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The National NOTARY

May 2013



THE MAGAZINE FOR AMERICA'S NOTARIES

Montana Secretary of State
Linda McCulloch

The 2013 March
Fong Eu Achievement
Award Honoree

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An Industry Leader Talks Signings

**What NSAs Need To Know About
Regulations, Training And Certification**

One Conference, Many Opportunities

Secretary of State Panel

One of our most anticipated panels — featuring **Linda McCulloch**, Montana Secretary of State, and **Scott Gessler**, Colorado Secretary of State — will explore the evolution of Notary education and why it is vital for building trust in American commerce. You will get an inside look at how the growing need for training and best practice knowledge is essential for protecting the public, your employers, and you.



**The Honorable
Linda McCulloch**
Montana Secretary of State



**The Honorable
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Presented by Daniel Lewis, Managing Partner, Lewis Notary Services
- **Your Next Step: Starting a Signing Service**
Presented by Liz Adams, Owner, ETA Signing Service
- **Qualities of the “First-Called” NSA**
Presented by Ryan Flaherty, Operations Manager, National Vendor Management, LSI Division, LPS Inc.
- **Get More Business from Your Website**
Presented by Oliver Feakins, CEO, Web Talent Marketing
- **Nurturing Your Drive to Succeed**
Presented by Sandi St Claire, CEO, Notary on Call

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**Organizations confirmed at press time. Several more expected.*



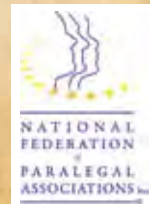
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Conference Registration and Signature Event Guest Passes will be available for purchase on-site.

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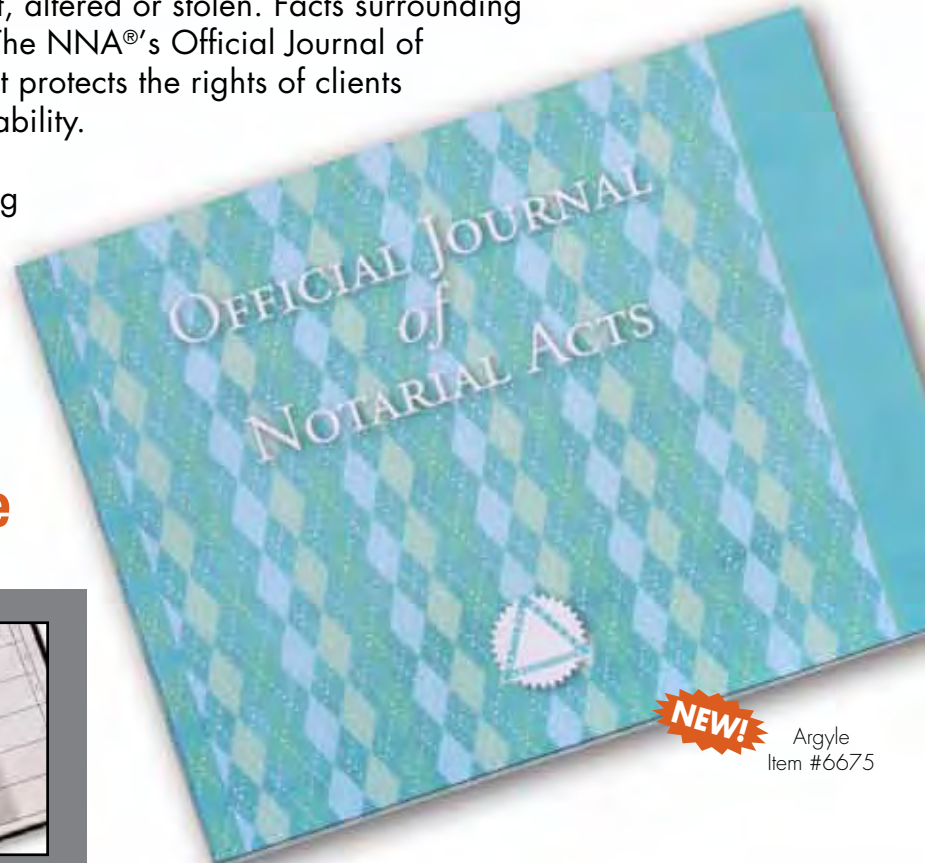
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As the mortgage industry recovers from the Great Recession and the foreclosure crisis and adapts to new regulatory initiatives, Notary Signing Agents are facing extraordinary changes in the way they conduct business at the signing table. In a rare interview, Robert A. Camerota, Sr., of First American Mortgage Services talks about what these changes will mean to NSAs — from training and certification to dress codes and professional demeanor.



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ON THE WEB

**NSA Certification
works for the
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Bank Service Issues

In response to Mark Giardina's letter "Refusing Service" (March 2013), I have also noticed the trend for banks in my area to refuse service. I happened to be in my local bank one day and overheard a conversation about how the bank's Notary can only notarize documents directly related to the bank. I asked about it and got the impression they don't really want people just coming in and taking the bank's time to do notarizations.

In my case, I used it as an opportunity to get more business. I dropped off some of my cards and told them I can sometimes do notarizations if my work is not swamped. I said they could have people call me and make an appointment.

Michael Strong, San Bernardino, California

I understand Mark Giardina's complaint about banks refusing notarial services in the March 2013 magazine. What I have found is that our local banks are only willing to perform the service for their customers. I was told they will not do deeds, wills and powers of attorney because, if there is a problem and they end up in court, the employee might have to leave the office to appear and the bank does not want to be involved. Attorney's offices are doing the same thing. I work for a small town and we do not notarize deeds and wills. We tell signers to go to an attorney.

Karen Zornes, Hubert, North Carolina

Asking For Courtesy

When a Notary accepts a signing appointment, we are committed to seeing it through. But some signing agencies make appointments for 6 p.m. and do not send the documents until 7 p.m. They assume that the Notary is just there to wait until whenever they decide to send the documents.

This does nothing positive for the Notary or the client, because these documents have to be printed and checked before going to the client. Clients then become aggravated and take out their frustrations on the Notary.

I am wondering if the NNA could publish a strong message that closing agencies should be courteous and send documents to Notaries within a reasonable time.

Angela McLeod, Wood-Ridge, New Jersey

From Social Media: Signing Agents Share Their Thoughts

"You have to stay current as a professional to better serve your customers. Thanks NNA for making it possible."

Sheila Richardson, Apalachicola, Florida

"I believe the NNA should speak out more to help raise standards for the Signing Agent industry."

Nan Allen, San Rafael, California

"I've been doing closings in Florida for almost a year, but am not certified. Does certification help you get more work?"

Eunice Gedeon, Naples, Florida

"A professional appearance, both in person as well as in communication, goes a long way for an NSA. The last thing a potential title company wants is someone who is not knowledgeable or who does not present a professional demeanor."

Liz Adams, Orlando, Florida

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 e-mail 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.



How We Respond To Change Is Critical

It's little more than a month before our annual Conference kicks off and the buzz throughout the Association is energizing. As always, it's more than just the pressure of deadlines.

For our team, every Conference is unique and brings with it new production challenges to deliver a distinctive program chockfull of worthwhile information. It requires endless planning and outreach, thorough research and a painstaking understanding of the current Notary trends, locally and nationally.

This year is no different in that respect. But, in another, it is notably distinctive.

The Notary office is changing. Even as states have been slow to require education, the fallout from the 2008 housing market collapse — and subsequent recovery — is transforming the delivery of Notary services. Particularly for Signing Agents.

In this issue, one of the nation's largest title insurance companies, First American Mortgage Services, speaks directly to Signing Agents about how every facet of what they do is coming under scrutiny, and how they are relying on them to be their trusted representatives at the signing table.

First American and other large lending institutions, ServiceLink, U.S. Bank, LSI, American Title and LandSafe Title Services (a Bank of America company), are now in dire need of secure and reliable notarizations performed by certified Notaries who are qualified by more than just their state-issued commission.

As we have submitted for years, education is the cornerstone of Notary professionalism. Unfortunately, Notaries who chose to provide services without understanding practical procedures could be excused because states did not require it, and document signers did not understand the significance of notarization.

This casual indifference, demonstrated by some Notaries, is being confronted and challenged by new industry regulations that will ultimately transform the nature of the services we provide.

Conference attendees will be among the first to witness the emergence of this imminent transformation.

Having witnessed more than three decades of change to the Notary office and had my hand in nearly that many conference programs, I am gratified to see that Notaries are being distinguished for not only the integrity, honesty and impartiality that they bring to a document signing, but that the industry they serve is requiring that they demonstrate their proficiency by meeting specific criteria and standards.

And while we may perform our notarial services competently and satisfy our self-esteem by judging ourselves diligent, we must not rely solely on how we did things last year, last month or yesterday.

While *transformation* may be regarded as an over-exposed synonym for change, it must not be discounted. How we respond to change is critical for the office but particularly for every commissioned Notary. The demands will be different and standards more rigorous.

It is not difficult to predict that Notaries will be facing a dynamic new model for services in the future and that one's ability to transform their Notary skills to meet the new requirements will be expected of the professional Notary.

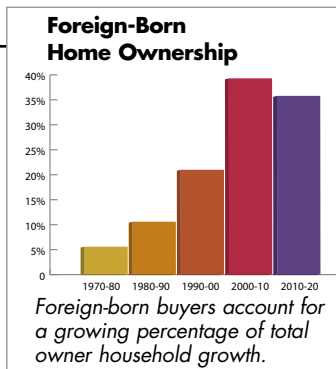
Deborah M. Thaw can be reached at dmtbaw@nationalnotary.org

Immigrant Homebuyers Fueling Housing Market Growth And Recovery

One of the key indicators of the health of the housing market is growth in the number of households that own their homes, and immigrants are accounting for an increasing piece of that number, according to a recent study sponsored by the Mortgage Bankers Association, a trend likely to continue through this decade.

Between 1970 and 1980, foreign-born buyers accounted for 5.5 percent of the growth in home ownership. Between 2000 and 2010 that figure jumped to 39.2 percent, according to the MBA report.

Immigrant buyers are expected to make up 35.7 percent of the growth in home ownership between 2010 and 2020.



The National NOTARY

Milt Valera, Founding Editor and Publisher

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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.

MEMBERSHIP CORE VALUES

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

NATIONAL NOTARY FOUNDATION

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Lenders Push For Uniform Test

The Mortgage Bankers Association and the Conference of State Bank Supervisors are pushing a plan to create a Uniform State Test for all state-licensed mortgage originators.

In 2008, Congress required states to license all mortgage originators, a process that includes background checks, education and testing. But states were left to establish their own systems.

The result has been a mix of requirements that prevent mortgage originators from doing business in neighboring states without incurring significant licensing costs.

Efforts to promote and implement mandatory training at all levels of the loan process — including Notary education — illustrate a new level of commitment to consumer protection and industry-wide compliance. (See related article on page 16.)

The Bottom Line Of Identity Theft

The 2012 annual reports from the FTC's Consumer Sentinel Network and Javelin Strategy & Research show that identity theft continues to plague the U.S. economy and consumers.



Where identity theft ranks among all fraud complaints filed with the FTC.



How much identity theft complaints increased in 2012 from the previous year.

The total number of identity theft victims in 2012.



The total cost of identity theft in 2012.

NNA 2013 Conference: Training And Education For A Changing Industry

With the future of the mortgage industry in flux due to new federal regulations and other industry developments, Notaries now require more training and education to advance in their profession. The NNA 2013 Conference theme of “Knowledge 2.0” has been purposely designed to meet this demand.

Conference opens with a discussion by leading Notary employers who will cover the growing need for Notaries to obtain more knowledge and skills or be left behind in the industry. The session also examines how employer and personal liability exposure and regulations will drive requirements for education from both a state and industry perspective.

A sampling of other Conference offerings includes:

- A networking event featuring representatives from leading title companies and signing services who will provide insight on how to earn extra income and recruit loan signing professionals
- A keynote address covering the new industry requirements for education and certification to comply with vetting, service and privacy regulations
- A discussion of the “Four Ways to Avoid Liability Pitfalls” by complying with laws, following best practices, keeping a journal and having E&O insurance
- Tips from NSA guest speakers on discovering Notary income opportunities

Besides the beneficial education and training Conference provides, the opportunity to meet industry employers and discover their expectations is invaluable. NSAs and those wishing to become one should not miss this great chance to further their career. To register for NNA 2013 Conference, visit the website: NationalNotary.org/Conference or call toll-free 1-800-US NOTARY (1-800-876-6827).



NNA, Attorney General Masto, Present Donation



Nevada Attorney General Catherine Cortez Masto, recipient of the National Notary Association’s 2012 March Fong Eu Achievement Award, joined NNA Vice President of Best Practices Bill Anderson in presenting a check to Dr. Joanne Goodwin, Director of the Women’s Research Institute of Nevada. Each year the NNA presents a \$1,000 donation in the recipient’s name to the educational organization of his or her choice. Learn more about Attorney General Masto and her efforts on behalf of consumer protection in the *Notary Bulletin* (NationalNotary.org/Bulletin).



Special Coolidge Foundation Membership Available For Notaries

The NNA has collaborated with the Calvin Coolidge Memorial Foundation to offer a special \$10 Foundation membership to all Notaries. The Foundation, a non-profit, non-partisan organization, supports the legacy and ideals of our 30th President who was sworn into office by his own father — a Notary Public.

The membership includes access to the Foundation’s social media communities, invitations to special events hosted by the Foundation, free admission to the Coolidge

Historic Site and all Vermont Historic sites, and the bi-annual newsletter.

In recognition of President’s Day in February, the NNA sponsored a Presidential trivia quiz on Facebook. Sixteen lucky winners were awarded membership in the Foundation and a copy of *Why Coolidge Matters: How Civility in Politics Can Bring a Nation Together*.

To take advantage of this discounted offer and support the Foundation, visit www.calvin-coolidge.org/nnaoffer.html or scan the QR code. Copies of the Coolidge book are available at www.NationalNotary.org/WhyCoolidgeMatters.



NSA Fees Under Attack

What Notary Signing Agents Can Do To Protect Themselves

By Kelle Schillaci

Notary Signing Agent fees — always a prime concern for Notaries and Notary Signing Agents across the country — have become the topic of a wider, national debate in recent years, with borrowers in a number of states filing court actions claiming they were overcharged for Notary services during loan closings. Despite the persistent legal haggling over payment, a recent class action case was shut down in a California appeals court, reaffirming the right of title companies, escrow offices and signing services to pay Notary Signing Agents a flat fee for notarial and non-notarial services rendered during loan signings.

In the recent California case (*Hutton v. Fidelity*), a disgruntled homeowner's claim that the title company charged an excessive Notary fee for services rendered during the processing of a refinance loan package blossomed into a years-long legal battle. The borrower maintained that Fidelity National Title, who had hired the Notary, had charged \$75 for performing notarizations for acknowledgments on two documents — an amount the plaintiff claimed was a violation of California law limiting Notaries to a \$10 fee per signature.

The Court of Appeals of California upheld the trial court's initial decision to dismiss the case, ruling that non-notarial services connected to the signing, such as printing and couriering documents, were not governed under California's Notary fee statute. Furthermore, evidence in the Notary's journal proved critical in illustrating to the court that each notarization had been properly logged, along with the legally permissible maximum fee of \$10 per acknowledgment. The court further affirmed that the additional portion of the \$75 fee was for additional services provided by the Notary.

Similar cases have also been filed in Alabama, Georgia and North Carolina. With Notary fees

under attack both in the courtroom and, in many cases, the court of public opinion, it's never been more crucial for Signing Agents to take protective steps when it comes to determining fees, tracking and recording all Notary transactions in their Notary journals, pursuing the proper channels when it comes to collecting fees, and adhering to Notary best practices at all times. These strategies and safeguards are the Notary's best line of defense for protecting oneself against legal suits.

Step One: Understanding Signing Agent Fees

In a typical mortgage loan signing, the lion's share of an NSA's fee is for performing mostly non-notarial services — printing the loan package, driving to and from the appointment, following instructions to obtain signatures on documents, most of which do not require notarization, and couriering documents to the shipper. NSAs perform these valuable services as "Signing Agents" and not as "Notaries." Understanding that NSAs provide "loan signing services" is an important distinction both the California trial and appellate court grasped in rendering their verdicts in the case.

Step Two: Determining — Or Agreeing Upon — Your Fees

Generally, when you accept a loan closing assignment, you are working directly with an escrow company or title company, not the borrower. The company hiring you is the one who typically determines your fee per loan package, usually offered as a lump sum. In contrast, most Notary fee statutes assume the Notary is performing notarial services for, and being paid by, the signer directly.

It is up to the individual Notary to decide if the amount offered by the contracting company



is acceptable, or if they want to negotiate a higher fee. Before committing to a job, factor all of the costs, including travel time, photocopying, or other business expenses, to ensure appropriate compensation.

Fees will vary between companies, so do your research before agreeing to a work order, using Internet searches or seeking advice from Notary colleagues who have worked with the company. (Note: The NNA's LinkedIn discussion threads are a valuable place to reach out to other NSAs nationwide for their input.) Does the company have a good reputation in the industry? Are they known for paying Notaries in a timely fashion? Once you have agreed to work for a company, they are the only ones with whom you should discuss your fee or payment — never the borrower.

In rare cases where it is up to you to determine how much you charge for your services, carefully factor your fee based on the standard fee for a notarization in your state plus the costs of any additional services or travel expenditures related to the signing. Communicate these costs clearly to your signer, or whoever has hired you for your services, and receive an explicit agreement in writing before agreeing to and performing the notarization.

Step Three: Maintaining And Safeguarding Your Journal


As the California case illustrates, a Notary's journal provides clear evidence indicating each notarial act performed, and the actual fees collected — it was this critical paper trail that provided the best defense against the plaintiff's claims. Should you ever be called to testify in a court hearing, your best protection against liability is a well-organized and properly maintained journal.

Whether or not your state requires one, keeping a record of each notarization and fee illustrates that you charged the appropriate and legal amount.

Also, be sure to store all completed Notary journals in a secure location. In the California case discussed above, the notarial transactions in question dated back several years prior to the legal action, and the Notary had kept all journals as required by law and was able to quickly prove that the proper fees had been collected and no laws were broken.

Step Four: Don't Go After The Borrower

One of the biggest — and potentially law-breaking — mistakes a Notary can make is to go after the borrower for payment on fees that were established by a title or escrow company. The only entity with which you should ever discuss payment is the one that offered you the job, generally the title company or signing service. Pursuing the borrower for loan signing fees could be a violation of the federal Real Estate Settlement Procedures Act (RESPA), which prohibits certain service providers, such as NSAs, from charging unlawful fees. Assume that in most cases, borrowers have already been charged by the company; therefore, if you go after them for additional payment, you could actually be breaking the law.

Notary Signing Agents provide a valuable and professional service to both contracting companies and borrowers. As Notaries, they help authenticate critical transactions, and as Signing Agents, they ease the burden for escrow officers. As the battle over fees continues to be waged in the courtroom, NSAs nationwide should continue to focus on best practices and performing their critical role with due diligence. 



Is yelp* For You?

What One Mobile Notary Says About Online Reviews

By Moses Keshishian

With over 60 million registered users and over 20 million reviews posted on the site, Yelp continues to dominate the social review space on the Internet. Consumers frequently turn to Yelp to look up mechanics, restaurants and other businesses. But Notaries? The National Notary recently interviewed NNA member Eli Angote, founder and CEO of *TheBestNotary.net*, a national, mobile Notary service, about how he uses Yelp to build a positive reputation for his business.



Eli Angote

Why did you start using Yelp?

Since we live in an increasingly hyper-connected society, consumers want to know their service providers better. I always skim the "About" page of any website to gauge the character and transparency of the people I am about to do business with. So when I launched my business back in 2007, it was only natural for me to post my listing on Yelp.

How has Yelp increased your online presence, and has that had an effect on your business?

Yelp has become one of the most trusted sources of information for consumers investigating local businesses, and we have received a substantial amount of new business from people who originally discovered us on Yelp. We have a link on our website which directs people to our Yelp page. Once there, they read and leave reviews about us. This tactic has helped convince many people to give us a call and use our Notary service.


What's your strategy when it comes to building a positive reputation on Yelp?

Our approach to business begins and ends with customer satisfaction. It's the number one reason why we have a positive reputation on Yelp. We email our customers and ask if they were satisfied with our service and to leave us a review on Yelp. However, most of our reviews are from customers who were so impressed with our service that we didn't even have to ask; they took the time and posted a positive review about us on their own.

What advice would you give to somebody who gets a negative Yelp review?

It is always possible to address the matter by getting in touch with the unhappy customer and rectifying the situation. Then ask them to update or retract their initial negative review. The goal is to ensure that problems are dealt with as soon as they happen. This ensures that a negative review never gets written in the first place.

Based on your experiences as a Notary on Yelp, do you have any advice or suggestions to Notaries who might consider joining Yelp?

I would suggest that Notaries join Yelp immediately. Basic business listings are free, and the marketing potential is limitless. Even without a website, Yelp can help you build an online presence and get you listed in Google search results. When you do create a listing, be sure to put as much information about your business as possible, including photos of yourself. To promote your listing, use coupons and offers as a way to attract and retain customers. Above all, treat your customers like they are the only reason you went into business in the first place. 

We'd love to hear about your experiences with the National Notary Association on our Yelp page at www.yelp.com/biz/national-notary-association-chatsworth.

Increase Your Income Become an NNA[®] Certified Notary Signing Agent

Whether you're looking to earn additional income or begin a new career, the **NNA Notary Signing Agent Certification** provides the skills you need to become a confident and competent loan signing professional

— *in as little as three weeks.*

“ I took the NSA course and got my background check. I would be lost without the support I receive from the NNA... It's worth every penny! I can't imagine being a signing agent without them. ”

— N.C., Fort Worth, TX

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- ▶ Placement on SigningAgent.com, used by title companies and signing services to search for qualified NSAs

NATIONAL NOTARY ASSOCIATION

To get started with our nationally recognized, all-inclusive certification program today, visit www.NationalNotary.org/notary_signing_agent or call 1-800-876-6827.

Montana Secretary of State



When Linda McCulloch was elected Montana's first woman Secretary of State in 2008, she quickly recognized the critical role Notaries play in protecting businesses and the public from fraud, and she took strong and immediate action to ensure that Montana Notaries had the resources and protection they need to perform their job with confidence and accuracy.

In her first year in office, she successfully spearheaded important legislation that required new and certain renewing Notaries to complete an education course. The same bill also included a vital mandate for all Montana Notaries to maintain a record of their notarizations.

She accomplished this long before the "robo-signing" crisis made national headlines and focused attention on the consequences of improper notarization practices.

"Notaries Public are essential to businesses and to individuals because they ensure that the right person is signing the document and has the willingness, the capability and the authority to do so," McCulloch said in a recent interview with *The National Notary*. "They are a critical line of defense against fraud, so it is critical that they receive proper training and guidance on performing notarial acts."

But the battle was not over. In 2011, when a serious effort was made to repeal the journal requirement, McCulloch rose to the occasion and convinced then Governor Brian Schweitzer to veto the measure.

Because of her tireless efforts to champion Notary recordkeeping and education requirements, and her unswerving commitment to protecting the strength and professionalism of the Notary Public office, the National Notary Association is proud to have selected Montana Secretary of State McCulloch as recipient of the NNA's March Fong Eu Achievement award, which will be presented during the NNA 2013 Conference in Austin, Texas, June 2-5.

The prestigious award is granted each year to an individual who has illustrated a commitment to improving the standards, image, and effectiveness of the United States Notary Public office — all of which McCulloch has accomplished in her first term as Secretary of State.

"Secretary McCulloch's tireless advocacy for the issues of education and recordkeeping has profoundly strengthened the Notary office and the ability of Notaries to protect our most important transactions," said NNA President and Chief Executive Officer Thomas A. Heymann. "Her visionary leadership set an example that extends far beyond the Montana state line."

March Fong Eu Achievement Award

Secretary of State Linda McCulloch

"It's an honor to accept an award named for March Fong Eu, a Secretary of State who was a champion for Notaries," said McCulloch. "Like her, I brought an interest in Notaries with me to the job. I remain committed to maintaining public trust in Notaries and to ensuring that all notarial acts are fulfilled responsibly and ethically. I will be accepting this award on behalf of the committed staff in the Secretary of State's Office, and the more than 20,000 Notaries in Montana."

The Award is named for its first recipient — former California Secretary of State March Fong Eu — whose accomplishments in service to Notaries set a high standard by which to measure all subsequent nominees for the honor. Since 1979, the NNA Achievement Award honorees have included secretaries of state, legislators, governors, state Notary program administrators, attorneys general and judges.

For McCulloch, fighting to provide education for her state's Notaries is a natural extension of a career dedicated to public service. After earning bachelor's and master's degrees in elementary education from the University of Montana, she spent nearly 20 years serving as the librarian at an elementary school in Bonner, Montana.

In 1994, she was elected to the first of three terms in the state House of Representatives, and in 2000 she was voted in as Superintendent of Public Instruction, holding that office for eight years. During that time, she worked to improve school funding, fought to institute a state-wide kindergarten program and advanced a rural perspective regarding the federal "No Child Left Behind" Act.

McCulloch's commitment to Notary education did not end with the legislation. She launched the first Montana Notary Public Conference in the summer of 2012, sending an important message that lifelong learning is an essential element of public service and promoting the public welfare.

Beyond her commitment to education, the battle to implement and preserve the journal requirement exemplifies her leadership.

"Many Notaries are required to become Notaries by their employers, and a properly maintained

journal can provide proof to any court that the notarization was done correctly and that the person was physically in the presence of the Notary," said McCulloch. "A journal protects clients and the Notaries' employers by providing evidence of what occurred."

Journal entries also often provide critical evidence to law enforcement officials investigating identity fraud and imposture, especially in connection with fraudulent real estate transactions.


Having worked diligently to pass her state's journal requirement, McCulloch worked even harder to block legislation repealing it — a move that brought national attention to the importance of the Notary journal and its value in protecting the public.

"Repealing the journal requirement would have significantly increased the potential for fraud and identity theft and seriously undermined the importance and value of notarizations as a fundamental component of credible business transactions," said McCulloch.

McCulloch's dedication to public service was inspired by many people, but she points to one particularly influential role model: fellow Montanan Jeannette Rankin, who was the first woman ever elected to Congress.

"While our views differ on some issues, she was a strong advocate for women's rights and wasn't afraid to pave her own path in a male-dominated political system," McCulloch said.

Drawing on that inspiration, McCulloch has been an enthusiastic and energetic advocate for all Montanans. From working to help small Montana businesses weather tough economic times, to strategizing new ways to ensure fair and accurate elections in her state, McCulloch has strived to uphold ethical values while finding new ways to modernize, protect, and improve services to voters, businesses and governmental agencies.

For her unwavering focus on improving Notary practices and consumer protection in Montana, and for setting a model for public officials in other states to emulate, the NNA is proud to hold her up as an example for public officials nationwide. 

"I remain committed to maintaining public trust in Notaries and to ensuring that all notarial acts are fulfilled responsibly and ethically."





What NSAs Need To Know About Regulations, Training And Certification

Few can doubt that Notary Signing Agents are facing a sea change in the way they conduct business. As the mortgage industry recovers from the Great Recession and the foreclosure crisis — and adapts to new regulatory initiatives — every facet of a Signing Agent's performance at the signing table is coming under scrutiny. (See January 2013 issue of *The National Notary*.) There is a growing expectation that lenders and title companies will hold NSAs to higher standards of training, certification and professional conduct. No longer will the mortgage industry consider what happens at the signing table an afterthought.

In this issue, *The National Notary* digs deep to help you understand how the world of Signing Agents is transforming, why, and what changes you can expect in the very near future. You will hear from National Notary Association executives who, over the past year, have been working closely with lenders, title companies and mortgage servicers to improve collaboration with Notaries. And you will also hear from First American Mortgage Services which — amid an industry facing an ever-changing regulatory environment — felt it was imperative that it communicate with Notaries directly to ensure sound, legal notarizations.

After perusing these pages you will have a clearer understanding of how your industry is changing and what to expect in the coming months.

An Industry Leader Talks Signings

First American's Robert A. Camerota Discusses How Things Are Changing At The Closing Table

As a real estate and finance leader for more than 25 years, Robert A. Camerota, Sr., knows signings. From the boom years of the 90s to the financial crises of the 2000s, he has been through the market's highs and lows, and has become expert at adapting to them. Today, Camerota serves as First American Mortgage Services' Chief Operating Officer of the Origination and Valuations Divisions — divisions that rely highly on properly and legally performed notarizations. The changes now looming over the industry are so significant that Camerota will attend the NNA 2013 Conference in June to interface directly with the Signing Agent community. He recently spoke to editors of *The National Notary* in a rare, candid interview. His remarks follow:

NNA: There have been a lot of regulatory changes made to the mortgage industry in the wake of the foreclosure crisis. In what ways do these regulatory changes impact the role of signing professionals, as well as how First American selects its signing professionals?

CAMEROTA: While numerous regulatory changes redefine how mortgages are originated and serviced, and ultimately impact every entity in the lending ecosystem, there are two underlying themes that we believe have a direct impact on the role of signing professionals: vendor management and consumer experience.

Vendor management — Increased responsibility and accountability for the actions of vendors in the closing process have caused loan originators to take a closer look at those who provide outsourced services on their behalf when closing a mortgage. Loan originators are defining and documenting their closing processes for regulators and investors, including the process for selecting and monitoring signing professionals. Even at a transactional level, the individual results of state and federal loan audits can affect vendor selection and lead to new performance criteria for signing professionals.

“The only face-to-face contact the consumer may have during the loan process is with the signing professional.”

Consumer experience — With the Consumer Financial Protection Bureau (CFPB) now collecting and tracking consumer complaints, loan originators are further compelled to provide a positive consumer experience. As such, they are evaluating every “touch point” with the borrower, including the loan document signing, to support a consistent and high-quality consumer experience.

For First American and its independently contracted signing professionals, these regulatory changes have been challenging because each loan originator can have a different interpretation of the quality criteria needed to select and manage the performance of those who provide closing services. By working together as an industry to define best practices for signing professional quality, we believe it is possible for us to help lenders meet these new regulatory requirements while bringing a level of standardization that also helps independent signing professionals and improves the borrower's closing experience.



Robert A. Camerota, Sr.
First American Mortgage Services
Chief Operating Officer of the company's
Origination and Valuations Divisions

NNA: In this increasingly regulated climate, we understand that there is a shortage of highly qualified signing professionals. Is that true, and how do title companies such as First American ensure that the signing professionals they use are capable of performing their role responsibly and efficiently?

CAMEROTA: It is true that the current volume of refinance transactions is straining the existing network of qualified signing professionals for originators and title and settlement companies. This has been the direct result of a lapse in the number of Notaries who retained their commissions in the economic downturn, and current historic low interest rates and government programs that have kept refinance volume high.

“Proper certification and consistent performance have always been basic requirements for First American’s network of independently contracted signing professionals.”

We find that the basic practices for managing performance quality, including the contracting, qualifying, and performance monitoring of signing professionals, continue to be effective in times of high volume. Once an independent signing professional is added to our network, they are eligible for appointment opportunities in their designated area, and their performance is tracked for quality. Signing professionals may be reprioritized for minor infractions and discontinued within the network for major or ongoing quality issues.

The challenge comes when “highly qualified” is defined differently by each loan originator, as this can narrow the available network of signing professionals that meet the customized criteria. One lender may require signing professionals to wear certain apparel while another may have a 30-item checklist of do’s and don’ts for the signing process. While title and settlement companies can use technology to track those signing professionals that qualify under each lender’s unique criteria, these dissimilar requirements can ultimately limit the closing times and signing options available to the consumer, putting additional strain on the availability of qualified signers.

NNA: Should signing professionals be required to meet certain qualifications in order to perform their role, including compliance certification, education courses, or other professional training, as determined by the hiring company?

CAMEROTA: Yes. With some banks and mortgage lenders, loans originate from centralized call centers, and other retail facilities are conducted by Internet and phone; the only face-to-face contact the consumer may have during the loan process is with the signing professional. While the signing professional is a subcontractor of the settlement provider, in the eyes of the consumer, the professional at the closing table represents the lender. The ability of the independent signing professional to influence the consumer’s perception of the lending experience is not new, but regulatory changes are now creating pressure for loan originators to monitor this aspect further through qualifications, certifications and training.

NNA: Should there be industry-established standards for Notary signing professionals nationwide, and, if so, what should they include?

CAMEROTA: We believe that industry-established standards, created in partnership with lenders, settlement providers and the Notary signing professional community, would be beneficial. First, we recognize the strain on independent signing professionals who service multiple lenders, because they are trying to meet each lender’s unique requirements. If lenders and signing professionals work together to develop industry-wide standards, it will create a more unified approach to all transactions. Second, as we’ve seen in other areas of the financial services industry, wherever an existing standard has already been defined (such as MISMO[®]), regulators are more likely to incorporate some or all of the criteria identified — especially if key stakeholders have been involved in the creation of such standards.

A nationwide standard for Notary signing professionals could be categorized through four major areas:

1. Certification (organizational and state credentials, and education/training — this is an area where we rely heavily on the expertise of associations like the NNA).
2. Performance (punctuality, accuracy, communication and speed of tasks performed).
3. Professionalism (appearance and behavior during the transaction).



NATIONAL NOTARY ASSOCIATION

From The President And CEO

A Special Trust From First American

By Tom Heymann

Today, demand is higher than ever for Signing Agents who are trained to ensure loan signings are performed properly. Amid an unprecedented wave of reforms and stricter rules for conducting real mortgage business, First American Mortgage Services relies heavily on NNA Certified Signing Agents for assignments, drawing many of them from the NNA's SigningAgent.com directory.




First American's trust in our certification program lies in our enduring leadership in training Signing Agents. Education has always been the core of our support for NSAs, and industry leaders recognize the value our members bring to the signing table to ensure transactions are properly authenticated.

Over the years, we've certified more than 60,000 NSAs, and today a majority of loan signings are conducted by NNA Certified Signing Agents. Our educational and support programs empower Signing Agents to ensure compliance with all necessary legal and ethical practices — practices that help avoid costly mistakes and legal exposure for the lender, signer and the Notary.

Companies such as First American also recognize the value of the wide range of support we provide to our members. Apart from certification, NSAs have access to the NNA Hotline, a growing library of educational webinars that address day-to-day challenges, and our numerous publications and reference materials.

This education and support also benefits our members because it positions them to succeed. In addition, the NNA has taken your concerns and opinions to First American and other industry leaders, and we have been working directly with them to advocate on your behalf.

As we move forward, we invite you to continue sharing your experiences and feedback with us on our social network sites and through email. Whether you are a newly commissioned Notary or a veteran loan signing professional, the NNA is always here to serve you. 

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4. Customer Service (ability to handle consumer requests and inquiries during the transaction or refer them to the appropriate source for answers).

NNA: In addition to professional certifications, what qualities does First American look for in its network of independent signing professionals? Specifically, how do professionalism and customer service factor in?

CAMEROTA: In addition to the items noted above, proper certification and consistent performance have always been basic requirements for First American's network of independently contracted signing professionals. We foresee the qualities of professionalism and customer service becoming more significant factors in how signing professionals will be selected in the future. For example, there is more emphasis now from originating lenders on Notary appearance, and we provide lender-prescribed "dress codes" to inform Notaries of the lenders' requirements we receive regarding appropriate business attire, even when signing in the consumer's home or other location (such as a restaurant).


"If lenders and signing professionals work together to develop industry-wide standards, it will create a more unified approach to all transactions."

Another area of challenge for signing professionals is handling consumer inquiries during the signing. We want the Notary professionals to remain objective during the transaction, so we provide detailed instructional sheets that assist them in directing consumers to the lender or the settlement provider for specific loan details.

To evaluate these important qualities, we conduct surveys directly with consumers after the signings, whenever possible. If a signing professional shows up in a tank top and shorts, or comments inappropriately on the terms of the loan, those quality issues can be cause for a lowered rating or even immediate discontinuation from our network.

NNA: We understand First American launched a White Glove Program for signing professionals. Can you explain how it works and why you chose to create it?

CAMEROTA: We're very proud of our network of independent signing professionals who have earned acceptance into our White Glove program. These are the Notary signing professionals who have continually met our highest criteria in all four categories: certification, performance, professionalism and customer service. We review their qualifications on a weekly basis. These top-tier individuals are called first by our scheduling team about available business and are granted exclusive access to available business opportunities via our online tools.

We developed this program because we recognized that a segment of our signing professionals were providing exceptional service to consumers on a continual basis and wanted to align them with our originating lender clients that have increased their quality requirements. These are the most dependable Notaries; they consistently show up on time, follow the training required by our lenders, and provide a positive, professional signing experience for consumers. We hope that signing professionals not already in the program will be inspired to work toward qualifying for this high level within First American's network. 

Leading Industry Executives To Converge At NNA 2013



Executives and representatives from the nation's largest mortgage lenders and title companies will attend NNA 2013 Conference to meet with Signing Agents. The following companies are confirmed, and more are expected to attend.

- First American Mortgage Services
- Citibank N.A.
- Wells Fargo & Company
- U.S. Bank
- Mortgage Connect LP
- American Title Inc.
- LSI Corporation
- MortgageDocs, LLC
- ServiceLink (a subsidiary of Fidelity National Financial, Inc.)
- Landsafe Title Services (a division of Bank of America)

For information about NNA 2013, visit NationalNotary.org/Conference.

From The Chairman

A Transformative Event For Signing Agents

By Milt Valera

From our first Conference 35 years ago, our goal was to create a national community for Notaries where you could network with your peers and gain critical education, information and support. I like to believe that we have delivered on that promise.


This year, however, the NNA 2013 is so transformative that the program has evolved beyond all expectations. For the first time, an unprecedented number of executives and representatives of the country's largest mortgage lenders and title companies (see page 20) will address Signing Agents and other attendees about the sweeping changes that are transforming the industry.



Their participation represents a sea change in industry recognition about the importance of the notarial act in American commerce. These leaders will address you directly about the most important issues affecting the mortgage industry, particularly such pressing signing matters as the regulatory initiatives coming out of the Dodd-Frank Wall Street Reform and Consumer Protection Act, issuances from the Consumer Financial Protection Bureau, and mandates that emerged from the National Mortgage Settlement.

As Robert A. Camerota, Sr., of First American Mortgage Services notes in his interview (see page 16) with *The National Notary*, mortgage companies understand how important Signing Agents are to the loan origination process and are scrutinizing what happens at the signing table to comply with government mandates, improve customer service and strengthen their brands. Consequently, lenders are raising their expectations for Notary Signing Agents in terms of training, certification, professional conduct and, importantly, understanding new compliance rules.

The NNA 2013 schedule includes two general sessions and a panel discussion conducted by mortgage industry executives — focusing on the new impact of regulatory standards, the training required for compliance and prospective employment opportunities.

NNA 2013 represents a historic opportunity for mortgage industry leaders and NSAs to discuss the future of the signing industry. This will be a must-attend event for Signing Agents looking to maximize their success. I look forward to seeing you in Austin. 



What Notarial Act Is Needed?

HOW DO YOU DETERMINE WHAT KIND OF NOTARIZATION IS REQUIRED? HERE ARE GUIDELINES TO HELP YOU AVOID THE UNAUTHORIZED PRACTICE OF LAW.

Even before you start a notarization, it can be challenging to determine what type of act is required. Many signers are unaware of the difference between an acknowledgment and a jurat. At the same time, state law prohibits Notaries from choosing the notarial act on a signer's behalf, which is considered the unauthorized practice of law. But by following the steps below, you can discover what notarial act is needed without violating the law.

STEP 1: CHECK FOR PRE-PRINTED WORDING. Many documents come with pre-printed certificate wording that clearly indicates what type of act is needed. For example, if your state requires specific wording for a jurat and that wording is pre-printed on the document, you may proceed with a jurat. However, if for any reason the certificate wording is unclear to you or the document lacks pre-printed notarial language, do not proceed until you can confirm what act is needed from another source.

STEP 2: ASK THE SIGNER. If the document lacks appropriate and clear certificate wording, ask the signer what type of notarization is needed. If the signer directs you to perform a particular act, that's all you need. If the signer isn't sure, you cannot choose the notarial act for them, but you are permitted to describe the different notarial acts and let the signer pick one. For example, you can say, "If you need your signature acknowledged, you will need to be identified and confirm you are willingly signing

this document and aware of what you have signed. If you need a jurat, you will need to sign in my presence and take an oath or affirmation swearing the contents of the document are true. Which would you like?" You can also show the signer samples of an acknowledgment and jurat certificate. Once the signer chooses what type of notarization they want, you may proceed.

STEP 3: HAVE THE SIGNER CONTACT THE ISSUING OR RECEIVING AGENCY FOR INSTRUCTIONS. If you cannot determine what act to perform from steps 1 and 2, the signer should contact either the agency that issued the document or the receiving agency and ask what type of notarization is needed. Again, you may describe the different notarial acts to the agency and let them choose which one is appropriate. However, be careful. Some agencies unfamiliar with notarial laws and procedures may direct you to just "stamp and sign" the document or ask you to perform an act not permitted in your state. If you are asked to perform an act you know is prohibited by statute, explain that state regulations don't permit you to do so and ask the agency to choose an alternate lawful notarial act.

Once you learn what act is needed, you can proceed. If none of the above steps are successful, and it's still not clear what notarial act is needed, the notarization needs to be called off. The signer may need to contact an attorney for guidance on how to complete the document before rescheduling the notarization.

If You Don't Think Innocent Notaries Can Be Sued ... Think Again.

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Thumbprints, Remote Signings, Photocopies And Vital Records

Notaries across the nation rely on the NNA's Notary Hotline to answer their most challenging questions. The following questions were among the thousands our Information Services Team receives each month.

If I don't have my journal with me when performing a notarial act, can I have the signer sign a photocopy of my journal page? If so, how would I attach it to my journal?

G.B., Los Angeles, CA

In a situation where you do not have your bound journal, you should not proceed with the notarization. California Notaries are required to keep one active sequential journal of all of their official acts. A permanently bound record book (not loose-leaf) with numbered pages and entry spaces is best for preserving the sequence of notarial acts and for protecting against unauthorized removal of pages or tampering (Government Code, Section 8206).

The same rule generally applies to Notaries in other states with journal requirements, as well. As always, we recommend consulting your state laws for guidance.

As a certified Notary Signing Agent in Pennsylvania, how many forms of identification are required from my signers, and are thumbprints mandatory or optional?

A.C., Pittsburgh, PA

For performing a notarial act on loan documents requiring notarization in Pennsylvania, you are only required to ask for one current, government-issued form of

identification containing a photograph, signature or physical description to identify the principal signer. Acceptable IDs can include a state-issued driver's license, a military ID card, a government-issued ID card, a PA non-driver photo ID, or a current passport. However, there is a specific form within loan packages, called the "Patriot Act Information" or "Customer Identification" form, which usually asks for two forms of identification from signers. While that form may require Signing Agents to record two forms of identification, the form itself is not notarized.

In Pennsylvania, a thumbprint is not required; however, the NNA recommends the practice as an added protection against fraud.

Since, as Notaries, we are not authorized to notarize birth certificates and marriage licenses, is there anything else we can do to verify the authenticity of these documents?

M.L., Denver, CO

Notaries are not authorized to verify the authenticity of birth certificates, marriage licenses, or other "vital records." Persons requesting certified copies of vital records should be directed to the agency that holds the original — typically, the Bureau of Vital Statistics or the county clerk where the birth, death or marriage occurred.

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
or please visit*

**[NationalNotary.org/
Hotline](http://NationalNotary.org/Hotline)**

*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*

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2013 Identity Fraud Survey Report, Javelin Strategy & Research, February 2013.

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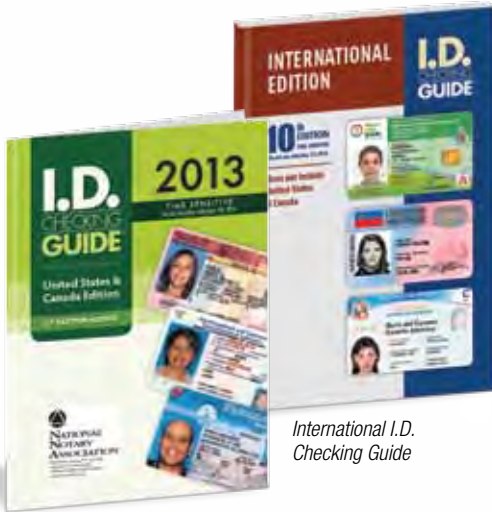
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Sub-total of Supply Items

Shipping Charges (see rates below)
 Ground 2-Day Air Next-Day Air

Add State/Local Taxes
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TOTAL

Item Total	Shipping Rates*		
	Ground	2-Day Air**	Next-Day Air**
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\$15.01 - \$40.00	\$7.95	\$12.95	\$23.95
\$40.01 - \$65.00	\$9.95	\$13.95	\$26.95
\$65.01 - \$95.00	\$11.95	\$15.95	\$29.95
\$95.01 - \$120.00	\$13.95	\$17.95	\$33.95
\$120.01 - \$150.00	\$15.95	\$19.95	\$38.95
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- ServiceLink
- U.S. Bank
- MortgageDocs, LLC
- Wells Fargo & Company

**Organizations confirmed at press time. Several more expected.*



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