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The National NOTARY

July 2011

CONFERENCE 2011

Special Report

Pages 18-25

THE MAGAZINE FOR AMERICA'S NOTARIES



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Alabama Secretary of State

Honorable Douglas F. Gansler
Maryland Attorney General

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COVER STORY

18 • 'You Are The Guarantors Of Trust'

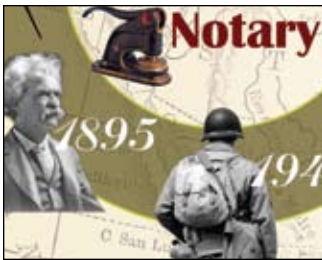
The Presidents-elect of two of the most influential organizations of state officials gave the delegates at the 33rd Annual National Notary Association Conference a clear and encouraging message: Notaries remain vitally important in protecting America from fraud, but that protection can only come by adhering to the fundamentals of notarization.

23 • Panel: Why Notarization Is More Relevant And Vital Than Ever



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Notaries have always protected America's daily transactions from fraud, but this journey into the past shows how they have often played a part in the important events of history — from Columbus to the modern age.

17 • Liability: The Facts Versus The Myths

Misinformation can cause all kinds of trouble for Notaries and their employers. Here are four truths behind some of the most common misperceptions and incorrect assumptions.



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ON THE WEB

NNA Conference 2011: The State Of The Notary Public Office Report

NationalNotary.org/SOTNPO2011



A Call For Standardization

I couldn't agree more with O. Paul Elder of Florida, who suggested in the May 2011 issue that all Notaries be commissioned by the U.S. Secretary of State.

But I would go one step further by suggesting that all states adopt the same requirements to become a Notary. California requires passing a difficult test, administered by a private organization. Other states merely require a simple application. And what about fees? Why can't we all be permitted to charge the same fees no matter where we happen to live?

Surely I am not the first to think of this and ask if any steps have ever been taken in this regard.

Shirley Borden, Pioneer, California

Employer Issues

This is a reply to the letter "Under Pressure" in the March 2011 magazine. I am extremely impressed with the NNA's support for better education and best practices for Notaries, given the global financial melt-down and our current domestic economic condition. I would like to ask the NNA for suggestions on how to best communicate the need to follow best practices to employers, while ensuring we keep our jobs. Often, Notaries who insist on adhering to best practices are reprimanded by employers.

While Notaries desire to abide by all legal requirements, it should be strongly emphasized we want to fully comply with proper ethical standards AND keep our jobs. The NNA's suggestions to help address this issue are most welcome.

Michelle M. Baney, Irvine, California

The article "Balancing The Pressures Between Service And Duty" in the November 2010 issue of THE NATIONAL NOTARY offers some suggestions to help Notaries communicate the need for best practices to their employers. The NNA also suggests that Notaries share resources such as The Notary Public Code of Professional Responsibility (available online at NationalNotary.org under "Resources For Notaries") with employers to promote better understanding of

notarization requirements. Lastly, this May the NNA launched an online Notary Supervisor Training program designed specifically for employers to understand what you do and help them develop sound, in-house policies (see page 10). — The Editors

Webcam Issues

Regarding the debate about personal appearance and using webcams for notarizations: I do not think Virginia lawmakers understood what they were doing when they passed the law saying webcams satisfy personal appearance for some notarizations. I wonder how long it will take them to repeal this law.

John Frechette, Huntersville, North Carolina

Notarizing For Relatives

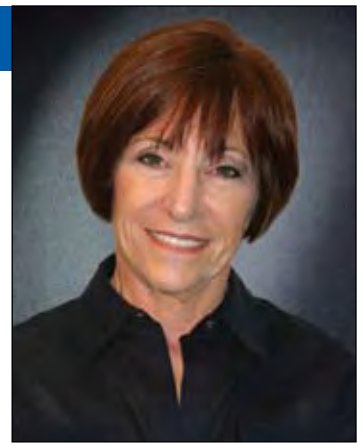
Regarding the NNA's recent online poll about notarizing for family members: In Montana, it is difficult to find a Notary and one must travel such a long distance. Because of this, I would like to be allowed to notarize my husband's documents.

Donna Tandy, Red Lodge, Montana

WE WANT TO HEAR FROM YOU!

In our continuing efforts to address the topics and issues facing Notaries today, THE NATIONAL NOTARY wants to hear from you! Whether it's your thoughts on business opportunities, challenges in your office or on signings, we want to know about your day-to-day experiences and observations, and what information and resources you may need to help guide you through them. You can send us comments via eMail at publications@nationalnotary.org. Or write us at: National Notary Association, Attention: Editorial Department-David Thun, 9350 De Soto Avenue, Chatsworth, CA 91311. Please be sure to include your city and state and if you are willing to have your letter published.

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Occupying A Timeless And Timely Place In History

Notaries can trace their history back to scribes serving the pharaohs. A Notary sailed with Columbus in 1492. They served at the court of the Holy Roman Empire. Today, they

continue a distinguished presence throughout the entire world.

Now that's history!

What does it matter when I witness a signature that the first Notary-like official was likely an Egyptian scribe? Why is it important when I affix my seal that the governments of Renaissance Europe used Notaries?

Historians like to suggest that familiarity with the past will help us understand the future. Others claim that studying history is merely an interesting pastime.

For an office that can be traced back to a time when the pyramids were built, history can help ground us in the present and explain a role that might seem to some like an impediment to the steady flow of commercial and legal activity.

Consider that the office of Notary Public is dynamic, adaptable and important enough to have survived over thousands of years. From papyrus to the Gutenberg press, from pen and ink to computers, it is significant that every culture and society has integrated a Notary role into its institutions and governments.

Notarization has survived, through hundreds of generations, because it adds undisputed value to documentary transactions.

If we're asked to muster an argument for continuing notarization and the office of Notary Public in the present day, we might refer to the long list of legal scholars and thinkers who have conceded the critical need for a trusted third-party witness in any modern system of laws.

True, we cannot discuss the modern Notary office without addressing the latest innovations which some expect to replace or eliminate notarization as we know it — electronic signatures and virtual technologies.

On the other hand, if the office, as *history* has shown, has survived a transformation from clay tablets to quill pens, to the typewriter and now to a versatile laptop or iPad, then surely there is a message to be found in the preceding generations that maintained the office and act of notarization while integrating both into the times.

The security of a document and the need for proof of its having been signed at a particular time and a particular place in the presence of an impartial witness, are paramount for modern legal and commercial transactions.

With foreclosures, lease defaults and other transactional failures, we cannot help but recognize that notarization continues to serve a unique and critically important purpose — unchanged for thousands of years.

Every assault on a document — valid or not — emphasizes the value of the Notary in assuring signers and those relying on the transactions that contractual promises can be made trustworthy.

With every generation, adaptations were made, but in the end, the function and responsibilities of the Notary could not be effectively replaced.

Now that's something timeless.

Deborah M. Thaw can be reached at dmtbaw@nationalnotary.org

Identity Fraud Declining But Harder To Resolve

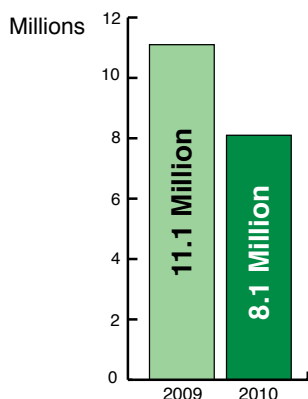
The number of people victimized by identity fraud and the total cost of the crime dropped significantly in 2010, according to the latest survey by Javelin Strategy & Research. But fraud was harder to detect and cost more per case last year, underscoring the need for Notaries and others to remain alert to the threat of identity-related crimes.

Approximately 8.1 million Americans were victims of identity fraud in 2010, a drop of 3 million from the previous year and the lowest level since 2007. The total cost of identity fraud dropped more than 31 percent to \$37 billion — its lowest level since Javelin, a national research firm for the financial industry, began conducting the annual survey in 2003.

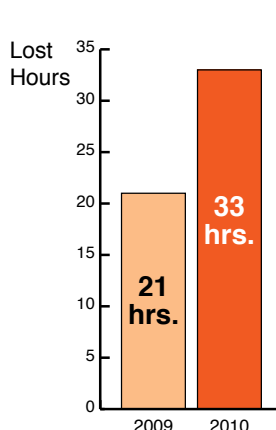
But the average cost per consumer and average time to resolve fraud cases rose to their highest levels since 2007 and 2005 respectively.

The Ups And Downs Of Identity Fraud

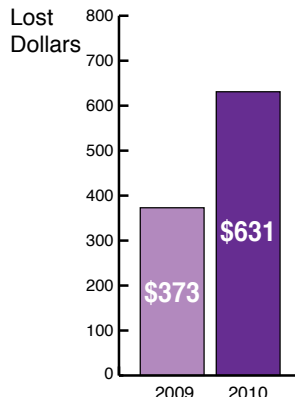
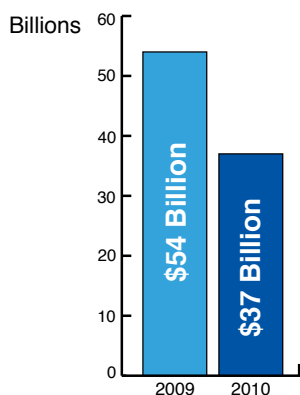
Victims Of Identity Fraud



Cost To Consumers



Total Cost Of Identity Fraud



Source: Javelin Strategy & Research

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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 only the highest ethical standards of conduct and sound notarial practice.

OUR CORE VALUES OF MEMBERSHIP

Membership in the National Notary Association is the single most important action a Notary can take when assuming the important responsibilities of the office and performing official notarial acts.

Our Core Values of Membership:

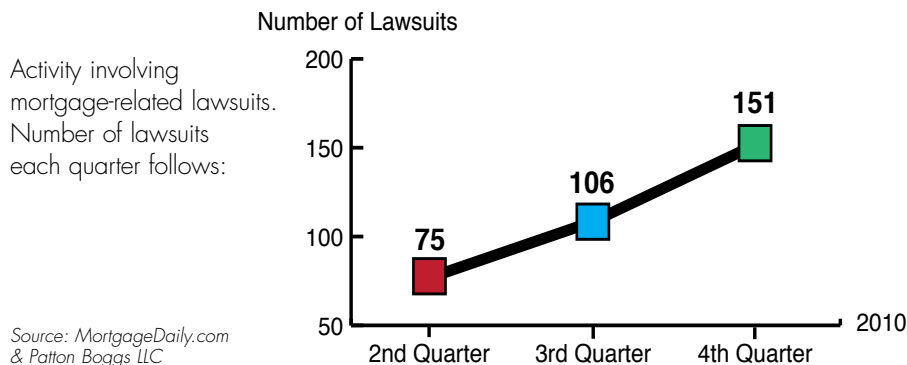
- COMPLIANCE
- LIABILITY PROTECTION
- RISK MANAGEMENT
- PROFESSIONALISM
- OPPORTUNITIES

Growing Legal Entanglements Plague Mortgage Industry

Lawsuits over poor loan documentation helped fuel a 42-percent jump in mortgage-related litigation in the fourth quarter of 2010 from the previous three months, according to the Mortgage Litigation Index. That follows a 41-percent hike in the previous quarter. The Index, produced by *MortgageDaily.com* and the international law firm Patton Boggs LLC, tracked activity related to 151 separate lawsuits between October 1 and December 31, 2010.

Anthony Laura, a Patton Boggs partner, said the attention paid by government regulators to the foreclosure documents crisis has spurred a “stark” rise in lawsuits. In addition, a growing number of investors are filing lawsuits against the financial institutions that packaged mortgages into securities.

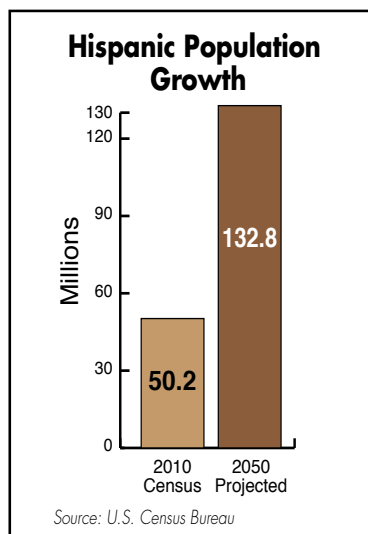
Mortgage Litigation Index



Legal Education Adjusting To Latin Traditions

With the Hispanic population of the United States projected to nearly triple by 2050, law schools and other institutions are beginning to make changes to address a range of cultural issues — everything from language differences to legal principles, such as the role and duties of *Notarios Publicos*.

Mississippi College School of Law, for example, recently added immigration law and Latin America comparative law classes to its curriculum. The latter class includes a summer study program in Mexico.



Rhode Island Says 'No' To Webcam Notarizations

Rhode Island Secretary of State A. Ralph Mollis recently issued an alert declaring that the state's Notaries are not permitted to perform notarizations in which signers appear before the Notary via webcam.

With this alert, Rhode Island joins several states — including Wisconsin, California, and South Carolina — in declaring that online webcam notarizations fail to meet the state laws mandating that signers personally appear in front of the Notary.

According to the Rhode Island alert, “the person completing an acknowledgment or seeking other services from the Notary Public must physically ‘appear in person’ before the Notary Public. Other electronic means of appearance, such as web cam and Skype, do not comply with the requirements of state law.”

Notary laws and best practices — especially those pertaining to personal appearance and proper identification — are designed to help prevent identity fraud, which is a crucial part of the Notary's job. By protecting and preserving these laws, states help to protect Notaries from potential liability.

The National Notary Foundation

The American Heartland Relief Fund Asks For Your Support



The National Notary Foundation is calling on members to reach into your hearts and make a donation to the American Heartland Relief Fund. Your contribution will assist those impacted by the deadly tornadoes and floods that recently ripped through many American states, killing hundreds of people, destroying land and homes, and leaving thousands of people homeless and suffering.

Contributions to the American Heartland Relief Fund will help the Salvation Army deliver necessary

food and supplies to those impacted by the storms. When you donate through the National Notary Foundation, 100% of your contribution goes directly to the relief effort. Please make your tax deductible donation now, either by phone at 1-800-US NOTARY (1-800-876-6827) or by writing your check to the National Notary Foundation's "American Heartland Relief Fund": P.O. Box 541032, Los Angeles, CA 90054-1032. For more information, please visit our website: www.nationalnotary.org.

Notaries Across The U.S. Experience Conference 2011 Through Social Media

To make sure all Notaries experienced Conference 2011 as it happened, the NNA utilized social media so that Notaries everywhere were able to share the Signature Events and important messages online, even if they couldn't attend in person.

Via regular posts on Twitter and Facebook, Notaries read what important speakers like Alabama Secretary of State Beth Chapman or Maryland Attorney Douglas Gansler had to say about current events and issues just seconds after they were delivered live to our audience in Las Vegas. They were also treated to useful information from the many dynamic workshops and special events.

Facebook users caught a real-time glimpse of the colorful celebrations at our signature events through photos posted on the NNA page, and got to weigh in on the choice of Conference venue for 2012!

Don't forget to follow our Twitter and Facebook pages for the latest news and updates from the NNA: www.twitter.com/nationalnotary and www.facebook.com/nationalnotary.



NNA Launches Notary Supervisor Training Program

The NNA has launched a new Notary Supervisor Training Program for managers, supervisors and employers of Notaries, designed to help establish an effective Notary management program within the workplace that ensures state law compliance and prevents liability.

This online course helps prevent liability by covering state laws and regulations, providing steps for developing sound policies for managing Notaries in the workplace, and explaining the benefits of employing properly supervised Notaries.

"Strong notarial practices and procedures can help organizations that employ Notaries reduce risk and protect their reputations," said NNA Chief Executive Officer Marc Reiser. "Notary Supervisor Training allows organizations to access the National Notary Association's world-class notarial resources to build that competency from the comfort of their own offices." For more information, visit: www.nationalnotary.org/nna_training_and_education/supervisor_course.html.

Connect with the NNA and other Notaries through our social media channels!

Stay updated on the latest NNA events, news and best practices.



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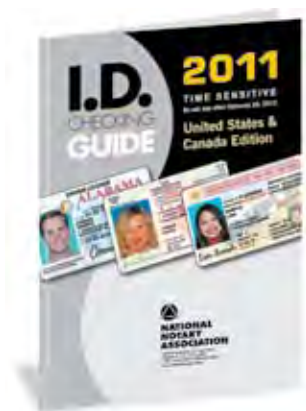


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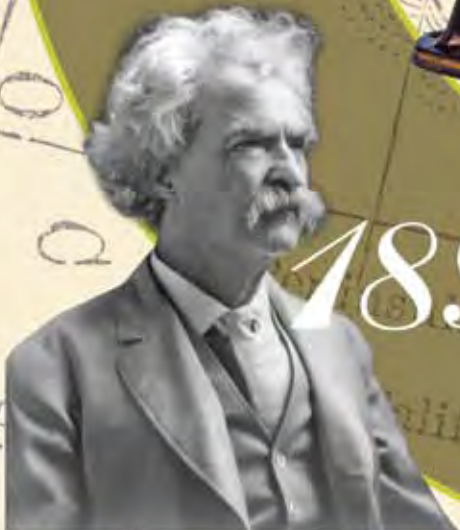


1776

A Celebration Of The American Notary



1865



1895



20
1943

Today's Notaries have an important responsibility in protecting documents from fraud — but you might be surprised to know how often Notaries have played important parts in the birth and growth of the U.S. as a nation. In fact, Notaries helped set the stage for the creation of our country even before there was a United States!

If you take a careful look back through U.S. history, it shows just how important the role of the Notary is — and has always been. As we celebrate our nation's independence this month, THE NATIONAL NOTARY would like to share stories of Notaries who took part in remarkable milestones in U.S. history, or who became famous in their own right. Not only have Notaries been present at some of the most important events in our nation's history, many remarkable people — including lawmen, soldiers, statesmen, authors and even some of today's celebrities — have been proud to serve as Notaries Public.

Take a journey with us through America's past and present and see the remarkable roles Notaries have played in the shaping of our country throughout its existence — and a few famous faces that you may not have realized were Notaries!

The Discovery Of America

Notarization has played a part in American history from the very beginning — including the very discovery of our nation. When Christopher Columbus set out on his voyage of exploration in 1492, King Ferdinand and Queen Isabella of Spain wanted to make sure any treasures and valuable resources his men discovered were strictly accounted for, so a Notary accompanied the *Nina*, the *Pinta* and the *Santa Maria* on their journeys to do just that!

And on October 12, 1492, when Columbus made his first landing in the New World on San Salvador Island in the Bahamas, a Notary named Rodrigo de Escobedo was on hand to document the momentous event.

The Founding Of Our Nation

Did you know there were Notaries standing alongside famous figures like George Washington, Thomas Jefferson and Benjamin Franklin during the founding of the United States of America? Thomas McKean of Delaware (1734-1817), who served as a lawyer, judge and Notary, was a member of the colonial Legislature and cast a decisive vote for Delaware to support the Colonies' bid for independence from England.

McKean was also the last signer of the Declaration of Independence, but he wasn't the last Notary to play a key role in the birth of our country. Nathaniel Gorham of Massachusetts (1738-1796), a Massachusetts Notary and businessman, served as a delegate to the Constitutional

Convention, and his signature can be found along with those of John



Courtesy
of Daniel
Portnoy

Hancock, Alexander Hamilton and others on that historic document.

Even after the American Revolution, Notaries continued to take on important roles in the young nation. Philadelphia native Clement Biddle, a Notary who fought in the Revolution and served with George Washington at Valley Forge, was appointed as the first Marshal of the Admiralty Courts (the predecessors of today's federal marshals) for Pennsylvania after the war.

Biddle's duties included serving court processes and selling condemned goods at auction — and also arresting suspected pirates!

Lone Star Notaries

Texas is renowned for producing larger than life characters, so it makes sense that Notaries from Texas would lead colorful careers. Charles Bellinger Tate Stewart (1806-1885) moved to Texas in 1830. Prior to being appointed as a Notary in 1841, Stewart worked as a pharmacist, physician and soldier, and he served in the fledgling Republic of Texas government when it declared its independence from Mexico. He's also credited with the original design of Texas' famous "Lone Star" flag that's still an iconic symbol of the state today.



Another Texas Notary well-known in Western folklore is the eccentric Judge Roy Bean (1825-1903). Bean was notorious for holding court in a saloon he owned, which advertised him as the "Law West of the Pecos," and offering Notary services along with ice-cold beer.

Riverboat Pilot, Author And Notary

One of America's most beloved literary figures is Samuel Clemens, more famous by his pen name of Mark Twain (1835-1910). Though he's most famous for his novels "The Adventures of Tom Sawyer" and "The Adventures of Huckleberry Finn," Twain's lengthy and remarkable career

included stints as a newspaper reporter, riverboat pilot and miner — and a brief commission as a Notary Public in Virginia City, Nevada.



He resigned his commission in 1864 just prior to leaving Nevada in a hurry for San Francisco, California. Twain claimed in later years that he was forced to leave quickly to avoid legal trouble after he challenged a local resident to a duel following an argument over one of Twain's newspaper articles.

Ending The Civil War

One of the most devastating conflicts in U.S. history, the American Civil War, ended in 1865. Once again, a Notary was on hand to witness a key part of that finale.

After his surrender at Appomattox, Robert E. Lee, commanding general of the surrendering Confederate forces, took an amnesty oath swearing to remain loyal to the United States and follow its laws.

A West Virginia Notary, C.A. Davidson, witnessed and notarized Lee's oath. However, the document was misplaced and as a result, Lee never received a pardon or had his citizenship restored in his lifetime. It wasn't until 1975 that Lee's citizenship was posthumously restored by Congress following the rediscovery of the notarized amnesty oath in State Department records.

The Notary And The President

One of the most well-known U.S. Notaries of the twentieth century is John Calvin Coolidge, Sr. (1845-1926), who was the first Notary to administer the oath of office to the new President of the United States — his own son, Calvin Coolidge. When President Warren Harding died in 1923, Vice President Calvin Coolidge was staying with family in Vermont.



Upon receiving word of Harding's death, Calvin Coolidge took the oath of office before the nearest qualified official, his father John. Calvin Coolidge became famous for his quiet manner (he was nicknamed "Silent Cal") and his reputation for ethics, integrity and honesty while serving as President.

The Heroic Notary Priest Of World War II

Many U.S. soldiers held prisoner in Italy during World War II owed their lives and freedom to an extraordinary Irish priest, Monsignor Hugh O'Flaherty (1898-1963). A Vatican diplomat who later served as a Notary for the Catholic Church, O'Flaherty risked his life to rescue and hide thousands of Allied prisoners of war and Jewish refugees.

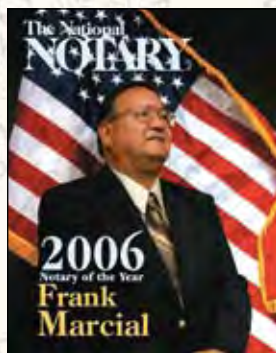
Operating out of the Vatican, which was neutral territory and safe from the German army, O'Flaherty went out repeatedly to aid escape efforts and was hotly pursued by the Nazis during this time. He managed to evade repeated attempts to capture him and even survived an assassination attempt. He was awarded high honors by the United States and Great Britain after the war.

21st Century Notaries

Today, Notaries can be found in all walks of life throughout the United States, fulfilling their important role verifying signer identity and preventing document fraud.


Notaries can be found in real estate offices, hospitals, law firms and courts. They've served in our nation's armed forces, helped deliver relief supplies in disasters like Hurricane Katrina like the

NNA's 2006 Notary of the Year Frank Marcial, and have helped pioneer use of technology such as electronic signatures and much more. Even today, people are often surprised to learn that there are quite a few modern celebrities who have served as Notaries.



Popular syndicated columnist and humor writer Dave Barry became a Florida Notary in 1994 to officiate a friend's wedding, and says he's still proud to hold a commission today. "I enjoy the look of surprise on my friends' faces when I inform them that I am an actual Notary and can legally notarize their documents — most people who know me have trouble seeing me in any kind of official capacity!" Barry said.

Another famous former Notary is singer, actress and "American Idol" judge Jennifer Lopez. In a recent interview on "The Tonight Show," Lopez talked about how she worked as a Notary in a law office when she was young, and host Jay Leno joked that there may be notarized documents somewhere out there with her famous autograph on them!

No matter who they are or where they come from, Notaries have played many important roles since America's earliest days — and can take pride in their remarkable heritage as we journey through the 21st century and the years to come. 



What would you do if you were named in a lawsuit concerning a document you notarized?

What if the mistake was yours?

Fact: Even if the mistake wasn't yours, you could still incur personal expenses.

If you have Errors & Omissions Insurance, you won't have to worry. E&O Insurance from the NNA means your judgment, attorney's fees, court costs, and other defense costs are covered (up to the limit of your policy), if you make a mistake or if a false claim is filed against you.

Get peace of mind today with E&O Insurance.

BONDS AND E&O POLICIES UNDERWRITTEN BY MERCHANTS BONDING COMPANY (MUTUAL), DES MOINES, IOWA. PENNSYLVANIA BOND AND E&O POLICIES UNDERWRITTEN BY NATIONS BONDING COMPANY, AUSTIN, TEXAS, A SUBSIDIARY OF MERCHANTS BONDING COMPANY (MUTUAL). AGENT FOR ALL BONDS AND E&O POLICIES IS NNA INSURANCE SERVICES, INC. ALL RATES SUBJECT TO CHANGE WITHOUT NOTICE. COMMISSION NUMBER AND COMMISSION EFFECTIVE AND EXPIRATION DATES REQUIRED PRIOR TO E&O INSURANCE ACTIVATION.



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NOTARY LIABILITY: THE MYTHS VERSUS THE FACTS

Avoiding liability and lawsuits resulting from your official acts is not difficult provided you perform your duties ethically and in accordance with state law. Problems, however, can arise when Notaries and their employers rely on misinformation when setting guidelines for notarizing in the workplace. Below are four of the most commonly held myths about liability — and the real facts you need to manage your risks and avoid trouble.

MYTH NUMBER 1:

“I won’t get into trouble for improper notarizations as long as I do what my boss tells me to do.”

The Facts: Notaries are 100 percent responsible for the official acts they perform, and you can be held liable if a boss asks you to do something improper, like backdating a document, notarizing for a signer lacking proper ID, or notarizing for an absent signer. Saying “I did it because my boss asked me to” will not protect you from a lawsuit. Following through with a flawed notarization can result in loss of your commission, a lawsuit or possibly even jail time.

MYTH NUMBER 2:

“There’s no need to keep a record of my notarizations if my state doesn’t require it.”

The Facts: A well-kept journal of notarial acts is one of the strongest defenses a Notary can have against being sued. Notaries can be targeted in a lawsuit months and even years after the notarization actually took place, and by that time most people have forgotten the details of the transaction. A written

record of the act can provide important details about how the signer was identified, the type of document notarized, and any unusual details. It also provides evidence that the notarization was done correctly and indicates that you followed all proper procedures during the notarization.


MYTH NUMBER 3:

“No one will notice if I don’t do this notarization properly.”

The Facts: Notarization is essential to verifying a signer’s identity on a document. If the signer proves to be an impostor, the certificate isn’t completed, or the seal isn’t correctly affixed, someone will notice eventually. Even if the recipient doesn’t raise any concerns, if a recording office sees the certificate wording wasn’t completed correctly, the document is likely to be rejected. What’s more, if it’s learned the Notary didn’t check the identity of a signer who stole someone else’s identity, the first person likely to be blamed will be the Notary.

MYTH NUMBER 4:

“I can’t be blamed for making a mistake on that notarization. I didn’t know my state’s Notary laws.”

The Facts: It’s every Notary’s responsibility to keep up to date with state Notary laws. Ignorance of law will not protect you from being sued if your negligence results in problems for a signer’s important document. Even if your state doesn’t require mandatory training or testing, all Notaries should familiarize themselves with their state’s rules and regulations. 

‘You Are The Guarantors Of Trust’

The Presidents-elect of two of the most influential organizations of state officials took center stage at the 33rd Annual National Notary Association Conference with a strong, clear and encouraging message: In our current economic and political environment, the valuable protection that America’s Notaries provide consumers and businesses remains vitally important.

In her keynote speech, Alabama Secretary of State Beth Chapman said that Notaries form the single largest group of public officials serving the public in the country.

“The Notary is the gatekeeper to honesty and integrity,” said Chapman, who becomes president of the National Association of Secretaries of State (NASS) this month. “We must always hold that responsibility very close.”

Addressing the opening event of Conference, Douglas Gansler, Maryland Attorney General and President-Elect of the National Association of Attorneys General, mirrored Chapman’s comments. “You have to be honest and preserve your integrity because you are the guarantors of trust,” he told the more than 500 attendees from 35 states gathered in Las Vegas.

As leaders of their respective national associations, Chapman and Gansler wield influence well beyond their home states. Both said they intend to work to strengthen the ability of Notaries to protect the public from fraud.

Chapman said that she has worked hard to address the concerns of Notaries in her state, and, as President of NASS, she intends to make sure the voices and concerns of Notaries nationwide are heard in the organization.

Gansler said he intends to work with the NNA in coming years to find ways of protecting consumers and creating an electronic identity verification process in the growing world of digital commerce.

Emphasizing Notary Fundamentals

Both public officials helped underscore the Conference theme, “Managing Risks In Today’s World.”

Chapman emphasized the importance of the fundamentals of notarization — embodied by the NNA’s *Recommended Notary Practices* and *The Notary Public Code of Professional Responsibility*. She told the Conference delegates that the fundamentals are so important because Notaries are “the backbone” to a “highly esteemed profession that protects consumers.”

She noted that every one of the Recommended Practices begins with the word, always. They are practices that Notaries always should follow. “Not most of the time. Not



The Honorable Douglas F. Gansler, Maryland Attorney General and President-Elect of the National Association of Attorneys General



The Honorable Beth Chapman,
Secretary of State of Alabama and
President-Elect of the National
Association of Secretaries of State



From left: The National Notary Association's 2011 Notary of the Year Chrissey Ladd, of Haddon Township, New Jersey; 2011 March Fong Eu Achievement Award Recipient Patricia B. Fry, Chair of the Notarial Acts Committee for the National Conference of Commissioners on Uniform State Laws; and NNA CEO Marc Reiser

some of the time. Not when a friend or boss wants you to. Always."

She discussed her top 10 "always" list of essential principles and guidelines, which echoes the NNA's recommendations. Top on the list: Always follow state law that requires the signer to be in your physical presence every time you notarize, without exception.

"You may love the person. You may go to church with them. But do you really want to go to jail for them?" she said.

She also cited the 2010 Illinois Supreme Court decision in the *Vancura v. Katris* case, in which the Notary's employer was absolved of liability in the civil suit involving allegations of forged mortgage documents — highlighting that Notaries must adhere to state law and the best practices embodied in NNA recommendations.

Chapman said she was a fervent believer in Notary training, noting that 90% of all Notaries support training but that only 12 states currently mandate it. "The duties you perform are far too important to allow someone to pay a fee, get a seal and go do business."

She called on the delegates at Conference to help strengthen the professional standards of the Notary office. Quoting Alabama native Helen Keller, Chapman said, "Just because I cannot do everything, I will not refuse to do the something I can do."

Gansler, whose state was one of those taking the lead in investigating the foreclosure documents crisis, emphasized how important Notaries are to America's daily transactions. There was a time when so many transactions were done with a handshake, he said. "Today, you're that handshake. The reliability of the literal and proverbial stamp of approval is what seals the integrity of agreements and contracts."

He said that the multi-billion-dollar settlement the state Attorneys General are hammering out with major banks over the foreclosure documents crisis hopefully will include a "best practices scenario."

Gansler also noted that Attorneys General are paying more attention to "Notario abuse." Unlike Notaries in the U.S., whose authority is limited, *Notarios Publicos* in many Latin nations are highly educated legal professionals with powers akin to lawyers. Unscrupulous Notaries in the U.S. use the confusion to take advantage of unsuspecting immigrants.



From left: Milt Valera, President of the National Notary Association; Wayne Braid, CEO and Secretary of the Society of Notaries Public of British Columbia; and NNA Executive Vice President Deborah Thaw

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An even-sided perspective of ethical concerns — Actively debate what you should do when business needs and Notary laws and regulations don't meet.



“I’m sure I am not the only Notary interested in multiple NNA Sections. I’m looking forward to the resources they provide and the ability to network with other Notaries — to unite across our country is a fantastic thing!”

— **Chrissey Ladd, Assistant Vice President
Audubon Savings Bank, New Jersey
NNA 2011 Notary of the Year**

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- Financial & Corporate Services
- Legal Professionals
- Immigration
- International
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Join today at NationalNotary.org/NewSections

State of the Notary Public Office

In the annual State of the Notary Public Office address, NNA presenter Michael Robinson noted how events over the past year have created opportunities for Notaries.

For example, as businesses and governments grapple with issues of identity authentication in the modern age, “the skills that Notaries have developed over the years as identity proofers and as trusted third parties makes them particularly valuable,” Robinson said.

Robinson also discussed how the new Revised Uniform Law on Notarial Acts will offer state lawmakers both a blueprint and a roadmap for the foundation of a modernized and strengthened Notary Public Office.


He also noted how the NNA’s social media presence on Facebook, Twitter, and LinkedIn is creating opportunities by providing a new and exciting medium in which to share ideas, ask questions, and prompt debate.

“The Notary Public office has never been more respected and more visible than it is today,” Robinson said. “It is allowing you to determine and shape your future.”

Learning How To Manage Risk And More

Throughout Conference, delegates soaked in both a new and revamped slate of workshops and discussions led by NNA instructors and outside speakers. Many sessions focused on ways to manage risk and limit liability, covering such topics as spotting a fraudulent ID and how to say no to an improper request.

There was also heavy emphasis placed on workplace-related Notary issues. For the first time, many workshops were geared toward Notary employers and successfully managing the supervisor-Notary relationship, particularly the NNA’s new “Notary Supervisor Training” program, which made its debut at Conference.

Illustrating another major addition to Conference, many workshops dealt with non-notarial activities of interest to Notary entrepreneurs, including marketing, business planning, finding new opportunities, and using social media. 

The “NNA Aces High” game at the Welcome Reception

NNA’s Michael Robinson

Bella Electric Strings performs at the Gala Banquet

Craig Sanford, Regional Vice President, National Association of Realtors



From left: Lori Hamm, Notary Compliance Officer, State of Montana; Russell Cruzan, Training Specialist, IBC Bank; Elaine Wright, the NNA's 2009 Notary of the Year; and Michael Closen, legal scholar, notarization expert, and Professor Emeritus at The John Marshall Law School in Chicago



Denise Dykes of Columbus, Georgia sings The National Anthem at the Opening General Session

Why Notarization Is More Relevant And Vital Than Ever

One of the most important presentations at Conference 2011 was a panel discussion on the NNA whitepaper "Why Notarization Is More Relevant And Vital Than Ever," which brought together leading experts on notarization from across the nation to deliver their views on the role and responsibilities of Notaries, and to discuss misperceptions often held by the public and employers that rely upon them.

Held during the Conference's Opening General Session, the panel was moderated by the NNA's 2009 Notary of the Year Elaine Wright, and included top legal expert and Notary law Professor Emeritus Michael Closen; Montana state official Lori Hamm, who supervises Notary compliance and training for the Secretary of State's office; and Russell Cruzan of Texas, who oversees training of employees in Notary best practices at multiple banks and financial institutions in his state.

The panel kicked-off with a discussion surrounding how many non-Notaries — including a variety of state lawmakers — dismiss notarization as 'unimportant' because of their lack of understanding of the protections Notaries lend. This lack of understanding is what all Notaries must work to overcome in order to perform their duties successfully, Hamm said. "I challenge each of you to step forward and help change your state agencies' perception of Notaries," she stated.

She also cautioned Notaries to be vigilant in a post-Vancura era. "Complaints and lawsuits against Notaries are on the rise," she said. "Notarizations aren't accepted at face value anymore."

Cruzan pointed out many businesses do not fully understand the laws and ethical requirements of notarization, which is why Notaries are often asked to perform tasks they aren't lawfully allowed to do. He encouraged

Continued on page 24



Why Notarization Is More Relevant And Vital Than Ever

Continued from page 23

Notaries to share information with supervisors and to educate them about state laws, best practices, and ethics to help eliminate these problems and avoid liability.

"Many businesses do not understand the requirements of notarization ... so it is our responsibility to educate our employers," Cruzan said.

Professor Closen focused on the importance of fraud prevention, particularly in light of the fact that Notaries serve a much larger population than they did in the past. With millions of potential signers in most cities today, he underscored that positive identification and personal appearance before the Notary is more critical today than ever before in preventing fraud.

"Notaries have to know every detail of the basics," Closen said, holding up the January issue of *THE NATIONAL NOTARY* magazine in which the cover story was titled "Back To The Basics." He also urged Notaries to follow *The Notary Public Code Of Professional Responsibility* when they are confronted with situations that are not covered by their state laws.

"The Notary is there to create trust in transactions," Closen said. "It is our responsibility to fulfill that trust, because without it, there would be chaos."

Closen referenced the recent *Vancura v. Katris* case in Illinois as a prime example of why keeping a journal is so important, even when it is not required by state law. As the population of signers grows bigger, and communication becomes faster and more widespread, Closen said more states may be moving to simplify and standardize Notary laws across the country.



The Whitepaper Panel poses with NNA leadership





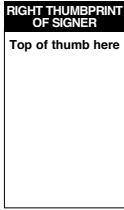
The Ethical Imperative

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Constitutional Principles

Thumbprint Accessories



Self-Inking Thumbprint Stamp

Provide extra security by having your signer's thumbprint right on the document. Impression size is approx. 1" x 1½".

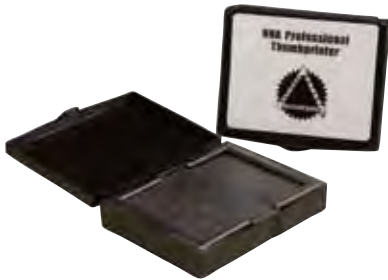
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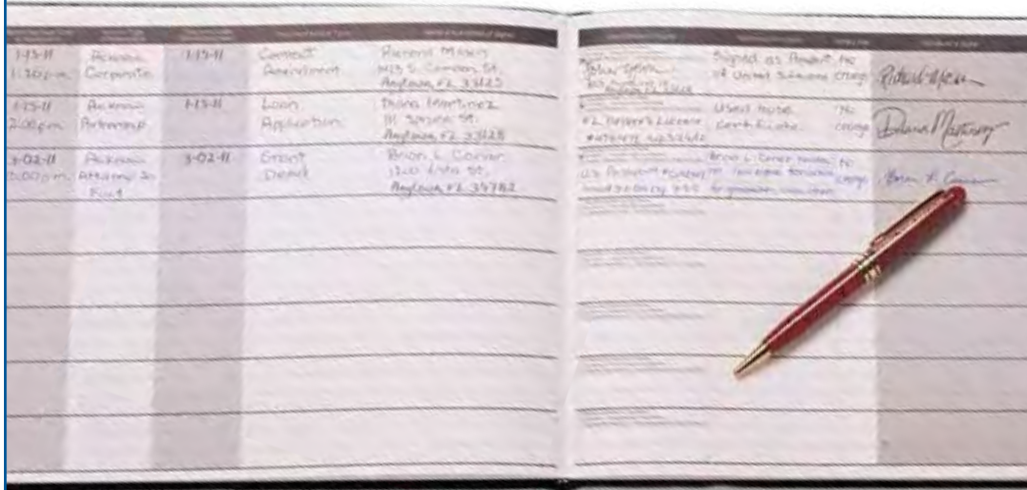
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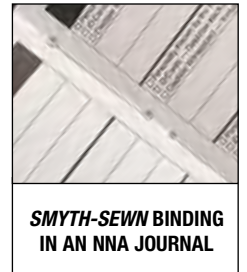
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Illustrated instructions on the back

A large space makes it easy to affix any size or shape Notary seal

Important optional data helps protect you and your signers from fraudulent misuse:

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Select from the following certificates to meet the requirements of your state:

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- Individual Acknowledgment — #15936
- Corporate Acknowledgment — #15937
- Partnership Acknowledgment — #5938
- Attorney in Fact Acknowledgment — #5939
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944*
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922**
- Jurat with Affiant Statement — #15924

Arkansas: (8½" x 11")

- Individual Acknowledgment — #5947
- Proof of Execution by Subscribing Witness — #5948
- Copy Certification by Notary — #5949
- Jurat with Affiant Statement — #5950

California: (8½" x 11")

- All-Purpose Acknowledgment — #5907
- Proof of Execution by Subscribing Witness — #5908
- Copy Certification by Document Custodian — #5911
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- Jurat with Affiant Statement — #5910

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- Corporate Acknowledgment — #5182
- Official/Trustee Acknowledgment — #5185
- Partnership Acknowledgment — #5183
- Attorney in Fact Acknowledgment — #5184
- Signature-by-Mark Acknowledgment — #5931
- Disabled Person's Acknowledgment — #5933
- Certification of Photocopy — #5187
- Jurat — #5186
- Signature-by-Mark Jurat — #5930
- Disabled Person's Jurat — #5932

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- All-Purpose Acknowledgment — #5921
- Jurat with Affiant Statement (8½" x 11") — #5935

Massachusetts: (8½" x 11")

- All-Purpose Acknowledgment — #5951
- Signature Witnessing — #5953
- Jurat — #5952
- Copy Certification by Notary — #5922

Missouri: (8½" x 11")

- Acknowledgment by Individual — #15936
- Acknowledgment by Corporation — #15937
- Acknowledgment by Partner — #5938
- Acknowledgment by Attorney in Fact — #5939
- Acknowledgment by Individual Who Cannot Write Name — #5940
- Acknowledgment Through Affidavit of Executing Witness — #5941
- Certification of Facsimile — #5942
- Jurat with Affiant Statement — #15924

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- Individual Acknowledgment — #5915
- Attorney in Fact Acknowledgment — #5927
- Representative Acknowledgment — #5917
- Credible Witness Acknowledgment — #5918
- Proof of Execution by Subscribing Witness — #5919
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5920
- Jurat with Affiant Statement (8½" x 11") — #15924

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- All-Purpose Acknowledgment — #5925
- Proof of Execution by Subscribing Witness — #5926
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- Jurat with Affiant Statement (8½" x 11") — #15924

Ohio: (8½" x 11")

- Jurat with Affiant Statement — #15924
- Individual Acknowledgment — #15936
- Corporate Acknowledgment — #15937
- Partnership Acknowledgment — #15938
- Attorney in Fact Acknowledgment — #15939
- Credible-Witness Acknowledgment — #15943

Ohio (continued): (8½" x 11")

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- Signature-by-Mark Acknowledgment — #15945
- Copy Certification by Document Custodian — #15946

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- Ordinary (Individual) Acknowledgment — #5243
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement (8½" x 11") — #15924

Washington: (8½" x 11")

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- Jurat with Affiant Statement — #15924

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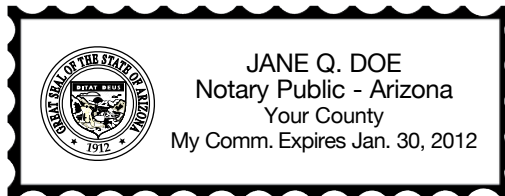
- 1 Pacific Blue #5404PB
- 2 Dandelion #5404D
- 3 Tangerine #5404T
- 4 Electric Lime #5404EL
- 5 Violet #5404V
- 6 Neon Pink #5404NP
- 7 Jet Black #5404JB

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- 9 Lava Red #5404LR



Stamp Example Official Notary Stamp

Actual Size. (Use of State emblems is not authorized in all states.)



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Your state may require seal embossments to be "inked" in order to be acceptable as a valid Notary seal. This easy-to-use device applies ink to the raised portion of your embossment, making it photographically reproducible. Covers a 1 5/8" diameter impression.

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FL Classic Jurat Stamp

NNA Members | Non-Members
#5303FL | \$34.95 | \$42.00

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NNA Members | Non-Members
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 #5408 Round

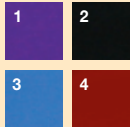
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Elite Pocket Stamp Notary Seal

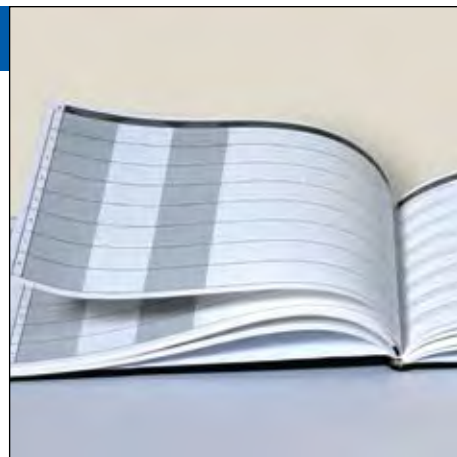
Our top-quality Elite Stamp in a pocket-sized version. Unsnap and fold back the stamp cover to form the easy-to-hold handle. Black ink; not recommended for onionskin and Mylar® documents. Impression size: 1 3/8" x 5/8".

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Source Code
A44331

Keeping Records And Notarizing For Relatives



Notaries across the country rely on the NNA's Notary Hotline to answer difficult questions. The following were among the thousands we answered last month.

When the journal of record of all our notarizations is full, is the Notary responsible for its safekeeping or should the full journal be mailed to the Secretary of State? If so, what department?

M.F., Phoenix, Arizona

Arizona Notaries are required to keep records of all their official acts and store their records for five years from the date of the last notarization (ARS 41-317[B]). After that, the record may be destroyed.

Arizona law also permits Notaries to keep two official journals — one that is considered public record and the other that records nonpublic transactions covered by attorney-client privilege or are confidential due to state or federal law.

You should never surrender control of your official journal of public records to anyone. Only you may lawfully possess and maintain this journal. It goes with you upon termination of employment — even if your employer paid for it. However, a Notary journal of nonpublic transactions belongs to the employer. You must surrender it upon termination of employment (ARS 41-319 [E]).

If you cease to be a Notary, you must deliver your public notarial records to the county recorder's office in the county of your residence as soon as your commission is surrendered or expires. If you fail to turn in your records within three months, you may be fined \$50 to \$500 (ARS 41-317[A]).

What is a jurat, and is performing one different than an acknowledgment?

L.H., Mora, Minnesota

A jurat is a distinctly different type of notarization from an acknowledgment. When executing a jurat, the Notary certifies that the signer signed in the Notary's presence.

The Notary also needs to administer an oath or affirmation to the signer, having the signer swear or affirm that the statements on the document are true. A jurat always must be signed and sworn or affirmed in the Notary's presence.

A married couple from Mexico needed to have a lien notarized. Both had a *Matricula Consular* card, and the wife had a Mexican Postal Employee ID that included her eye color, hair color, issue date and expiration date, picture and signature. Can I use these?

M.E., Porterville, California

The *Matricula Consular* and Mexican Postal Employee ID cards are not acceptable forms of identification for notarial acts under California law. California has very specific statutory requirements for what constitutes acceptable ID.

The most common types permitted are driver's licenses, ID cards issued by a U.S. state, U.S. passports or passports from another country stamped by the U.S.

You can reach all our experienced Notary Hotline counselors at

1-888-876-0827

5 a.m. to 7 p.m.

Monday to Friday and

5 a.m. to 5 p.m.

Saturday, Pacific Time

Citizenship and Immigration Services. Driver's licenses from Mexico and Canada are also acceptable. The *California Notary Public Handbook* has information regarding acceptable identification documents (page 8).

I do up to five notarizations a day for the same person in my office and use ditto marks for much of the information in my journal (but never for his signature). Is this allowed?

C.R., Chatsworth, California

State officials advise that California Notaries should not use ditto marks, diagonal lines or arrows in a journal entry. For each notarization, the journal must contain the following elements (Government Code, Sections 8214.1 – 8214.15 and 8228.1):

- Date, time and type of notarization
- Type of document
- Signature of your signer
- Type of identification used
- Fee charged
- The signer's right thumbprint for many real estate-related documents and all powers of attorney

Can a Pennsylvania Notary notarize documents in New Jersey if the Notary works for a New Jersey-based company?

J.R., Bridgewater, New Jersey

No. Pennsylvania Notaries may perform official acts throughout the State of Pennsylvania, but not beyond the Commonwealth's borders. Nor may a Pennsylvania Notary witness a signing outside the state and then return to Pennsylvania to perform the notarization.

All parts of a notarial act must be performed at the same time and place within the Commonwealth (57 PS 148).

However, a Pennsylvania resident who

either maintains a business office in New Jersey or is employed there may become a New Jersey Notary.

I am a New York Notary. Can I notarize for a relative such as a son or wife?

J.F., Hampstead, New York

Although New York law does not expressly prohibit notarizing for family members, Notaries who do so may violate widely acknowledged ethical practices that discourage Notaries from having a personal or financial interest in any transaction for which they notarize a document.

When notarizing for a close relative, there may also be an emotional interest that can prevent you from acting impartially. Even if you have no direct financial or personal interest in the document and do not attempt to influence the signer or overlook improprieties, notarizing for a close relative could increase the potential for a serious legal challenge.

Can I officiate a wedding ceremony on the same date that my Notary commission expires?

M.C., Miramar, Florida

A Florida Notary's term of office is four years, beginning with the date specified on the commission certificate and ending at midnight on the expiration date (FS 117.01[1]). So you may perform a wedding ceremony on the same date that your commission expires and it will be valid.

Can we use a passport as a form of ID for the completion of Notary services?

S.R., Aurora, Colorado

In Colorado you may use a U.S. passport as an acceptable form of identification for a signer. However, a foreign passport is not an acceptable form of identification for notarizations in Colorado.

Hotline answers are based on laws in the state where the question originated and may not reflect the laws of other states. If in doubt, always refer to your own state statutes.
— The Editors

Anatomy Of A REAL ID

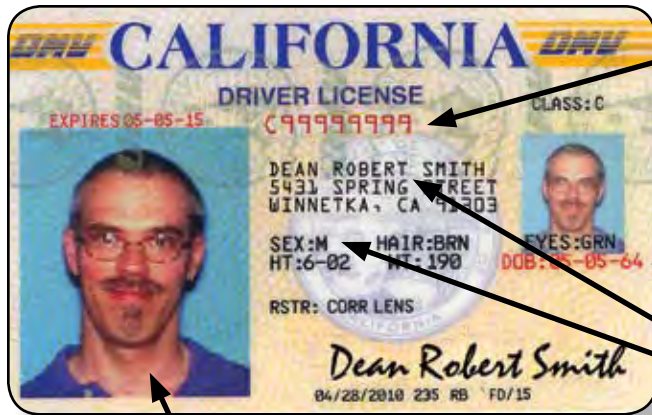


BEING ABLE TO RECOGNIZE THE KEY CHARACTERISTICS AND SAFETY FEATURES OF A REAL ID CAN MAKE IT EASIER TO DETECT — AND PREVENT — FRAUD.

The REAL ID Act of 2005, enacted by the U.S. Department of Homeland Security, currently mandates that all U.S. states comply with specific regulations by January 15, 2013. The Act will require that individuals applying for a license or identification card supply multiple types of documentation. In addition to these elevated application standards, the Act also

requires the use of a more standardized, state-issued ID that contains enhanced safety and anti-fraud features — all of which should make it easier for Notaries to determine ID credibility.

While the design of the ID cards will vary from state to state, according to Section 202(b) of the REAL ID Act, all new IDs will contain the following elements:



DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER

Each person will be assigned a unique numeric identifier that can be used for both identification and tracking purposes.

FULL LEGAL NAME, DATE OF BIRTH, AND GENDER

Using the person's full legal name (up to 175 characters, compared to many current IDs containing 27-125 characters), birth date and gender helps prevent the issuance of multiple IDs.

DIGITAL PHOTOGRAPH

This mandatory, front-facing "facial capture" should be clear, making it easy to match to its owner. The image will also be kept on file for tracking.

ADDRESS OF PRINCIPLE RESIDENCE

You can check to make sure that the person's address matches the state-issue of the license or ID.

MACHINE-READABLE TECHNOLOGY

A standard 2D bar code will allow REAL IDs to be machine-readable and offer tracking capability.



SIGNATURE

The signature should match the signature on the notarized documents, as well as the one in your notarial journal.



Applying For A REAL ID

According to section 202(c)(1) of the REAL ID Act, applicants are required to supply the following documents when applying for a license or identification card:

- Photo identity document (non-photo identity document can be acceptable if it includes both the person's full legal name and date of birth)
- Documentation showing the applicant's date of birth, such as a birth certificate
- Evidence of applicant's Social Security account number, such as a Social Security card (or verification that the person is not eligible for a Social Security number)
- Documentation showing applicant's name and address of principal residence

Physical Security Features On REAL IDs

REAL IDs contain multiple levels of security protection. Easily identifiable visual and tactile features include:

- Holographs
- Embossed seals
- Lamination
- Repeated information
- Enlarged text

These enhanced security features are designed to prevent counterfeiting, tampering, or fraudulent duplication of the ID. Actual features vary from state to state, so keep apprised on the appearance and security attributes of your state's official ID.



The Ins And Outs Of Loose Certificates

WHEN ATTACHING NOTARIAL WORDING TO A DOCUMENT, IT IS IMPORTANT TO HANDLE THE TASK PROPERLY

There are times when a document crosses your desk that either lacks notarial wording or the pre-printed certificate wording is not correct for your state. In these cases, a “loose certificate” may be used to complete the notarization. But loose certificates can be tricky. Here are guidelines for using them properly and successfully completing the notarization.

WHAT IS A LOOSE CERTIFICATE?

A loose certificate is a sheet of paper with appropriate notarial wording that you attach to a document. In addition to the above reasons, loose certificates often are used when there is insufficient room for a required seal or when additional signatures need to be notarized.

MATTERS OF ATTACHMENT

A loose certificate smaller than a full page should be placed on top of a document's signature page and stapled to the left margin. Never paperclip or tape it because such handling could allow the certificate to be removed easily and applied to a different document. Only one side of the certificate should be stapled, so it can be lifted to allow viewing of the document beneath.

If the certificate is a full-page sheet, it may be stapled following the signature page in the same manner — at the top, side or corner — as other pages of the document.

If a loose certificate is replacing pre-printed notarial wording, you should line through or cross out the pre-printed wording and write or type “See attached certificate” to indicate a loose certificate is being used.

A loose certificate should never be completed and sealed prior to a notarization.

Doing so may be illegal and enables fraud if it is attached to the wrong document.

KEEP CONTROL AT ALL TIMES

Loose certificates must always stay completely under your control until they are attached to the appropriate document. Often, a signer or employer seeking to save time or correct an error will ask you to provide a loose certificate that will be attached to the document outside your presence. Never hand over an unattached loose certificate — either partially or fully completed — to another person. Once the certificate is out of the Notary's control, there is no way to stop someone from attaching the certificate to an unauthorized document and filling in false information to commit fraud.

If a signer asks you to correct an error on a previously notarized document, the original document must be physically returned to you in order to make the correction.

OPTIONS TO PREVENT MISUSE

There is no absolute way to prevent a loose certificate from being misused after it's attached to a document, but you can make it difficult. Some loose certificates include an “Optional Information” section following the certificate wording, where you can include a description of the document to which the certificate is attached. If permitted by state law, you may use an embosser on both the document and the certificate and write “Attached Document Bears Embossment” on the certificate, or affix an embossed impression half on the document and half on the certificate. Never affix half of an ink seal on a document and loose certificate, as this can result in rejection by a recording office.

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The NNA offers Notary training and education, including state-mandated programs, as well as certification courses for those looking to broaden their knowledge and skills.

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We invite you to learn more at NationalNotary.org/Training



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