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May 2011



THE MAGAZINE FOR AMERICA'S NOTARIES



Patricia B. Fry

2011 March Fong Eu

Achievement Award Recipient

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Notary of the Year Award Presentation
Chrissey Ladd

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Submit your questions to the panel at
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Wednesday, May 25



Gala Banquet

Keynote Speaker
Honorable Beth Chapman
Alabama Secretary of State



March Fong Eu Award Presentation

Patricia B. Fry
The Distinguished Chair of the
Notarial Acts Committee,
National Conference of Commissioners
on Uniform State Laws

Note: NNA Conference program information subject to change.

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With the world conducting \$10 trillion worth of business a year over the Internet, some are attempting to redefine the bedrock of notarization — the personal appearance of the signer before a Notary. But such efforts are fraught with perils and threaten to undermine the vital purpose of the notarial act.

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For decades Patricia Fry has championed improvements for the American Notary office in the modern age. She was the guiding hand behind the update of the Uniform Law on Notarial Acts for the National Conference of Commissioners on Uniform State Laws.

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You always need to stay alert for opportunists trying to find ways around proper notarial practices. Here are five warning signs that should prompt you to say no.



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HOW TO CONTACT US

Mailing Address:

9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402
 Telephone: (818) 739-4000, Fax: (818) 700-1942
www.NationalNotary.org
 (800) US NOTARY (800-876-6827)

Customer Service: Services@NationalNotary.org • (800) 876-6827
 Letters to the Editor: publications@NationalNotary.org • (818) 739-4000
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ID For Notaries

One of the first things that we learn as we study to become a Notary is that without identifying the signer we cannot do a notarial act. So how do we identify ourselves to the public as state-sanctioned officials qualified to verify documents?

When you qualify to drive, the state issues you a license with your picture, giving you the privilege to operate a vehicle on our roads. My question is why Notaries do not get an identifying card that shows they are proud and current Notaries? Has any state tried it before?

C.E. DeLeon, Portland, Oregon

Arkansas and New York issue identification cards to Notaries, and Michigan issues Notary commissions in the form of a wallet-sized card. In a 2009 NNA survey, 83 percent of participants supported states issuing them photo IDs to help verify a Notary's credentials to a signer.

— The Editors

A Call For Notary Rights

I feel that the time has come for a “Bill of Rights” for Notaries performing services for the general public. The general population needs to be educated about a Notary's role and must understand they cannot ask us to do illegal or unethical notarizations. Signers do not know the struggles that we must endure to complete notarial tasks.

Here are some messages to the public I'd like to see in a Notary “Bill of Rights”:

- The Notary is a public official and should not be taken for granted or disrespected.
- Notary fees should be agreed upon before the notarization takes place.
- The Notary is not a lawyer and cannot give signers any kind of legal advice.
- If you employ Notaries, make sure they have proper training and listen to their concerns. Support them as they are supporting your organization.
- Do not ask the Notary to do anything dishonest or against the law. If the Notary must refuse your request, listen to the reason why.

Barbara Duckett, Bronx, New York

Nationwide Recognition

Concerning Notaries: If there cannot be full recognition of our commissions between all the states, then why not have all Notaries commissioned by the U. S. Secretary of State? I have a Florida driver's license and that allows me to drive in all of the United States, and even other countries, so I ask: We have national recognition of driver's licenses, why not Notary commissions?

O. Paul Elder, Live Oak, Florida

A Difficult Request

In February, I was asked by one of my best friends to notarize her husband's signature when he was not present. I told my friend that her husband must appear face to face before me in order to perform the notarization. It was a very hard situation, but I chose my commitment and responsibility to my ethics and professionalism as a Notary. I refused to perform the notarization and I'm pleased I did even though my friend made the request.

Juan Williams, Lawrence, Massachusetts

Please see this issue's cover story for more stories of Notaries who faced challenges involving personal appearance. — The Editors

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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Sharing A Common Bond Across All Walks Of Life

The last notarization I performed is dated August 22, 2008. I'm on page eight of a *Journal of Notarial Acts* that I bought three, four-year commissions ago. Of course, I have a newer

stamp — the self-inking variety, which is a great improvement over the earlier models of the 20th century, like the one that required a separate ink pad.

And, before I “sequestered” my *Journal* and seal in a locked box, they could be found underneath some old photo books and instruction manuals in a bottom desk drawer.

Generally, few of us can make a living at being a Notary. More often, we've become Notaries because we were asked to do so by the company we work for.

The reasons vary, but all of us, no matter our backgrounds, professions or hobbies have one thing in common — we are Notaries.

This affinity among Notaries is not diminished by the number of notarizations performed. Just possessing a Notary commission creates a special connection.

Application requirements, types of seals and commissioning procedures may differentiate one state's Notaries from another, but responsibilities, practices and the oath of office bring us together.

From the earliest days of our youth, we remember the clubs we joined, the activities we shared and the interests that linked us with others.

Each was a bond of friendship forged by common interests like baseball, cars, comic books, scouting or card games. Today, we have book clubs and culinary groups.

Notaries, though, have no equivalent

among hobbyists, sports enthusiasts or even the professions. We have always been an eclectic group of individuals whose interests differ and occupations vary.

One day at the National Notary Association's Annual Conference and the variety becomes clear. While Notaries working in real estate, escrow and mortgage banking activity may be more numerous, there are those who work for movie studios and advertising firms, construction companies and architects, hospitals, nonprofit foundations, condominium associations, and immigration service providers. The list is endless.

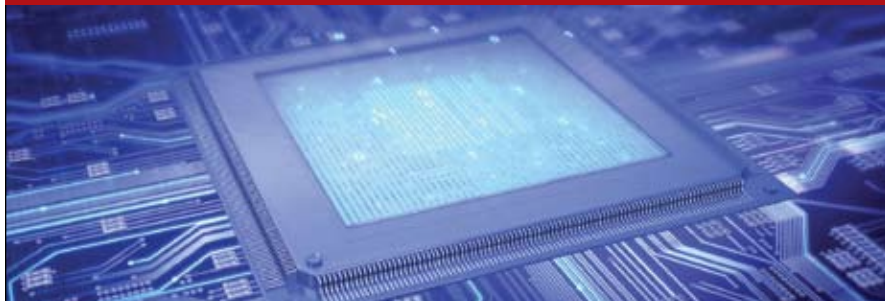
Even if, like me, they can count the number of notarizations performed annually on one hand and consider our activity more casual than professional, we must still be up-to-date with the latest laws and understand the business activities that rely on notarization.

Like automobile drivers who might mistakenly discount the need for comprehensive car insurance because they don't drive that much, low mileage doesn't alter the need to carry insurance whether driving a thousand miles or a hundred thousand.

Fast-changing trends require that we be proficient Notaries even if we aren't the busiest. Busy or not, identifying ourselves as Notaries reminds us of our community of shared interest.

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

eRecording Expansion On The Fast Track

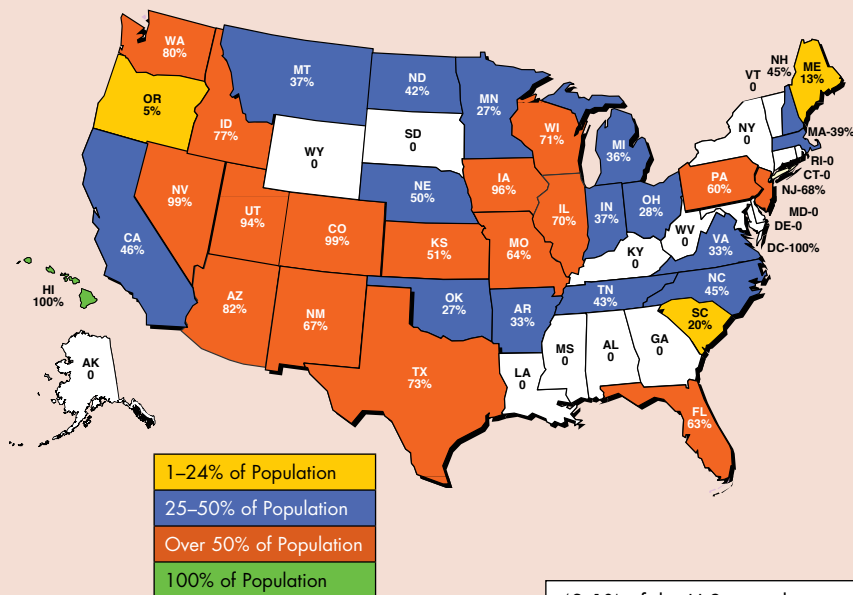


The number of counties in the U.S. capable of recording documents electronically has more than tripled since 2006, according to the Property Records Industry Association (PRIA), a coalition of government agencies and businesses within the property records industry.

All told, more than 600 counties in 36 states, serving 43 percent of the nation's population, can eRecord documents. eRecording is the automated process in a land records office of receiving, recording and exchanging documents and information in digital form. The trend signals a potential increase in opportunities to have land records electronically notarized.

According to PRIA's tracking system, it took from the late 1990s until August 2006 to reach the 200 eRecording counties mark.

eRecording Population Coverage



Habitat For Humanity Thriving

The real estate market may be in the doldrums, but the non-profit group Habitat for Humanity has been on a roll in recent years and reached an important milestone in 2010 — 400,000 homes built or renovated worldwide since 1976. And the pace of activity is accelerating.

It took until 2000 for the Atlanta-based group to reach the 100,000 mark. Habitat completed 200,000 projects by 2005 and 300,000 in 2008. Habitat also served a record 74,960 families worldwide last year and has set a goal of helping 100,000 families a year by 2013.



Proposed Rule Change Could Drive Up Number Of Fraud Reports



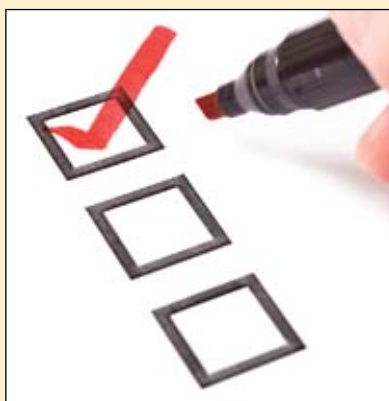
A proposed rule change could dramatically increase the number of reports of suspected mortgage fraud submitted to the federal government. Currently, only banks and other federally insured financial institutions are required to file Suspicious Activity Reports to the U.S. Treasury Department's Financial Crimes Enforcement Network (FinCEN).

But the agency wants that requirement to apply to the tens of thousands of independent mortgage brokers and lenders not connected to federally regulated institutions. "These lenders and originators are ideally positioned to assess and identify money laundering risks and possible mortgage fraud," FinCEN Director James H. Freis Jr. said in announcing the proposed rule change.

Employer Survey Gives E-Verify High Marks

The E-Verify system — the federal government's voluntary program for businesses to verify the employment eligibility of their workers — scored high marks from employers in a recent customer satisfaction survey. The survey underscores the government's efforts to establish E-Verify as a cornerstone of immigration policy.

Respondents gave E-Verify an overall customer satisfaction score of 82 out of 100. This compared with a score of 69 for the federal government as a whole. The survey queried 4,500



randomly selected E-Verify users. Respondents gave the program's customer service a score of 89.

The E-Verify program currently is used by more than 243,000 employers at 834,000 locations.

National Notary Foundation's 'Notaries For Japan'

A Challenge To You And All Notaries

As Japan continues to struggle in the aftermath of its deadliest natural disaster in a century, the National Notary Foundation is challenging you and all in the Notary community to give to its "Notaries for Japan" relief fund.

And we ask that you spread the word by posting "I donated to the National Notary Foundation's 'Notaries for Japan' fund — I challenge you to do the same," on the NNA's Facebook page after you've donated.

The National Notary Foundation is urging you to be generous with your donation for the thousands of victims in need of help.

One hundred percent of your donation will be delivered directly to the Salvation Army's relief efforts for survivors in regions damaged by the earthquake and tsunami. The National Notary Foundation keeps nothing, as all administrative costs are underwritten by the National Notary Association.

Please make your tax deductible donation now online, by phone at 1-800-US NOTARY (1-800-876-6827), or by sending a check to the National Notary Foundation's "Notaries For Japan" relief fund, P.O. Box 541032, Los Angeles, CA 90054-1032.

Please take the challenge and urge your peers and colleagues to do the same. Japan needs our help.

Your Benefits:

How-To Tutorials Available Online

If you're faced with a notarization problem and need quick guidance, you can now find the answer through our convenient new "How-To" tutorials at NationalNotary.org.

The tutorials guide you through a variety of topics and are available at NationalNotary.org by clicking "Resources For Notaries" on the menu bar at the home page.



Don't Miss Out On The Notary Event Of The Year

It's only a few more weeks until Conference 2011 in Las Vegas, Nevada. If you haven't yet registered, time is running out!

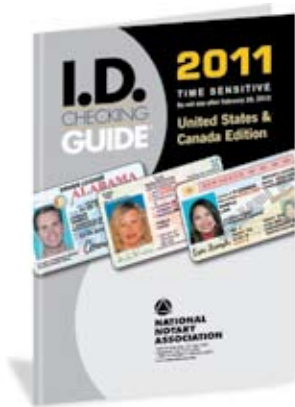
With the theme "Managing Risks In Today's Word," the Conference offers valuable resources and training not just for Notaries, but also for their managers and supervisors. Conference attendees will learn the best practices needed to fully comply with state laws and protect both Notaries and the businesses they work for from costly litigation.

Call 1-800-US NOTARY (1-800-876-6827) or go to NNAConference.com to register today.

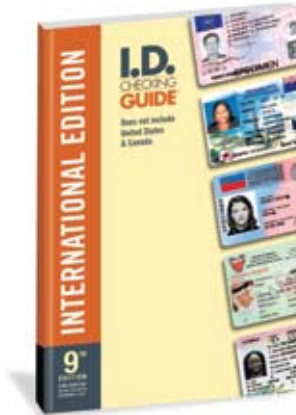


Photo courtesy of Las Vegas Convention and Visitors Bureau

Positively identify the signer each time



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There's No Substitute For **PERSONAL APPEARANCE**

The 21st century may well go down in history as the technology age — a time when innovations come so fast that each new technology is rendered obsolete almost before it takes hold. Yet this whirl of inventiveness makes us re-examine traditional ways of doing things, such as performing notarizations.

At a time when the world does \$10 trillion worth of business a year over the Internet, some are attempting to redefine what, for centuries, has been the bedrock of notarization — the personal appearance of

the signer before a Notary. After all, video conferencing, satellite links and specialized Web sites allow us to have real time, face-to-face conversations with people halfway around the world.

Any discussion of personal appearance must begin with one salient fact: The requirement for a signer to physically be in the presence of a Notary when the notarization is performed is the law in every jurisdiction in the country. It also is an essential element of the National Notary Association-drafted *Model Notary Act* as well as the *Revised Uniform Law on*



Notarial Acts, authored by the National Conference of Commissioners on Uniform State Laws.

“Personal appearance is the cornerstone of a properly executed notarial act,” insists Mike Smith, Director of Communications for the Georgia Superior Court Clerks’ Cooperative Authority and President of the Notary Public Administrators section of the National Association of Secretaries of State (NASS). “Without it, the rest of the act is a moot point.”

The purpose of any notarization is to establish a high degree of trust and assurance in a transaction. Regardless of the type of notarization, each act requires the Notary to verify the identity of the signer and determine that the person is willingly signing the document and understands what the document means. These duties can only be accomplished through personal appearance.

Today, there are hundreds of different types of government-issued IDs that can meet the requirements of satisfactory evidence of identity. But criminals are going to great lengths to steal or falsify identities.

“You have to be able to look at an ID and touch it to see if it has been tampered with,” said Claremont, California, mobile Notary Lisa Thornton.

Personal appearance is just as critical when it comes to determining a person’s willingness and awareness to sign a document. That in-person, face-to-face interaction allows a Notary to observe body language and demeanor, which can give a clue that “something isn’t right,” says Sheri Kesterke, a long-time Notary and village clerk for Berrien Springs, Michigan.

From The National E-Notarization Standards Adopted By The National Association Of Secretaries Of State

“‘Physical appearance’ and ‘appears before the notary’ mean that the principal and the Notary Public are physically close enough to see, hear, communicate with, and give documents to each other without reliance on electronic devices such as telephones, computers, video cameras or facsimile machines.”

Absent Signers

Despite the importance of the personal appearance, anecdotal news accounts and statistical information suggests that it is one of the most — if not the most — violated notarial legal requirements.

Mike Shea, the former Director of Licensing and Enforcement for the Colorado Secretary of State, notes that during his tenure more than 50 percent of the complaints against Notaries involved documents being notarized outside the presence of the signer. Those cases ranged from a Notary who signed stacks of blank medical marijuana certificates to individuals committing real estate fraud.

The most glaring example of what happens when signers and Notaries do not physically meet face-to-face is the recent foreclosure documents scandal. The scandal revolves around charges that law firms and contractors working for lending institutions falsified or improperly altered court documents filed in thousands of foreclosure cases. One of the central accusations being investigated by state and federal authori-

ties is that stacks of documents were notarized outside the signers' presence, and signatures often were forged, in an assembly-line manner.

The consequences for not requiring personal appearance can be severe and expensive. Victims of fraud can suffer serious financial losses, including stolen property. Notaries face jail time and criminal convictions, loss of the Notary commission, and tens of thousands of dollars (or more) in fines, legal fees and court judgments.

Published Statement From The Nebraska Secretary Of State

“There are NO EXCEPTIONS to the personal appearance requirement.”

A New Definition?

The push for the convenience of technology has led to efforts by lawmakers, businesses and special interests to redefine personal appearance.

The most recent reimagining of personal appearance came in Virginia when the General Assembly enacted a law authorizing electronic notarizations to take place via video and audio conferencing technology. The backers of the bill do not interpret personal appearance to mean being in the physical presence of the Notary. Instead,



they say a webcam encounter satisfies the personal appearance requirement under certain circumstances.

But as Virginia moves into uncharted territory, states such as California are doing the exact opposite. "A video image or other form of non-physical representation is not a personal appearance in front of a Notary Public under current state or federal laws," said California Secretary of State Debra Bowen in February alert about a company offering online notarizations.

The California Secretary of State isn't alone. According to the eNotarization standards developed by the National Association of Secretaries of State (NASS), "Physical appearance" and "appears before the Notary" mean that the signer and the Notary Public are physically close enough to see, hear, communicate with, and give documents to each other without relying on any electronic device.

Claudine Osborne, a Notary Signing Agent from Madison, Ohio, says she and other Notaries believe that changing the definition of personal appearance will undermine the value of notarizations.

Thornton agrees. "There's a role for technology in notarization, but it doesn't replace the essential elements," she says.

Technology Issues

Much of the world enthusiastically has embraced the ease and convenience of online transactions. But the Internet also has been a boon to all types of criminals, and it has helped turn identity theft into the number one consumer fraud crime in the country, according to the Federal Trade Commission.

While there are those who believe technological advances ultimately will change how notarizations are performed, the online video systems available today have not even started to address how they will preserve the security of the most essential, fraud-fighting elements and legal requirements of the notarial act.

Without a signer's physical presence, it remains impossible to verify a person's identity. In fact, according to a poll conducted by the National Notary Association in March, Notaries across the U.S. indicated that the most difficult challenge is spotting "signs of an altered or forged identification document" — even when a signer *personally appears* before them.

Considering how the Internet has been a boon to identity thieves, verifying a person's identity online is fraught with pitfalls.

Continued on page 17

Identification Concerns

Face-to-face interaction — personal appearance — is the only way for a Notary to properly identify the signer and look for warning signs of fraud.

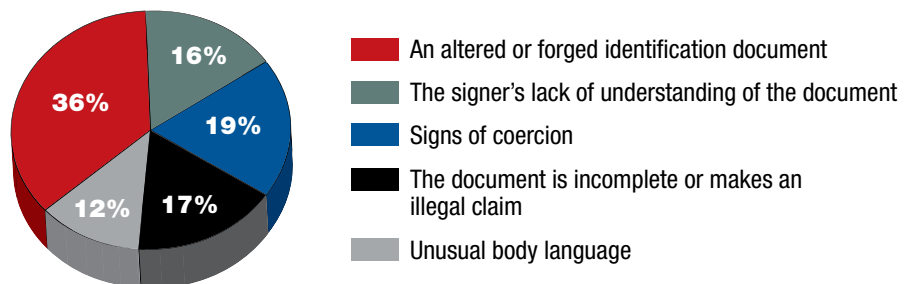
In a March 2010 online survey, the NNA asked Notaries what warning signs they felt were most difficult for them to spot, even when a signer is physically present. 1,969 Notaries responded.

The largest percentage of participants — 36 percent — said the most difficult warning sign to spot is forged or altered identification documents.

The second most common challenge, reported at 19 percent, was keying-in on clues that a signer is being coerced.

Closely competing for third and fourth place respectively were spotting incomplete documents or observing that a signer didn't understand a document, at 17 and 16 percent respectively. Detecting unusual body language from the signer received the fewest responses at 12 percent.

Which warning sign do you feel is the most difficult to spot when face to face with your signer?



Source: NNA Research, based on a national survey of 1,969 Notaries.

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 had Errors & Omissions Insurance, you wouldn't have to worry. E&O insurance from the NNA means your judgment, attorneys 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.

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The public-private effort to develop standards for trustworthy online identity credentials — led by the Federal Communications Commission — has just begun and could well take years to complete.

Even if a trustworthy Internet ID is developed, appearance via video still will get in the way of screening a signer for willingness and awareness. A Notary will be unable to tell if anyone off screen is pressuring a signer. It also may be much harder to tell if a signer is intoxicated or otherwise unable to understand what is being signed.

Many states require Notaries to keep a record of their notarizations and most recommend it. How are they to be kept? Will a Notary have to keep separate records — one

set for paper, in-person notarizations and another for online notarizations? The Virginia law would require Notaries to keep a copy of the video for five years, but that could be very cumbersome and pose a range of financial, technical and security issues. An online system also will have to resolve how to establish venue. How will it work if the Notary and signers are in different counties or states?

As past experience with new online technologies demonstrates, the rush to implement them usually opens the door to fraud, says Osborne.

“If we’re afraid of fraud now, just imagine what will happen if people start accepting online notarizations instead of personal appearance.” 

Official Statement From The California Secretary Of State

“California law requires a person to appear personally before a Notary Public to obtain notarial acts . . . This means the party must be physically present before the Notary Public. A video image or other form of non-physical representation is not a personal appearance in front of a Notary Public under current state or federal laws.”



Where do you turn when you have a challenging notarization?



NNA Hotline counselors are dedicated to answering your toughest questions.

Unlimited use available for all NNA Members, now with expanded hours.



Monday – Friday, 5:00 a.m. – 7:00 p.m. PT
Saturday, 5:00 a.m. – 5:00 p.m. PT

Hours subject to change without notification.

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1-888-876-0827**



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Resolving Personal Appearance Issues

Most Notaries have encountered an issue with personal appearance at some point in their careers. Here are some stories from Notaries on how they resolved the situation:

“When asked to notarize for an absent signer in the past, I have simply stated that The Notary Public Code of Professional Responsibility forbids my services without personal appearance. I also explained that I could be jailed if the improper notarization resulted in fraud.”

— **John Hartnett, Baltimore, Maryland**

“Once a woman whose mother was dying of cancer asked if she could have her mom sign the form and then bring it in for me to notarize. I told her that I could not notarize a document where the signer was not present. I offered instead to visit the mom on my lunch break. Upon arrival I spoke with the signer for several minutes to determine if she was coherent, aware and willing to sign this document. She was. After checking her ID, I notarized her signature. She was very thankful and it was really a humbling experience and one that I will never forget.”



— **Carol Salter, Longmont, Colorado**

“My boss once wanted me to notarize the authenticity of someone’s voice mail message on a telephone! Her own boss, who is hearing impaired, didn’t believe her description of what the message said. They both thought that if I listened to the message I could notarize it and officially vouch for its accuracy. I explained to both of them what the proper function of a Notary is and that this wasn’t an act I was authorized to perform. They resolved the issue without me.”

— **Gabrielle Collins, Kansas City, Missouri**

“I was recently asked to notarize a car title and the person who was supposed to sign did not show up. I explained to the seller that in order for me to perform the notarization, the signer had to personally appear before me and have their identity verified in my presence.”



— **Mildred Sapp, Phoenix, Arizona**



NNA PROFESSIONAL

Providing you with the opportunity to grow in
the industries and environments in

Coverage of news stories that no one else does — We not only cover the current headlines, **we include up-to-the-minute industry news feeds** that can affect Notaries and those who work with them, and we use these stories to dig deeper to find the solutions you need for your business and career.

Guidance from industry leaders and experts — Avoid problems and develop a thorough understanding of your profession and industry, building **the skills you need to expertly perform your duties**.

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**

NEW SECTIONS

Gain an in-depth look at which you notarize.

FINANCIAL & CORPORATE SERVICES SECTION

Receive news, resources and strategies for working within the increasingly complex banking industry. You will be exposed to industry leaders with expertise in banking, finance, customer service, commerce and other specialties.

HEALTHCARE PROFESSIONALS SECTION

Nursing home administrators, home health aides, hospices, assisted living facilities, or anyone who works with retirees or the elderly will find coverage of important issues that affect the work performed and legal concerns in this growing field.

IMMIGRATION SECTION

Notaries, consultants, paralegals, secretaries, translators or attorneys working with complex documentation will receive information from experts concerning immigration issues, federal regulations, identification documents, border security, and much more.

LEGAL PROFESSIONALS SECTION

Members are able to keep current on notarial law and updates on legal documents through this section. In addition, experienced leaders will provide information on law practices, office management, handling evidence, and other specialties.

INTERNATIONAL SECTION

Anyone working with international documents and laws will find perspectives on cross-border issues, free trade agreements, language and communication barriers, and the tough national and international requirements that lend trust to notarized documents.

NOTARY SIGNING AGENTS & SMALL BUSINESS SECTION

NSAs, others in real estate and small business owners find news, resources and strategies that affect you and allow you to diversify and improve your bottom line. You'll hear from experts in real estate, business development and entrepreneurship among other specialties.

Join today at NationalNotary.org/NewSections

The 33rd Annual
National Notary Association
Conference
Las Vegas 2011

Explore the Benefits of the NNA's Professional Sections

Inspired by our new Professional Sections, the 2011 Conference will feature a full day devoted to industry-focused workshops on **Wednesday, May 25th:**

Notary Signing Agent & Small Business

- The County Dotted Line
- Why Home Ownership Matters

Immigration and International

- How Trade Works
- Helping Families Achieve Inter-Country Adoptions

Healthcare

- Guarding the Public
- An Update on Healthcare Reform

Legal Professionals

- Certifying the Paralegal
- The Unauthorized Practice of Law

Financial & Corporate Services

- The Foreclosure Solution
- An Introduction to Dodd-Frank

PLUS — Industry Roundtables

Includes a two-hour interactive discussion on the issues, trends, and opportunities facing each industry sector represented by the NNA's Professional Sections. *Roundtables are open to all Conference attendees; however priority seating will be given to current Section members*

See full workshop descriptions and register today at NNAConference.com

Source Code
A43548

Program details subject to change without notice.

2011 MARCH FONG EU

Achievement Award



PATRICIA B. FRY

A Visionary From The Notary World

Long before Patricia B. Fry embarked on a distinguished career as a lawyer and legal educator, she got a taste of the challenges many Notaries face. As single mother raising two children, Fry worked as a secretary and Notary for a

prestigious Southern California law firm. One of the senior partners asked her to notarize a blank document and threatened to fire her if she refused.

“I said, ‘Absolutely not,’ to the demand,” Fry recalled. “So did every other Notary in the firm.” Fortunately, nobody got fired. But that was not the only time she was asked to perform an improper notarization.

That experience helped Fry gain a deep understanding of the important role Notaries play and the difficulties they face on a daily basis. During the ensuing decades, Fry became a nationally recognized leader in the movement to adjust the law to emerging technologies and, in the process, championed the cause of Notaries and the value of notarizations in our daily business transactions.

As a long-time member of the National Conference of Commissioners on Uniform State Laws (NCCUSL), Fry helped draft a number of key pieces of model legislation that shaped the laws of most states. As a result of her thoughtful approach to difficult challenges and her openness to new ideas, Fry was given tremendous responsibility. Among her accomplishments, she chaired the Drafting Committee for the Uniform Electronic Transactions Act — the model law giving electronic signatures the same legal status as paper and ink signatures.

Most recently, Fry chaired the Drafting Committee for the Revised Uniform Law on Notarial Acts (RULONA), a model law intended to serve as the basis for states to modernize and strengthen their Notary statutes. This is the



first revision since the original Uniform Law on Notarial Acts was drafted in 1982. The latest edition incorporates provisions for electronic notarizations as well as Notary education and recordkeeping, and it reflects a deep understanding of the issues American Notaries face on a daily basis.

Because of her efforts to strengthen the importance and value of Notaries Public in the modern age, Fry has been selected as the recipient of the National Notary Association's distinguished March Fong Eu Achievement Award for 2011. Every year since 1979, this prestigious Award has been bestowed upon the individual who has accomplished the most to improve the standards, image and effectiveness of the office of Notary Public in the United States.

A Visionary

Fry was introduced to the impact technology had on the law in the mid 1980s when she was asked to review an article about electronic data for a prestigious legal journal. The author was Michael S. Baum, who would receive the March Fong Eu Award in 1995.

Fry quickly grasped the need to adapt the law to embrace technology while recognizing that the essential components of notarization would continue to play a crucial part in transactions, regardless of the state of technology. "Notarization adds extra assurance that a document was signed by a person whose identity was verified," Fry explained.

For Fry, merely recognizing that changes technology would bring to the law was not enough. She threw herself into the hard work of figuring out exactly what those changes would be, first as a member of a cyber sub-committee of the American Bar Association's Uniform Commercial Code Committee and later as the first chairperson when that sub-committee was established as an independent committee within the ABA.

She continued that work with NCCUSL, where her leadership and vision proved invaluable in completing RULONA, which NCCUSL approved last year. The revisions focus heavily on new provisions for electronic notarization. The Drafting Committee spent a great deal of effort making sure the revised model legislation created workable standards for performing reliable electronic notarizations without tying them to any specific technology, Fry said. The more detailed legislation is about technology, the greater the odds the technology will be obsolete by the time the law is enacted.

RULONA emphasizes the most fundamental requirement of notarization: the signer's physical appearance before the Notary at the time of notarization whether the document is

in paper or electronic form. RULONA also includes requirements for all notarizations, and it clarifies elements of notarial duties and rules such as beneficial interest, satisfactory evidence of identity, a signer's competence, commission qualifications and prohibited acts.

"Pat Fry created an open drafting process that enabled the Committee to listen to many voices and be receptive to new ideas and concerns," said NNA Chief Executive Officer Marc Reiser. "She worked very collaboratively with many organizations, such as the NNA and National Association of Secretaries of State, and proved to be a true consensus builder."

With a growing interest in Notary regulations and oversight within state legislatures across the nation, the timing of RULONA is critical. Along with the NNA-drafted Model Notary act, RULONA provides a far more comprehensive set of standards for states to enact to enhance the value and importance of the Notary office.

Humble Beginnings


Fry never planned on a career in the law and certainly never imagined that she would help shape the way commerce would be done in the future. Needing a good job to support her two small children, Fry went to work as a file clerk for a Los Angeles law firm and ended up becoming a secretary for one of the partners. She enrolled in Southwestern University Law School, attending night classes while working full time, and graduated Magna Cum Laude.

Fry had just settled into private practice when a former law school professor asked her to teach a summer school law class. "I had just done my taxes and asked him how much it paid?" she quipped.

After several years, Fry decided to focus on teaching. "Practicing law, I affect the lives of the people involved in the case in front of me. Teaching the law, I affect the lives of all my students' clients," she explained. "I had always sworn I would never teach, but I had to admit that I liked it."

Her career as an educator included positions at the Vermont Law School, the University of North Dakota School of Law, and the University of Missouri-Columbia School of Law.

While "theoretically" retired, Fry is far from inactive. She is wrapping up a stint as a visiting professor at the Stetson University College of Law in Gulfport Florida and admitted that she may be teaching for quite awhile. As a life member of NCCUSL, she also may be found putting her mark on future pieces of model legislation.

"For so much of her career, Patricia Fry has been a true visionary," Reiser said. "Her leadership and steadfast dedication has done so much to solidify and enhance the office of Notary Public in our technology-driven world." 



The 5 Essential Wa

A Notary's primary function is to screen a signer for identity, willingness and awareness, but there are always opportunists who will try to trick or pressure you into

Signs of Coercion

If you witness or have a strong suspicion that a third party is pressuring someone to sign a document, halt the notarization immediately. Then ask the third party to leave and engage your signer privately to make a professional judgment about their willingness to sign. If you continue to suspect a problem, refuse the notarization.

Something Is Not Right With An ID

If the name, description, signature or photo on an identification document doesn't match the person appearing before you, or if the document shows signs of tampering, the notarization should be halted. Even if the signer presents a believable excuse ("They mixed up the name on the document!" "My ID is out of date."), it is the signer's responsibility to present an alternative identification document that meets state standards for satisfactory evidence of identity.

Falsified Information

Signers or bosses can sometimes pressure you to backdate a notarial certificate, or even fudge some of the details, such as the venue statement. This practice is not only unethical, it's illegal. In all cases, if you're asked to falsify information on a notarial certificate or in a journal, you must refuse.



Warning Signs

ignoring state laws and best practices. The following examples illustrate the top five warning signs that should prompt you to halt a notarization and steer clear of liability issues.

Unsatisfactory Evidence

In some cases, signers will present you with a birth certificate, a social security card, a photocopy of a state-issued ID document, or another unacceptable form of ID lacking necessary information to verify a signer's identity. In these cases, the signer should be sent packing until they can produce lawful satisfactory evidence of identification. If your state does not specify what forms of ID are acceptable, the NNA strongly recommends that an ID bear a unique serial number and contain the photo, description and signature of the signer.

Absent Signer

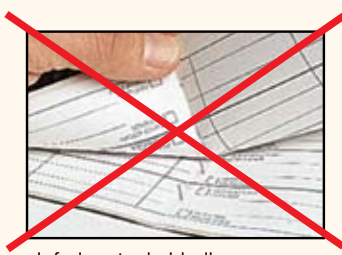
You must be especially wary if anyone asks you to notarize a document bearing the signature of a person who does not appear before you. Countless criminals have perpetrated fraud this way, even against their own spouses, parents or children, claiming to be doing "a favor" for the absent person. You should always refuse these requests unless the primary signer appears and is identified in accordance with state law.



Journals & Record Books



Smyth-sewn binding guards against undetected page removal



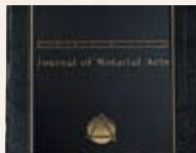
Inferior staple binding as seen in most other journals



Classic Burgundy
#6665



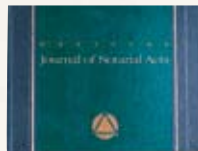
Tulips
#6808



Executive Black
#6697B



Sunset Beach
#6696



Traditional Green
#5373



Flag
#6697F

Journals

While not required in every state, it is essential for a responsible Notary to keep accurate records of all notarizations. Our journals include:

- Step-by-step, illustrated instructions to ensure proper procedures
- Two-tone columns for at-a-glance recording
- Room for nearly 500 entries in 122 pages
- Six different styles of hardcover available

NNA Members: **\$23.95**
Non-members: \$27.00



#5661

Thumbprinters

Capturing the signer's thumbprint is required in certain transactions, and can provide extra security.

- Inkless thumbprinter features a compact touch pad
- Special inking solution wipes away clean
- Prices starting at **\$9.95**

Seal Stamps & Embossers



Notary Seal Stamps

Ensure your seal is crisp and clear every time.

- From correct placement on a page to a stamp that can withstand high usage, we have stamps to fit every need.
- A variety of sizes and colors are available.



Style Stamp
#5404C



Elite Stamp Notary Seal
#5270V



Flip Stamp Notary Seal
#5470



Hand-Held Notary Seal Embosser
#5300



Portable/Desk Notary Seal Embosser
#5297

Embossers

Add an extra layer of protection to your loose certificates by leaving a crisp impression in addition to your seal stamp.

- Desk, hand-held and portable styles are available
- Gold foil seals add a touch of professionalism to the embossment
- Prices starting at **\$17.95**

Source Code
A43548

Notary Certificates



No room for your seal on the document? Signers appearing at different times? Incorrect wording? No certificate at all? Notary certificates are the convenient solution to a common problem, and follow each state's requirements.

- Individual Acknowledgment
- Corporate Acknowledgment
- Partnership Acknowledgment
- Attorney in Fact Acknowledgment
- Credible Witness Acknowledgment
- Signature-by-Mark Acknowledgment
- Proof of Execution by Subscribing Witness
- Copy Certification by Document Custodian
- Copy Certification by Notary
- Jurat with Affiant Statement

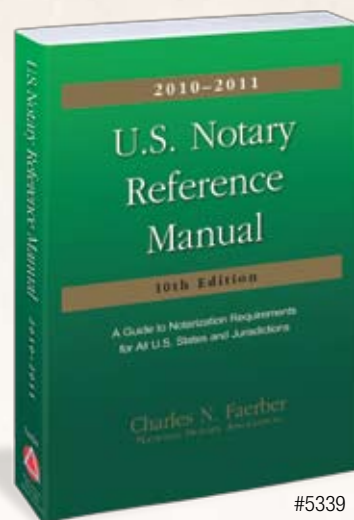
Handbooks & Guides



Notary Law Primers

State-specific information every Notary needs. Requirements for notarial acts, certificate wording for every notarization, wording for oaths and affirmations, how to renew your commission, and all laws that regulate Notaries in your state, including text from the official state handbook.

NNA Members: **\$14.95**
 Non-members: \$20.00



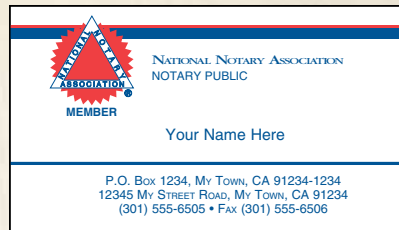
#5339

U.S. Notary Reference Manual

The most comprehensive guide for Notary procedures, with Notary seal specifications and samples, certificate wording requirements, Notary powers and limitations, and fees for all U.S. states and other jurisdictions.

NNA Members: **\$69.95**
 Non-members: \$79.00

NSA Supplies



Business Cards

Promote your business and stay at your customer's fingertips. Professional and elegant, NNA business cards help you stand out from the crowd. Available in three styles — Notary Public, Notary Signing Agent, and Notary Signing Agent — Certified and Background Screened.



#5839

Supplies shown
not included.

Notary Carry-All

Convenient and classic, our Carry-All fits all of your supplies in one place, with room for your journal, seal stamp, reference guide and more.

NNA Members: **\$29.95**
Non-members: \$41.00



Gold-Tone Business
Card Case
#6662

NNA Members: **\$9.95**
Non-members: \$16.00

Source Code
A43548

Handling Distance, Impartiality Or Procedural Challenges



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.

Can someone notarize the signature of a prison inmate (someone who is incarcerated) by accepting the inmate's word over the telephone?

J.B., New York, New York

The practice of taking acknowledgments and affidavits over the telephone without the personal appearance of the signer is illegal (NPLL, "Professional Conduct"). The NPLL (Notary Public License Law) specifies that taking an acknowledgment over the telephone is a misdemeanor. Unless the person making the acknowledgment actually and personally appears before the Notary Public on the date specified, the Notary's certification that the person did so is palpably false and fraudulent (NPLL, "Definitions and General Terms: Acknowledgment"). The NPLL also states that a Notary Public cannot administer an oath/affirmation over the telephone.

I will be changing my name due to marriage. Does the state of Arizona allow me to sign using my current name as it appears on my stamp until it expires? Also, I would like to obtain a new stamp. What is the process?

C.H., Tolleson, Arizona

An Arizona Notary Public who changes their surname may either apply for a new commission under the new name and purchase a new seal, or con-

tinue to use the prior name (ARS 41-327 and ANPRM). If you want to use your maiden name, you should write your married name on the line designated for the Notary Public's signature on the notarial certificate, and sign with your maiden name as it appears on your commission immediately below. No matter which option you choose, you must notify the Secretary of State's office within 30 days of the surname change by filing the "Notary Public Address/Name Change Form," found on the Secretary of State's Web site. (ARS 41-327).

My mother inherited some private shares of a local sports team. The shares need to be notarized. Am I, as her daughter and heir, allowed to notarize them?

A.S., Rochester, New York

You should not notarize the document because, as the principal signer's daughter and heir, you are not impartial to the transaction, which disqualifies you from notarizing the document. As a general rule, the National Notary Association recommends against notarizing documents for family members — even when permitted by law — to avoid any potential appearance of conflict of interest that could cause the document to be challenged.

I have a document needing notarized signatures from two people in

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

different locations. Do both signers have to meet and sign the document at the same time and place, or can their signatures be notarized separately?

A.T., Sioux Falls, South Dakota

You may notarize the signature of one person appearing before you and then the second person can appear before a Notary in their city/state and have their signature notarized.

Each Notary will complete notarial wording for the person appearing before them. The notarial wording should include:

- The location where the notarization was performed (State of....., County of.....);
- The act that was performed (acknowledgment, jurat, etc);
- The date of the notarization; and
- The name of the person whose signature was notarized (“.....before me, personally appeared John Doe.....”)

This will clearly show that both parties had their signatures notarized — they just appeared at different times/locations before different Notaries.

When a document does not have anything to do with property, is the right thumbprint required in a California Notary’s journal entry?

M.B., Davis, California

In California, thumbprints are required on deeds, quitclaim deeds, deeds of trusts affecting real property, and powers of attorney. (Government Code, Section 8206) It is not required on other documents, but it is recommended.

The closing officer from a signing said the title company requested a separate acknowledgment sent to them for a document I notarized because they claim

I did not stamp it. This raised a red flag. This is illegal for me to do, correct?

T.Y., Carmichael, California

You are correct. Notaries should never send a loose certificate to another party to correct a document. If a mistake is discovered — such as a wrong date or the omission of a seal impression — you can correct the mistake only after the original document is returned to you. If a new certificate is needed, you must personally attach the certificate to the document. Giving or sending anyone a signed and sealed Notary certificate without an attached document is an open invitation to fraud. It is also a serious breach of the Notary’s sworn promise to fully and faithfully perform official duties.

If I am commissioned in Jefferson County, Missouri, and I notarize something in St. Louis County, Missouri, would I write “St. Louis County” in the venue area on the Notary certificate?

N.F., High Ridge, Missouri

You are correct. Notaries sometimes become confused about what information is written in the venue. When completing a certificate, you always write the state and county where the notarization takes place in the venue.

Are we required to keep copies of the paperwork that we notarize?

L.M., Thousand Oaks, California

Since documents often contain sensitive information (private correspondence, business information, identification numbers), a Notary could be held liable for damages if the signer proved his or her privacy was compromised by copies of the signer’s paperwork. If a Notary is concerned about keeping a record of notarial acts, the proper way to accomplish this, even if it is not a state requirement, is to keep a journal.

For more tips on keeping a journal, see Nuts And Bolts on page 33.

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

Enhance your productivity.
Boost your career.
Serve society responsibly and ethically.



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.

Only the NNA's education programs are certified by the Accrediting Council for Continuing Education & Training (ACCET), meeting strict quality standards for institutions of higher education.

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



NationalNotary.org/Training



Notary Delores Julian displays a journal she purchased directly from NNA Founder Ray Rothman

Your Journal Records Are Your Safeguard

WHETHER OR NOT IT'S REQUIRED BY STATE LAW, KEEPING A JOURNAL IS YOUR BEST PROTECTION AGAINST LIABILITY

Delores Julian knows the value of a Notary journal — she's kept one for forty years. The Rosamond, California, Notary was even once praised for her diligence by a police officer examining some of her entries during a case. "When I first became a Notary, it was explained to me that if you ever have to appear in court about one of your acts, you need to be able to show what you did during a notarization," she said. She took the lesson to heart, and her first journal was purchased directly from the NNA's founder, Ray Rothman.

YOUR BEST PROTECTION

Lawsuits involving a notarized document can arise months or even years after the notarization. By that time, it's nearly impossible for participants to remember the details of the notarization, so your journal ensures that there is an accurate written record. Should you ever be sued or accused of misconduct, the information in the journal entry can show that the Notary followed proper procedure and refute accusations of fraud or negligence.

Information in a journal can also provide evidence to law enforcement officials to investigate fraud, forgery or imposture. For example, if the Notary takes a thumbprint for each journal entry, investigators could use the print to determine if a signer was genuine or an impostor in a fraud investigation.

KEEP IT GOOD, KEEP IT RIGHT

The NNA recommends that all Notaries complete their journal entry before performing the actual notarization so that the signer cannot leave with a notarized document before you complete your record.

If a journal is mandatory in your state, make sure you record all information required by law. Some states have special requirements, such as taking the signer's thumbprint when notarizing certain real estate documents in California; or in Texas where Notaries are prohibited from recording serial numbers from a signer's ID. If journals aren't mandatory in your state, the following information should be written in the entry:

- The date and time of the notarization
- The type of notarial act
- The type of document notarized
- How the signer was identified
- Any details that may be unusual or relevant (additional people present, unusual behavior by the signer, etc.)
- The signer's signature

Even if a notarization can't be completed for some reason, the Notary should still fill out a journal entry and note why the transaction was canceled. That way, if there is an accusation relating to the incomplete notarization, the Notary has written evidence of the reason for the refusal. For example, if a Notary had to stop the act because the signer appeared coerced or some other reason, this should be recorded in the journal entry.

STAY IN CONTROL

A journal contains sensitive information about your notarizations and private information about your signers. It's crucial that your journal always remains under your control.

A journal should never be left unattended in the open. Doing so allows other people to look through it and access other people's private information. When not in use, a journal should be kept in a locked safe, drawer or other secured storage compartment.



Using Social Media To Market Your Services

SOCIAL MEDIA SITES CAN HELP YOU CONNECT WITH NEW SIGNERS AND EXPAND YOUR BUSINESS — BUT IT'S ESSENTIAL THAT YOU STAY PROFESSIONAL ONLINE

Social media sites like Facebook, LinkedIn and Twitter provide Notaries a great tool to market their services and locate business. These sites allow Notaries to share information instantly with people around the world, communicate quickly with customers and clients, and strengthen their network of business contacts.

REACHING CUSTOMERS INSTANTLY

The biggest advantage of social media is that it allows you to build a community to communicate with existing and potential customers. Social media enables Notaries to get their contact information, specialty skills and areas they serve to their signers, and it also provides a way to instantly update contacts with information about your business.

For example, if you take courses to become a Notary Signing Agent, a social media site lets you immediately let your online contacts know you're available for loan signings. You can let customers know if you offer multilingual services or are fluent in sign language.

You can inform them of special offers or deals, or you can even inform customers of changes to state Notary laws that may affect notarization requests.

ENHANCE YOUR MARKETING

Social media sites vary when it comes to their audiences, what users can do on the site and their rules and policies for use. If you want to network with colleagues about job issues and engage in discussion groups related to your industry, you may want to establish a presence on a site like

LinkedIn. Twitter allows you to post brief messages to quickly reach many people in your social network. And Facebook, though it began as social medium for college students, is gaining traction as a powerful communications tool for business with its community of half a billion users.

But whatever your communications goals are, understand the instant power you have: You can broadcast to a massive audience that could potentially transmit your message globally.

The social media analysis firm Compete Inc. recently reported that Facebook now beats Google in sending Web traffic to a variety of news, information and business sites. That means users of social networks influence the public as to what sites and businesses are worth checking out, instead of Yahoo! or Google.

People are spending less time surfing the Internet on their own and instead are viewing content that their friends either recommend or are active with.

THE POWER OF COMMUNITY

Building community through social media has become an extremely powerful marketing tool.

When your community reaches a critical mass and is engaging with you and each other, you can quickly turn customer conversations about your brand, product, service, or company into a sustainable competitive advantage that delivers results.

So take time to plan your social media strategy to engage your audience, and make it work for your business.

Everything You Need to Begin or Renew Your Commission

We'll guide you through the commissioning process step-by-step.

Compliance

Get everything you need to meet your state requirements.



Protection

Assess your personal liability risk and choose from varying levels of Errors & Omissions Insurance.



Best Practices and Supplies

Purchase all you need to be a professional Notary — training, certificates, embossers, carry-alls and more.

As the Nation's Professional Notary Organization®, the National Notary Association has the unique capability to ensure you're fully prepared to become a Notary and perform your official acts properly and confidently.



Start today at
NationalNotary.org



NATIONAL NOTARY ASSOCIATION

The Nation's Professional Notary Organization®

1-800-US NOTARY (1-800-876-6827)
NationalNotary.org

National Notary Association Conference 2011

The 33rd Annual National Notary Association Conference Las Vegas 2011

Managing Risks in Today's World → May 22-26, 2011

Overview

3 weeks to go

Mark Your Calendar

Register Now

Linked in
Join our LinkedIn group

Facebook, Twitter, My, Print, +

Conference 2011

- Conference Registration
- Conference Program
- Hotel Registration
- Keynote Speaker
- Special Events
- Excursions
- Sponsors
- FAQ
- NNA Home

Managing Risks in Today's World

Join us in Las Vegas!

Attend the 33rd Annual National Notary Association Conference in exciting Las Vegas, and learn the latest strategies and practices to manage risks in today's complex Notary world.

The "Notary Event of the Year" offers educational and industry specific **workshops** and an interactive learning lab to build your skills, grow your business, manage your risk and protect your reputation; and provide you with the world's largest arena for Notary networking.

The 2011 Conference — *Managing Risks in Today's World* — is the strongest Conference agenda we've developed and will focus on the changing legal landscape and the risks and liabilities that you as a Notary, Notary supervisor and organization must face every day. Here's what to expect with this year's Conference:

- Hands-on workshops and open-forum discussions**
From marketing tips to liability and ethics to fraud prevention, you will leave the Conference with the knowledge to manage your risks more effectively and increase your confidence in performing your notarizations. Notary supervisors will have an opportunity to become aware of liability risks.
- Keynote sessions from provocative thinkers**
Become inspired and gain new perspectives from industry leaders

Conference Program

See full workshop descriptions and speaker bios

Hotel Registration

Make your room reservations at the Rio All-Suites Hotel & Casino

Register Online Now

Register for full Conference, Two-Day, and Guest Passes

NNAConference.com

One Web site for all of your Conference needs. Register, purchase Guest Passes, reserve your hotel room, create your schedule, and get the latest updates.