrange assignments for you — a mentor is a teacher, not a job placement agency for Notaries. Also, you should never make requests of a mentor that would breach the privacy of your mentor's customers (see "Common Mistakes To Avoid With A Mentor," page 12).

A Final Note: Don't Be Shy About Asking Questions

When you are looking for a mentor, Mark Wills says don't be afraid to give them a call to speak to them directly and ask questions. "Call them up directly, talk to them and see how you feel about them," he said. "Ask them to tell you a little about themselves and what makes them a good mentor. See how you feel about them. The easiest way to be successful is to copy someone who's already successful." ■



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NOTARY LIABILITY MYTHS DEBUNKED

By Michael Closen



THE LAW CAN BE COMPLICATED, MYSTERIOUS, AND INTIMIDATING — especially to nonlawyers. The law relating to Notaries and their duties certainly fits that description. After all, notarizations are governed by state statutes and regulations, and the documents which are notarized — including affidavits,

deeds, contracts, court papers, government forms, mortgages, powers of attorney and wills — almost always have legal consequences.

Not surprisingly, myths abound among Notaries concerning their liability. Some of those myths exaggerate the risks of legal liability, while others understate the risks. The myths which minimize Notary liability are particularly troublesome, for they may encourage Notaries to disregard required notarial procedures and sound practice standards.

Here are some myths and what you need to know about them.

1. MYTH: Because the fees which Notaries may charge are so small, you will never be sued or you will not be sued for substantial amounts of damages.

REALITY: Although the fees are modest (ranging mostly

between \$5 and \$15), you face full and unlimited liability for the financial injuries they cause due to your faulty performance of official acts. Notaries have been sued for tens of thousands and even hundreds of thousands of dollars (or more).

2. MYTH: You are not liable for bad acts committed by others using your Notary tools.

REALITY: If you negligently allow someone to borrow or steal your seal and that person uses it to create a false notarization, which in turn causes financial injury, you will be liable for the forged notarization. In another example, if you negligently allow someone to borrow or steal your Notary journal and that person uses a customer's personal identifying information to commit document fraud or identity theft, you will be liable for the resulting financial injuries.

3. MYTH: You have civil liability even if no financial injury results from your faulty actions.

REALITY: If a faulty notarization does not cause financial harm to anyone, then there is no reason for anyone to make a claim or to file a lawsuit for damages against you. It is like the old basketball saying: “No harm, no foul.” Many Notary mistakes are minor or technical errors or omissions, and many are never even discovered or are not serious enough to prevent the notarized document from being accepted or utilized.

patriotic, or good faith public-spirited purposes, you are still responsible for abiding by all laws regarding notarial services. No exceptions.

6. MYTH: If you perform notarizations on behalf of your employer, you will not have liability because your employer’s insurance or the financial resources will cover any damages caused your faulty notarizations.

REALITY: You are the commissioned public official, not your employer. Therefore, in all instances, you will have primary liability for notarial mistakes. Even if you do something

work like insurance. A Notary bond protects the public, not the Notary, and only up to the maximum bond amount. Thus, a \$10,000 Notary bond provides the public with protection up to the relatively small sum of \$10,000. If a claim is paid against your bond, the surety company is entitled to seek reimbursement from you. So, it may be advisable to consider buying a separate Notary E&O liability insurance policy. Better to be safe than sorry.

9. MYTH: Although you may face civil liability, you will not face additional administrative or criminal liability for mistakes and misconduct.

REALITY: To the contrary, if you make a negligent or intentional mistake (even if no financial injury is caused to anyone), you may also face criminal and/or administrative consequences. It is considered official misconduct when a public official (such as a Notary) fails to abide by the law or to perform a required official duty (such as a notarization) — which in most states can be punished as a crime. It also can be grounds for the commissioning or oversight agency to sanction the Notary. Penalties can include censure, fines or the suspension or revocation of the Notary commission.

After debunking the myths about Notary liability, we are left with the reality that the risk of Notary liability is a very serious matter. But it is a simple matter to protect yourself: Know and abide by your state’s Notary laws and regulations; maintain a detailed Notary journal that documents your diligence and reasonable care; and proofread and double-check all your work before concluding each notarization. ■

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.

Anyone financially harmed by a faulty notarization could claim damages or sue.

4. MYTH: Your liability due to a faulty notarization is limited only to a document signer.

REALITY: In addition to document signers, other persons or parties may suffer financial injuries due to faulty notarizations. For instance, a party who relies upon the validity of a notarized document could be injured financially if it is later determined that the faulty notarization invalidates the document. In other words, a transaction of some kind might be invalidated after money has been spent or has changed hands, and someone will have been damaged. So, anyone who is financially harmed by a faulty notarization could claim damages or sue.

5. MYTH: You will not have liability if you do not charge a fee for the faulty notarial service.

REALITY: You must follow the law whether or not a fee is charged. Even if you are an unpaid volunteer performing notarizations free of charge for charitable, humanitarian,

wrong because your employer told you to do it, you will be liable for the error or omission. It is quite possible that both you and your employer will have joint liability for financial damages resulting from notarial misconduct, but you will always face such liability.

7. MYTH: If your employer has errors and omissions (E&O) insurance or malpractice liability insurance, you are protected by such insurance.

REALITY: Maybe not. It depends on how the insurance policy is written. The scope of insurance coverage is limited by exclusions. To illustrate, some law firm malpractice liability insurance policies expressly exclude coverage for Notary malpractice. You should respectfully ask your employer to confirm that their insurance policy includes Notary errors and omissions protection for you.

8. MYTH: Your Notary bond protects you against legal liability.

REALITY: A Notary bond is not an insurance policy and does not

Financial Damages



Court Costs



E&O

Insurance Protection

Loss on Notary Bond



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8 TIPS TO ENSURE A SMOOTH NOTARIZATION

To ensure your notarizations go smoothly and stay error-free, these tips will keep you on the right track.

By David Thun



1 DON'T FORGET YOUR NOTARY SEAL
Most states require Notaries to use an official ink stamp or embosser. Always make sure you have your seal available and ready when preparing for a notarization.

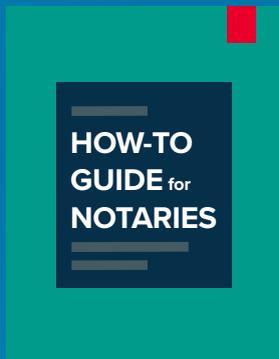
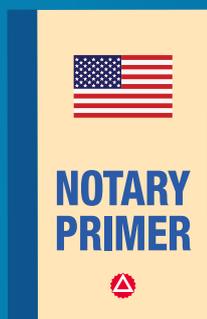


6 COMPLETE YOUR JOURNAL ENTRY
Complete your journal entry with all required information and signatures before you notarize. This ensures that you have all necessary information for your records before the signer leaves.

5 ASSESS THE SIGNER'S AWARENESS AND WILLINGNESS
Speak with the signer to confirm the signer appears clear and alert, understands the type of document that is being signed, and is willing to sign. If there are other people present, make sure the signer does not appear pressured or is being coerced to sign against his or her wishes.

7 COMPLETE THE NOTARIZATION
Fill in all required information in the Notary certificate wording and affix your seal. If asked to perform a jurat, remember to administer the required verbal oath or affirmation to the signer.





2

KEEP REFERENCE MATERIALS HANDY

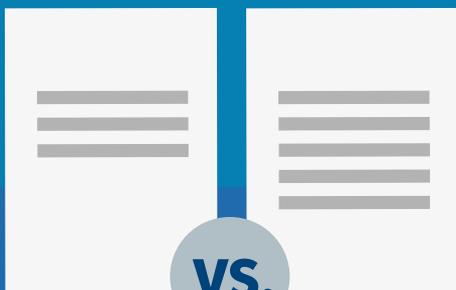
Always keep reference materials for your state's Notary laws on hand, such as a Notary handbook published by your state or a reference guide published by a reputable professional organization. That way, if a question arises during the notarization you will have information available to find the answer.



3

MAKE SURE THE SIGNER HAS PROOF OF IDENTITY

Before the notarization takes place, ask the signer to make sure he or she has acceptable proof of identity. If you are traveling to perform a mobile notarization, contact the signer ahead of the appointment to confirm the signer will have proper identification available when you arrive.



4

HAVE CORRECT NOTARY CERTIFICATE WORDING READY

In case the correct Notary certificate wording is not preprinted on the document, have the correct wording for your state at hand so that if needed, you can complete and attach the proper wording for the requested notarization.

8

CHECK YOUR WORK BEFORE THE SIGNER LEAVES WITH THE DOCUMENT

Check to make sure all information in the Notary certificate is correct and meets your state's requirements. In the event you find an error, simply line through the error, write the correct information, and initial and date the correction while the signer and document are still present. Remember, some states do not permit Notaries to correct errors in the certificate after the notarization has been completed. If you are commissioned in one of these states and an error is found afterwards, you will have to complete a new notarization on the same document.



THINKING OUTSIDE THE LOAN

NICHES FOR MOBILE NOTARIES TO CONSIDER

By Kenya McCullum



LOAN-SIGNING WORK ISN'T ALWAYS AS PLENTIFUL AS MANY NOTARY

Signing Agents would like. That's why most successful mobile Notaries find ways to branch out. More often than not, that means finding business niches and areas of specialization that provide steady streams of income. The following are several niches that people have found.

Family Matters

While mobile Notaries who primarily work on loan signings are used to helping families achieve their dreams of home-ownership, Rebecca Ruben discovered other ways to help families. The Kansas-based Notary assists people when they need adoption papers notarized.

Just as couples are excited about buying their first home, the clients Ruben works with are overjoyed about adding a new addition to their family — and they often have to do a lot of legwork to make it happen. For example, with foreign adoptions, clients may be tasked with traveling to different doctors to ensure that immunization records are up to date so Ruben can notarize the paperwork.

“If you’re adopting from a different country, there are a lot of hoops they want you to jump through, and several things they want notarized,” she said.

Ruben also has experience helping people who have made the painful decision to sign away their parental rights. In these cases, this can be extremely challenging work because Notaries may be at the signing assignment for a couple of hours. That’s because some clients still might be weighing their decision when you are there.

“When the Notary comes with the paperwork saying, ‘Here it is in black and white,’ it’s difficult,” said Ruben. “It’s hard to watch, so you can’t be an emotional type of person when you do it.”

Senior Support

California Notary Marla Christiansen got her first assignment in a health care facility when a client called her after seeing her advertisement in the Yellow Pages. She realized that this could be a lucrative niche, so she started leaving her business cards at the front desk of area hospitals and nursing homes.

Now this work makes up about 25 percent of her business. She typically is called by the families of elderly patients to notarize a financial power of attorney or trust document.

The nature of this type of work means that Notaries should expect to spend extra time on a job, but Christiansen — who works in the Fairfield, Suisun City, Vacaville, and Vallejo areas near San Francisco Bay — plans ahead to make things go as smoothly as possible.

“I always prequalify signers,” she said. “When I’m talking to family members, I want to make sure the signer is mentally able to sign. I ask if they are heavily medicated, if they have Alzheimer’s or dementia, or if there are any physical disabilities where we need to take a little more time. It cuts down on a lot of confusion and hassle at the signing.”

Still, there are times when you show up for an appointment and the signer is not in a condition to proceed, which can cause frustration for the family as well as a signer.

“It’s difficult, but you have to explain that you can’t notarize somebody’s signature on a legal document if they don’t understand what they’re signing,” said Carol Graves, a California mobile Notary who works on health care directives for clients in San Mateo and Northern Santa Clara Counties. “They have to understand what they’re signing, and they have to be coherent.”

Despite this challenge, Notaries can still make this a positive experience for their client by doing what they can to create a good rapport with their sick loved one. Christiansen says that she will chat with the person after attempting to do an unsuccessful signing so there are no hard feelings when she leaves.

“What I do for a stranger is what I would want done for my own family.”

—Marla Christiansen, California Notary

“I’m soft spoken, easy going, patient and that’s how I want the signing to be — never stressed, never duress, and I always want to end on a good note,” she said. “I feel that what I do for a stranger is what I would want done for my own family members.”

Assisting Inmates

Although some Notaries may be reluctant to accept requests from inmates in jails and prisons, Christian Ergueta of Santa Ana, California, has found this work to be rewarding since the first client called him for help. The caller’s son had been



arrested for drunk driving, and she desperately needed paperwork notarized to get the impounded car back.

“When I got the call, I didn’t want to say no if it was something we could do. Someone needed some help,” said Ergueta. “As a Notary Public, we are civil servants first.”

One of the challenges that comes with doing this service is getting access to the facility where the inmate is housed. Every jail and prison has its own procedure for access. Some require Notaries to undergo a background check, while others may let people in as long as they have a current Notary credential. In addition, Notaries should keep in mind that working in these situations comes with the unexpected — like getting stuck at a facility during an emergency lockdown.

Although Notaries may need to jump through hoops to do this type of work, it can open them up to new and rewarding ways to help people in their community and earn more income.

*“As a Notary Public,
we are civil
servants first.”*

—Christian Ergueta, Santa Ana, CA

“I like the fact that I’m able to help family members get done what they need to get done, whether it’s power of attorney, permission for a child to travel, or permission to get a passport for a child,” said Christiansen, who also does this type of work. Inmates’ families aren’t the only ones to call her. Requests also

come from chaplains who perform marriage ceremonies for people behind bars. “It’s gratifying that I can help on both sides.”

The more respect a Notary shows the signer, the more likely that person is to give their name to others in the facility.

“Guilty or not guilty, people are still human,” said Ergueta. “In jail, people are generally treated like an inmate, not like a person. Because I treat every inmate like a human being, they see that and will talk amongst themselves and refer me.”

Business niches can be anywhere — in hospitals, in jails or even in people’s homes. You just have to be open to finding them. ■

Kenya McCullum is a freelance writer from San Francisco.

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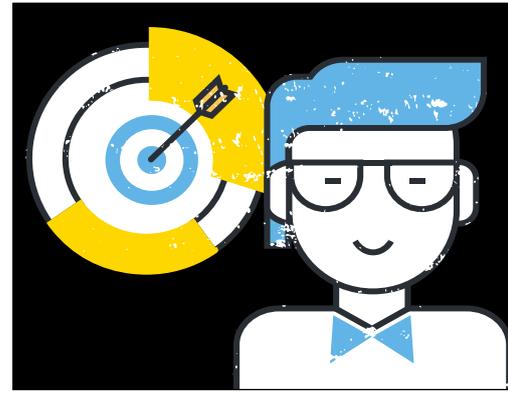
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How To Avoid Common Notary Certificate Mistakes



Minor errors on a Notary certificate can lead to rejection of the documents by the county clerk's office or other receiving agency. Factor in potential late fees, penalties, and other costly consequences, and you could be dealing with a very angry, and possibly litigious client.

Many of the most common errors made on Notary certificates are simple and easily avoided. The key is recognizing — and fixing — the mistake before it becomes a problem.

Read Certificate Wording Carefully

Read all certificates carefully to make sure you understand what you are being asked to do, and then enter the information accurately.

One common mistake occurs when a Notary writes their own name in a space meant for the signer's name.

Enter The Correct Venue

The venue space on a certificate refers to where the notarization took place.

Always make sure this space is filled in accurately.

If the certificate comes to you pre-printed with the wrong location, cross it out and write in the correct location where the notarization occurred.

Print, Sign Your Name As On Your Commission

The name you write on a Notary certificate must exactly match the name on your official commission. Don't leave out or add an initial if it doesn't match your commission name on file. Florida, for example, prohibits Notaries from using any name or initials other than the name appearing on the Notary's commission when signing certificates. Texas also specifies that Notaries must sign certificates with the name listed on the Notary commission.

Include The Correct Date

Mistakenly entering the wrong date or post-dating a certificate is a serious error. Check the calendar and make sure the date is

the day you perform the notarization.

Place Your Notary Seal, Stamp Properly

Documents containing upside down, blurred, or partial Notary seal or stamp impressions are likely to get rejected.

Avoid Sealing, Stamping Over Wording

In this case, the seal or stamp impression covers other parts of the document, including the notarial wording or signature, making them illegible.

Make Sure Commission Has Not Expired

Some Notaries think they can use a seal with an expired Notary commission date. If your state requires your seal to include the expiration date, you must obtain a seal with your current commission expiration date. Even if not required by law, correcting a commission expiration date in a seal impression could cause the document to be

rejected. Either way, it's time to order a new stamp.

Bonus Tip: California Notaries Must Include Their Title

California Notaries must include their title in the California acknowledgment form after printing their commission name: "Notary Name, Notary Public." This isn't unique to California. Notaries in other states may encounter certificates that require them to print their title after their name.

Some Final Tips

- *Know Your State Requirements:* Certificate wording varies from state to state. Stay current with your state-required certificate wording and other Notary laws.
- *Double Check Everything:* Double-check each entry before you complete the notarization to catch any issues or errors.
- *Be Prepared:* Make sure your Notary tools are current, especially your official seal.



Electronic Signatures, Depositions, Notarizing Passports, Oaths Of Office

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 *With new advancements in technology, are we allowed to notarize (using acknowledgments) electronic signatures?*
M.K., California

A Yes, under Civil Code 1633.11, a Notary may notarize an electronic signature. As soon as the Attorney General issues updated electronic recording regulations, California Notaries will be able to notarize electronic signatures on all real estate documents.

Q *Can Illinois Notaries take depositions and perform marriages?*
E.L., Illinois

A An Illinois Notary may take a deposition but may not perform a marriage ceremony. Title 5 Section 255/2 of the Illinois Compiled Statutes authorizes Notaries Public to take depositions, but the function of transcribing the verbal deposition testimony in written form is most

often performed by certified shorthand reporters.

Q *Can I notarize a copy of a passport?*
M.N., New Jersey

A It depends what you mean by "notarize a copy." If you mean certify a copy of the passport, New Jersey law prohibits a Notary from certifying a photocopy of any document. If, however, you mean notarize a signature on a statement in which the signer is saying the copy is true and correct, you can notarize the signature on the statement.

Q *When a document requires two witnesses and notarization, can the Notary act as one of the witnesses as well as notarize?*
D.M., Pennsylvania

A It is not recommended and may even be improper. For example, if a Notary witnessed the signing of a last will and was asked to sign an affidavit to make the will "self-proving," it would be highly improper for the Notary to notarize his or her signature as a witness on the self-proving affidavit. The NNA always recommends that in cases in which a document must be witnessed and

notarized, the Notary serve as either a witness or Notary, but not both.

Q *Can I charge an additional fee if someone wants me to use my embosser in addition to my ink stamp?*
J.G., California

A No. The fee charged is only per signature. You may not charge an additional fee for using two seals.

Q *I just performed an acknowledgment but under my signature line it reads, "NOTARY FOR" and then had an open space... Is that only if you have an employer?*
M.K., Nebraska

A It is likely that the space following the line "Notary For" should be completed by entering your jurisdiction (which in your case is the state of Nebraska); the Notary's job title or position should not be entered in the certificate.

Q *My employer paid the costs for me to become a Notary Public. I plan to provide the company unlimited notarization services for free. I would like, however, to also provide notarial services outside of work. What are the rules in California? Can*

I split my duties legally without any conflict of interest? Would I need a special agreement in place with my employer to do so without liability?
A.S., California

A You may split your duties and notarize both at work and after work even if your employer paid for the commission and related supplies. Your employer may have asked you to sign an agreement that may have a provision requiring you to remit any fees collected when notarizing for your employer (Government Code 8202.7). However, this agreement could not require you to remit fees for notarial acts you perform outside of work. Those fees are yours to keep.

Q *When entering the signer's name on a jurat, should the name match their ID (e.g. Juan Estrada Smith), or the name as printed on the document (Juan E. Smith)? Thank you.*
K.F., Arizona

A Generally, the name entered on the notarial certificate should be consistent with the name on the document, if one exists, and the individual's

identification supports that name. If the signer's name is not on the document, the Notary should use the name on the signer's ID.

Q My son recently passed the California State Bar. Can I perform his oath of office?

N.U., California

A Yes. A California Notary may perform a notarization for a family member as long as the Notary is not taking the Notary's acknowledgment or affidavit and does not have a direct financial or beneficial interest in from the transaction (Gov't Code 8224 and 8224.1).

Q Can I, in my job capacity as accounts receivable/administrative assistant, complete a waiver of lien by filling in applicable dollar amounts and dates, give it to my employer for a signature and then notarize my employer's signature?

R.R., Indiana

A Yes, you may do as you suggest. You do not appear to have a conflict of interest in the scenario you described. You are completing the document in the capacity required for your job and then notarizing the signature of your employer.

Q What name do I put in the notarial certificate if the signer's name is not printed on the document?

J.H., Oklahoma

A Since the name does not appear on the document, then you may enter the name appearing on the signer's identification in the notarial certificate.

Q What kind of electronic equipment do I need to be able to perform remote notarizations in Minnesota?

B.L., Minnesota

A We recommend contacting one of the following services

providing remote online notarization services. They will tell you the minimum system requirements for using their service.

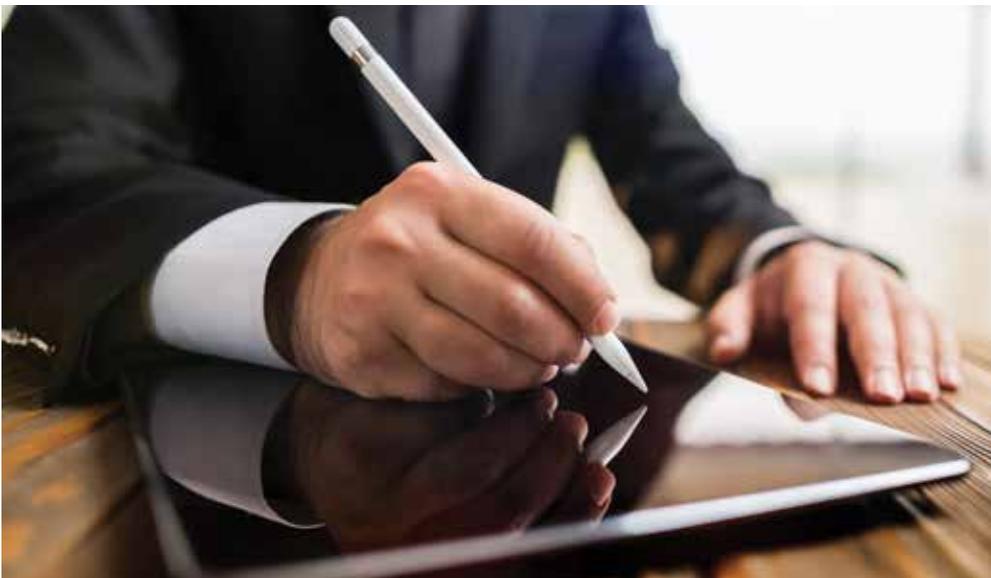
DocVerify, Notarize, NotaryCam, SafeDocs, SIGNIX and Pavaso.

Additional information for Minnesota requirements can be found at: <https://www.revisor.mn.gov/statutes/cite/358.645>.

Q I have two questions: I just renewed my commission, what do I do with my old stamp? Also, I have been told I must make sure I have the most current journal. How will I know? My journal was purchased from the NNA in 2015.

S.F., Pennsylvania

A You must disable the old stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner which renders it unusable (57 Pa.C.S. 318[a][2]). You may still use your 2015 NNA journal to record your notarizations provided you record all information required by law for each notarization.





How To Determine Your Signer's Willingness

Determining a signer's willingness can be tricky, especially when a relative or caregiver causes duress. These clues can help.

Look For Warning Signs During The Notarization

Observe Your Signer's Behavior: Do they appear to be distraught, severely withdrawn, excessively nervous or fearful? Is your signer hesitant or distracted?

Observe The Surroundings: Watch the behavior of others in the room, especially if they have a vested interest in the documents being signed — such as a power of attorney or real property deed. Are they intimidating or pressuring the person to sign?

Speak Privately To Your Signer: If you feel your signer is being pressured, ask to speak privately with them. Observe any behavior changes or hesitation.

Ask Direct Questions: If in doubt, don't be afraid to directly ask: "Are you signing this document of your own free will?"

Make Eye Contact: A signer's ability to look you in the eyes may be telling. Keep in mind, however, that a lack of eye contact isn't sufficient reason by itself to be suspicious.

Don't Rush To Judgment: Your signer may simply be concerned about the documents or circumstances surrounding the transaction. Consider the possible emotional impact before making a judgment.

What To Do If Your Signer Appears Unwilling Or Coerced

If you have reason to believe the signer is being pressured into signing against his or her wishes, you should refuse to complete the notarization.

Grounds for refusing a notarization vary substantially between states.

Massachusetts, Mississippi and New Mexico, for example, specifically prohibit Notaries from performing notarizations in which they have a "compelling doubt" that the signer is acting of his or her own free will.

Florida does not allow notarizing if the signer appears incapable of understanding the nature of the document at the time of notarization.

Texas authorizes Notaries to turn down a notarization if the Notary has reasonable grounds to believe the signer is being coerced or the signing party does not have the capacity to understand the contents of the document.

In North and South Carolina, the Notary certifies that the signer did not appear to be acting involuntarily, under duress or undue influence. Thus, if a signer appears unwilling to sign, North and South Carolina Notaries should refuse the notarization.

States that have adopted the Revised Uniform Law on Notarial Acts (including Iowa, North Dakota, Oregon, West Virginia and Montana) give Notaries

the ability to refuse to perform a notarization if they are not satisfied that the signer is willing to sign of their own accord.

Georgia recommends that Notaries refuse a notarization if they have any question whether a signature is voluntary.

While California does not directly address determining a signer's willingness in its laws, the state Notary Public Handbook does say that the signer and Notary must be able to communicate directly with each other. If a signer cannot communicate except indirectly through an interpreter or other party, a California Notary should not proceed with the notarization.

If you have questions about the signer's willingness, make a note in your Notary journal of the steps you took to decide whether to perform the notarization.

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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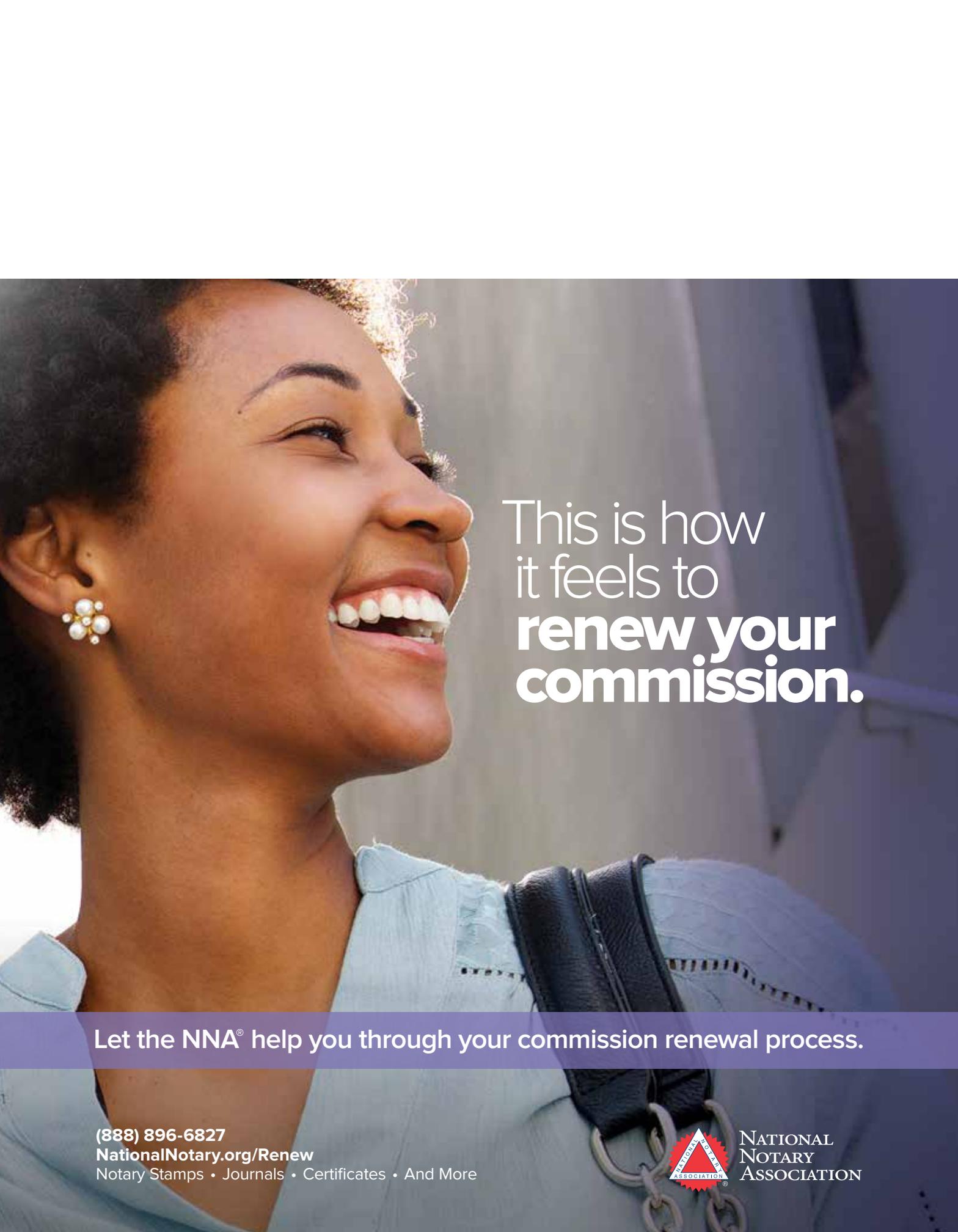
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