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WHAT PAST ATTENDEES **ARE SAYING:**

Since I'm a Notary Signing Agent, I liked the sessions that were geared toward me and my business. I love the networking — you get to meet a lot of people from all over the country. I've already got the 2012 Conference in San Diego on my calendar and I'm looking forward to it.

— Doug Diebolt, LaFayette, IN 2011 NNA Notary Conference attendee

One of the things I liked most was the conference workshops talked about the different avenues we can go down as a Notary, for instance notarizing certain documents in an adoption process. I also learned that care facilities and hospital settings are great opportunities to promote yourself as a Notary.

— Ellen Hess, Mesa, AZ 2011 NNA Notary Conference attendee

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Join or Renew Your NNA Membership Today!

Be Part of the Nation's Leading Notary Public Community



Being prepared begins with being informed, and the NNA has support you won't find anywhere else. Members of the NNA receive exclusive access to invaluable resources to help navigate the complexities of being a Notary Public. Discover what's waiting for you at NationalNotary.org.



TRAINING &















NationalNotary.org/Membership



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HOW TO CONTACT US

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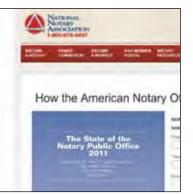
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ON THE WEB

State Of The Notary Public Office Report Available for Download

NationalNotary.org/ SOTNPOReport



An Unusual Situation

I was recently contacted by a man whose wife had a massive stroke and was in the hospital. The only way she could communicate was to blink one of her eyes to indicate "yes" or "no." Otherwise, she was unable to sign or make a mark. The husband wanted his wife's signature notarized on a power of attorney. I called the NNA for assistance, and was advised not to perform the notarization and have the husband contact an attorney for assistance instead. Thank you, NNA for the information.

Elizabeth Hepler, Riverside, California

Lessons From Conference

I've been a Notary for almost 30 years and work for a global corporation. I used to identify my co-workers by using personal knowledge or accepting a company photo ID badge. However, after attending your Conference, I realized that even though I have worked with some of these people for more than 10 years, I only knew them from work. After I came back from Conference, I now always make sure that every signer brings their driver's license or passport as ID. I also always refused to notarize someone's signature if they are not present, even if the request was made by our company vice president. I feel fortunate that I have never had a notarization questioned and want to make sure I continue using proper Notary practices.

Jo Ann Cousin, Bridgewater, New Jersey

Liability Concerns

I am concerned about the growing issue of Notary liability, especially in light of the recent articles about felony penalties for some illegal acts by Notaries. As Notaries, we always have to weigh the possibility of liability with the acts we perform. I enjoy helping others with their Notary needs, but I feel safer notarizing for people in my company because I feel they would support me if there was a question about one of my acts. Outside notarization requests are always suspect.

Dolores Binda, Los Angeles, California

Editor's Note: The NNA has provided general guidelines and tips on liability prevention for Notaries at www.NationalNotary.org/notarylawsuitprotection.

A Call To Do What's Right

I wanted to thank the NNA for the education and training I've received as a member for so many years. I want to congratulate you for the wonderful job you've done on behalf of Notaries across the nation. I also want to encourage all my colleagues in every state to continue doing what's right when acting as impartial witnesses and public servants. I think we should serve all of the public in an honest, fair and unbiased manner.

Juan Williams, Lawrence, Massachusetts

Varying Commissioning Requirements

I have been a licensed real estate professional since 1976. I am now semi-retired and decided to obtain a Notary commission in the state of California.

Recently I happened to have a conversation with a Notary Public from the state of Kentucky. While comparing notes about the qualifications to obtain a California commission (a six-hour class and a test) I was shocked to find out that the only requirement in Kentucky and many other states was an \$18 fee for a DOJ and FBI background check. This lack of consistency in the commissioning requirements from state to state doesn't make any sense. The National Board of Realtors has a consistent licensing requirement for realtors and brokers in every state. It makes me wonder why states lack the same consistency in their Notary commission requirements.

William Clines, Los Angeles, California

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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Notaries' Dual Role More Challenging In 21st Century



It doesn't take long after receiving one's Notary commission to discover that there is more to being a Notary than first meets the eye.

No sooner have we taken our oath of office than most of us find ourselves straddling two worlds — that of public official and private employee. We answer on the one hand to the state from which we received our notarial authority but also to an employer, or in some cases, ourselves, as we maneuver through the commercial and legal channels of notarization.

This duality of the Notary office is what we sometimes refer to as "wearing two hats."

At first glimpse, the concept might seem rather flattering. After all, we're more than just an employee and we're more than just a Notary. But today, the role of the Notary requires much more of us than it did in the past, when understanding the basic rules and regulations and responding attentively to the requests of employers, friends, and family seemed sufficient.

If we have discovered anything over these past few years during the plummet of real estate activity and the failures of traditional practices, it is that compliance with the law is much more than just doing the right thing.

Where once it was sufficient to follow the minimal procedures necessary to complete a lawful notarization, today those relying on our notarizations expect an irrefutable expression of integrity and trustworthiness. Though most signers believe our notarial activities are sufficient by our complying with customary and often simplified practices that accommodate their desires, we have a much greater obligation — that as an agent for compliance.

Full compliance means that we understand the minimal expectations provided by the notarial act but deliver the maximum.

Document signers, agencies who receive notarized documents and the public at large expect that our very participation and oversight in the transaction have endowed it with a security beyond the mere understanding of how to properly complete a notarial certificate.

The failures of document trustworthiness as evidenced in the nation's foreclosure crisis have painfully illustrated how passivity and acquiescence to expediency can have disastrous consequences.

We must provide assurances that the notarization itself satisfies more than the minimal requirements of a law that is often less definitive than desired.

We must also deliver the message to our signers, employers, friends and family — that by using notarization, they have also secured for themselves the professional service of full compliance.

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



More States Join In Banning Online Webcam Notarizations

Agrowing number of states is taking aim at online webcam notarizations, declaring them illegal because signers are not physically present before the Notary.

Ohio and Oregon recently became the latest states to issue alerts on their websites reminding Notaries that webcam notarizations are not permitted and that signers must appear in person before a Notary in order to have documents lawfully notarized.

"Appearance with a Notary Public via webcam does not meet the requirements for a valid notarization under Ohio law," a scam alert posted on Ohio Attorney General Mike DeWine's blog warns.

The alert on the Oregon Secretary of State's website warns that a video image or other form of non-physical representation does not meet the state's personal appearance requirements and cautions Oregon Notaries that participating in webcam notarizations could lead to possible administrative, criminal or civil penalties.

In recent months, a growing number of U.S. states and territories — including New Jersey, Colorado, Nevada, Rhode Island, Wisconsin, Oklahoma, the Northern Marianas and California have declared that using webcams for notarial acts is illegal.

In April, North Carolina Secretary of State Elaine Marshall published a newspaper article that described the importance of personal appearance in the notarial act.

Ireland Joins Global Electronic Notarization Club

F orward-thinking Notaries in Ireland were probably celebrating recently after their country joined the ranks of the international electronic notarization community. The milestone eNotarization was carried out by Dublin-based solicitor and Notary David Walsh for a document going out of



solicitor and Notary David Walsh for a document going out of the country.

"These are very exciting times, indeed, for any Notary Public, as we now have a tool set which allows us to provide a more efficient service to our customers, whilst retaining the security and trust which are hallmarks of the Notarial profession," Walsh said in a statement.

Ireland joins the United States, Estonia, the United Kingdom and a number of other nations where electronic notarizations may be performed.



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OUR MISSION

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them only the highest ethical standards of conduct and sound notarial practice.

OUR CORE VALUES OF MEMBERSHIP

Membership in the National Notary Association is the single most important action a Notary can take when assuming the important responsibilities of the office and performing official notarial acts. Our Core Values of Membership: COMPLIANCE LIABILITY PROTECTION RISK MANAGEMENT PROFESSIONALISM OPPORTUNITIES

Banks Paying The Price For Their Employees' 'Robo-Signing' Misconduct

The nation's largest mortgage lenders may be on the hook for as much as 20 billion to settle claims arising from the recent "robo-signing" scandal, but the headaches for financial institutions won't end there.

That was signaled recently when the New York State Department of Financial Services forced Goldman Sachs Bank to agree to write down \$53 million in principal on delinquent mortgages and agree to stop engaging in the most common "robo-signing" practices, including a stipulation that documents must be "notarized in accordance with state law," according to a statement released by the agency.

Goldman accepted the agreement as a condition for selling its loan servicing subsidiary. Both Goldman and the buyer, Ocwen Financial Corp., had to agree to implement policies and train their staff to avoid the "robo-signing" practices.

But Goldman is still dealing with the fallout. The Federal Reserve Board recently announced that it was implementing formal enforcement action against the bank over the same improper practices.

Smartphones Expected To Supplant PCs As Hacker Target

S martphones are becoming as much a fixture of the business environment as fax machines, Rolodexes and PCs used to be. In fact, for many entrepreneurs — from mobile Notaries to financial and legal professionals to retail store owners — smartphones

are replacing all those other devices, and that means they are rapidly becoming the new target of criminals.

The mobile-device security firm Lookout recently reported that it found malware and spyware on 9 percent of the mobile devices it scanned in May

Fact Box

Worldwide sales of smartphones are expected to hit 421 million in 2011, outselling PCs for the first time. Source: International Data Corporation

2010. That was more than double the rate found just five months earlier. With sales surging, that number is expected to increase.

- Experts offer several suggestions for protecting smartphones:
- Read several online reviews of an app before downloading it. This will let you know of any problems.
- Check the permissions of any app. If it asks to do more than is necessary for its function, leave it off your phone.
- Protect your phone with a malware and anti-virus scanner.

'Section' Advisor Exemplifies NNA's Growing Partnerships

The National Notary Association has always worked to forge strong relationships with experts and organizations in other fields as a way to strengthen the professionalism and importance of Notaries, and the growing list of advisors for the NNA's Professional Sections shows just how much that work is paying off.

Among the advisors is Fred

R. Becker, Jr., President and CEO of the National Association of Federal Credit Unions (NAFCU), who provides his advice and expertise



and expertise Fred R. Becker, Jr. for the *Financial & Corporate Services Section*.

Since joining the NAFCU in January 2000, Becker has been a staunch advocate for credit union issues with federal regulatory agencies, the White House and Congress while expanding outreach programs to members and the public.

Becker is a graduate of the U.S. Naval Academy. He holds a JD from the Marshall-Wythe School of Law at the College of William and Mary. He also holds an MBA from Virginia Polytechnic Institute & State University (Virginia Tech).

For information about the NNA's Professional Sections and learn more about other Section advisors, visit NationalNotary.org.

ASSOCIATION NEWS

San Diego To Host NNA Conference 2012



As part of the NNA's 55th anniversary year, what's better than surf, sun and fun in scenic San Diego, California?

The Notary Event of the Year will take place at the seaside

Sheraton San Diego Hotel and Marina, where attendees can get the latest updates and training in key Notary skills and best practices available to them at a beautiful seaside venue with easy access to great local hotspots like



Balboa Park, Coronado Island and Old Town San Diego.

Conference 2012 will kick off Sunday, June 3 and events will continue through Wednesday, June 6. Look for updates in THE NATIONAL NOTARY and our other publications for announcements of upcoming events and workshops during this exciting milestone year for the NNA. Registration and additional information for Conference 2012 is available at NationalNotary.org/Conference.

'Member Advocate' Program Empowers Members To Promote Notary Office

T he National Notary Association has launched a new Member Advocate Program to help support Association initiatives that strengthen the Notary office. The program is designed to engage a group of the most conscientious, dedicated and professional members in every state to be active advocates for Notaries, notarial issues, and the value of membership within the Association.

Member Advocates will serve as powerful influencers, bringing a local perspective on issues and opportunities to the attention of state officials and other leaders in their communities. For information about the program visit NationalNotary.org/MemberAdvocate.

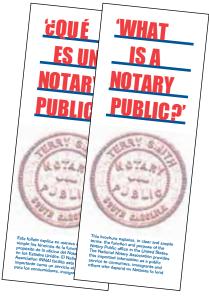
NNA Distributes Brochure To Protect Consumers From 'Notario' Fraud

To combat the serious problem of *Notario'* fraud, the NNA has offered government agencies, organizations, community groups, immigration advocates and others across the country its updated 'What Is A Notary?' brochure at no cost.

The brochure is designed to educate the public on the difference between legitimate Notaries and scam artists who prey on immigrants by advertising fake commissions in Spanish.

In many Spanish-speaking countries, a 'Notario' has training and duties similar to that of an attorney. But in the United States, scam artists calling themselves 'Notarios' often have no legal training or qualifications and charge immigrants thousands of dollars for phony legal services or immigration assistance.

The NNA brochure — written in both Spanish and English — is available as a PDF online at NationalNotary.org/what_is_notary/. The brochure is also featured on the USCIS website.



"We all need to step back and understand what it means to serve the public..."

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Published by the National Notary Association

— The Honorable M. Jodi Rell

Governor of Connecticut 2004–2011

Notaries have a proud connection to Calvin Coolidge, the only U.S. President to be sworn into office by a Notary Public. As a commissioned Notary, a Public Official, you can draw insight and strength from a President who used civility and commonsense to lead a country, in a timely new book, *Why Coolidge Matters*.

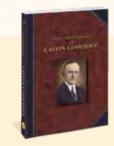
This elegant volume honors our 30th President and America's Notaries by providing important lessons about values, trust, public service and the rule of law.

Strikingly designed with seldom-seen photographs and images of a time when civility prevailed, *Why Coolidge Matters* is a *must* for every Notary's coffee table or library.

An instant collector's item, this beautiful book comprises 21 exclusive pieces authored by thought leaders — journalists, historians and political leaders, Democrats and Republicans alike — all honoring a President who matters more than ever.

'Why Coolidge Matters' \$29.95

Hardcover with dust jacket, 204 glossy pages. Coffee table or library shelf book. Collector's item value. $8^{1/2}$ " x $11^{1/4}$ ". Item #7105



Also available:

'The Autobiography of Calvin Coolidge' A fascinating and moving memoir of our 30th President, a man of principles and character whose humble origins and essential decency influenced every step of his extraordinary career in politics. Softcover, 5¾" x 8½", 255 pages.

#7098 | **\$17.95** | \$22.00

To order, visit NationalNotary.org/WhyCoolidgeMatters or call 1-800-US NOTARY (1-800-876-6827)



AN EMPLOYER'S OBLIGATION

When the Illinois Supreme Court issued a precedent-setting opinion in the Vancura v. Katris case stating the Notary was solely liable for wrongful or negligent notarizations, it also ruled an employer can be held liable for consenting to or allowing an improper notarization through its own "direct negligence."

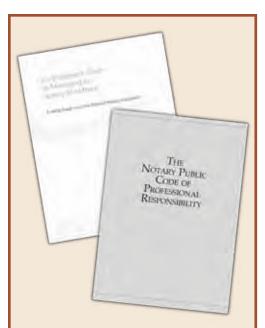
In this litigious era — when transactions are being challenged more and more, and Notaries are being named in lawsuits even if they did everything right — this influential opinion means that well-intentioned but less-than-careful employers can, and will, be sued for negligence.

It is therefore more important than ever for employers of Notaries to ensure that the notarizations performed under their tutelage are ethically and legally sound.

Employer Negligence Leads to Lawsuits, Damaged Reputations

When the foreclosure "robo-signing" crisis exposed that Notaries were forced to execute illegal acts — such as notarizing without personal appearance of the signer or lending out the Notary's seal — and non-Notaries performed scores of bogus "notarizations," it starkly illustrated an entirely new level of direct negligence in the corporate world with regards to notarization.

Some employers have already suffered catastrophic consequences as a result of this negligence, including multi-billion dollar lawsuits that have put some of those involved out of business. The full legal and financial toll has still not been



How the National Notary Association Can Help

The NNA has produced several valuable informational resources for employers and offers training and support to Notaries and their supervisors alike. Resources include:

- White Paper: "An Employer's Guide to Managing Its Notary Workforce"
- Notary Supervisor Training (for employers)
- Trusted Notary Training (for Notaries)
- The Notary Public Code of Professional Responsibility
- Recommended Notary
 Practices
- Online guides to avoiding risk and liability
- The NNA Notary Hotline

For more information or to view, download or take advantage of these key resources, visit NationalNotary.org/employer.



... well-intentioned but less-than-careful employers can, and will, be sued for negligence.

realized for many — including the millions of American consumers it affected.

As it stands today, an unprecedented, 50-state probe yielded new foreclosure regulations, and all the nation's attorneys general are negotiating a settlement with five major banks that could reach between \$10 billion and \$20 billion. The impact on the public — in terms of both damaged consumer confidence and financial fallout — continues to be felt nationwide.

Some states already have laws in place establishing the employer's responsibility for an employee's notarization. A statute in West Virginia, for example, states that "The employer of a Notary Public is also liable to the persons involved for all damages, if (a) The Notary Public was acting within the scope of his employment at the time he engaged in the official misconduct; and (b) The employer consented to the Notary Public's official misconduct." (WVC 29C-6-102) Still, there is often disagreement about what constitutes "consent" on the part of the employer, and this offers an opening for lawsuits.

Sound Notarial Practices Mitigate Corporate Risk

An employer must understand what a Notary is, what acts a Notary can perform, and the laws that govern them.

Though Notaries may be hired by and answerable to their manager, as commissioned officials they are ultimately accountable to their state and must follow all applicable laws while serving the public as impartial, third-party witnesses.

If a manager or colleague asks a Notary employee to perform an act that he or she is not allowed to perform, such as allowing someone else to use his or her seal or notarizing without the signer present, the Notary must refuse and

Properly manage your Notary employees **Notary Supervisor Essentials**

- Avoid common liability pitfalls by understanding the laws, rules and professional practices Notaries must follow
- Overcome the common challenges Notaries face to boost productivity
- Provide superior service by implementing effective Notary policies and training employees to follow them
- Control risk exposure by documenting your Notaries, their training, and commission terms
- Improve performance with a periodic three-step Notary review

Ensuring that Notaries carry out their duties correctly and professionally is essential to providing superior customer service, using resources efficiently, and managing an employer's risk.

To enroll, call 1-800-US NOTARY (1-800-876-6827) or visit NationalNotary.org/CorporateTraining

An Employer's Guide to **Managing Its Notary Workforce**

In the past year, many financial institutions were exposed for cutting corners on their notarization practices. It's costing these organizations time and money to stem financial fraud losses and restore best practices.

The National Notary Association's Employer Services has Notary management experts who can review your practices and provide the third party documentation to mitigate risk.

To help you with your responsibility to train and supervise your Notary-employees, the NNA is offering the White Paper "An Employer's Guide to Managing Its Notary Workforce."

Download for FREE today at NationalNotary.org/CorporateRisk





Item #3083

An Employer's Guide to Managing Its Notary Workforce

A White Paper from the National Notary Association

A45204

explain it would be a violation of the laws he or she is commissioned to uphold.

This doesn't just protect the Notary and the consumer — it also protects the employer from both intentional and unintentional requests for improper notarizations.

Also key to mitigating risk is making sure Notary employees are trained and

able to perform their role accurately and efficiently. Though education plays a major role in the Notary's ability to carry out his or her duties properly, the majority of states have no education requirements. In the twelve states that do, instruction is generally limited to statutes. This leaves Notaries vulnerable to making costly errors.

Professional Notary training covers statutes and best practices. It also provides clear explanations of how notarizations are performed and offers ways Notaries can mitigate risk. Steps such as record-keeping help safeguard against liability by providing both the Notary and the employers with specific documentation about each notarial transaction completed. These entries can — and have — been used during litigation to defend both Notaries and their companies.

Employer training is also important because

organizations that understand proper notarization procedures are better equipped to detect and prevent misconduct. A seal left out in the open, a logged signature with no mention of identification, or an overcharging of notarial fees are solid indicators that a Notary is not performing his job effectively or lawfully, and these types of scenarios

According to a recent NNA poll of Notaries, only 17 percent of respondents said their employers have an official policy in place.

should be addressed before such negligence costs the company.

The Benefits Of A Notary Oversight Program

In addition to understanding the fundamentals of notarization, the importance of training, and the implications of employer negligence, employers must create a Notary oversight program that provides clear Notary policies and establishes open lines of communication.

Documenting official polices — such as the charging of fees, the safekeeping of Notary tools, and the consequences of improperly storing or using seals — not only protects the employer and the consumer, it can also provide the foundational basis for conducting performance evaluations for Notary employees. It also allows businesses who offer Notary services the chance to provide customers with a better customer experience.

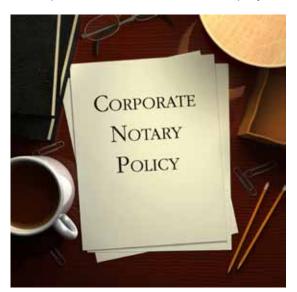
Several large organizations — including major Fortune 500 companies — have approached the NNA for assistance in creating a Notary compliance and risk management training program. High-level proprietary agreements prevent the release of company names.

According to a recent NNA poll of Notaries, however, only 17 percent of respondents said their employers have an official policy in place.

> Given the amount of litigation against Notaries and their employers, this highlights that employers may be vulnerable to costly lawsuits.

Today's legal and regulatory environment requires employers to understand the fundamentals of notarization, how negligence can impact revenue and reputation, and how developing a Notary oversight plan can help an organization maximize efficiencies and minimize risks.

It's no longer an employer's choice; it's an employer's obligation.





2012 Notary of the Year

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NOMINATIONS OPEN FOR 2012 NOTARY OF THE YEAR

A CELEBRATION OF INTEGRITY AND PROFESSIONALISM

E ver since the National Notary Association selected San Diego County Courthouse employee Ramiro Medina as the first Notary of the Year in 1990, the Association has been dedicated to honoring special Notaries whose quiet dedication to the responsibilities of their commissions makes such a difference to the people around them — and society as a whole.

The person who ultimately is named Notary of the Year in June 2012 will represent the highest levels of integrity and professionalism — as the previous 22 honorees have — but will arrive at the honor after navigating through a few new and exciting twists.

This year, after a nationwide campaign to receive nominations, the NNA will be announcing five finalists for the title in March. Each of the finalists will receive complimentary registration for the 34th annual Conference in San Diego along with airfare and ground transportation, and they will be recognized during Conference's Gala Banquet program.

At the conclusion of all five finalists being showcased, the 2012 Notary of the Year will be announced live in front of Conference attendees. The Notary of the year will also receive a handsome trophy, a \$1,000 National Notary Foundation scholarship in their name to benefit the educational institution of their choice, and recognition in THE NATIONAL NOTARY magazine and other NNA communications.

The added excitement and anticipation is sure to make the honor even more of a celebration of the value that America's 4.8 million Notaries bring to society's daily transactions.

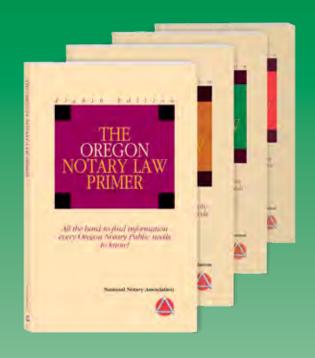
Nominations may come from anyone — including government officials, employers, co-workers, fellow Notaries or anyone who has encountered a Notary who goes above and beyond in serving the public. Notaries even may nominate themselves. All nominations must be received by the NNA by December 30, 2011.

The criteria for selecting the honoree will focus largely on education, fulfilling the demands of the office, keeping up with the latest developments in notarial law and practice, and a proven track record of integrity and professionalism. The commitment to education — both keeping up to date and mentoring other Notaries — is particularly important because so few states require Notary applicants to undergo training.

Notary Of The Year Online

For information about the 2012 Notary of the Year program, please visit: NationalNotary.org/NOTY.

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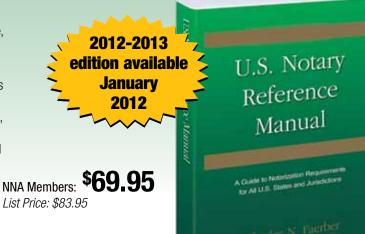
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#5339



The Foundation Of Strong And Effective Notary Laws

FOUR BUILDING BLOCKS THAT HELP ENSURE STATUTES SUPPORT AND UPHOLD BEST NOTARIAL PRACTICES AND PROFESSIONALISM

Consumer protection, transaction security and risk management are key issues for legislators today and, as a result, many states are strengthening their Notary Public statutes to help reduce fraud. Both the *Revised Uniform Law on Notarial Acts* (RULONA) and the *Model Notary Act* (MNA) provide detailed guidance for lawmakers, and they prescribe the following essential provisions as the building blocks of strong and effective Notary laws:

PROVISION ONE: REQUIRE THE SIGNER'S PHYSICAL APPEARANCE

Physical appearance by the signer before the Notary is by far the most important element of a notarization.

Lack of personal appearance is the most common lapse leading to document fraud. Some signers dismiss personal appearance before the Notary as an additional burden or inconvenience, and Notaries are sometimes pressured by misguided bosses to "ignore" personal appearance to accommodate an important client signing a document. But personal appearance not only protects consumers from fraud, but protects Notaries from possible lawsuits for negligence.

By clearly stipulating that personal appearance before a Notary is required for all notarizations in state law, legislators provide clear guidance that Notaries can show to signers and supervisors that the physical presence of the signer helps prevent forgery and fraud.

PROVISION TWO: MANDATORY EDUCATION

The idea of allowing someone to act as a doctor without going to medical school, or drive a car without proper training sounds absurd to most of us. But many states commission Notaries without requiring any training — a practice that can lead to problems when untrained Notaries handle critical documents.

A strong state law should require Notaries

to learn basic do's and don'ts, such as requiring personal appearance, establishing identity using satisfactory evidence, and keeping adequate records of their notarizations. That way new Notaries are prepared to perform their duties, reducing the risk of costly mistakes that can lead to lawsuits and financial losses.

PROVISION THREE: REQUIRE NOTARIES TO MAINTAIN A JOURNAL

A written record of the Notary's acts is one of the best tools available to prevent fraud and protect the Notary from legal problems arising from notarizations. Law enforcement officials have used Notary journal records to help prosecute perpetrators in fraud, identity theft and many other crimes. A journal also provides strong evidence whether a Notary performed an act correctly.

In many cases, a question about a notarized document may be raised in a legal action years after the notarization took place. By that time, if the Notary is accused of negligence, it's the Notary's word against the accuser. But a properly kept written record can refute allegations of misconduct or fraud and prevent entanglement in a costly court case.

PROVISION FOUR: CLEAR IDENTIFICATION GUIDELINES

To ensure that Notaries are provided with satisfactory evidence of a signer's identify, state laws should provide a clear list of identification documents that can be used to identify a signer during a notarization. Telling Notaries in state law exactly what types of ID (such as driver's licenses, passports, or state-issued photo ID) makes the Notary's job easier by letting them know what they can and cannot accept as proof of a signer's identity. States also need clear guidelines and definitions in statute for the use of credible identifying witnesses and personal knowledge of a signer's identity. The NNA has partnered with select organizations to offer our members special discounts and benefits. The benefits are always being updated to serve your needs. Please see **NationalNotary.org/ PartnerPrograms** for a full list of our affinity partners.

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1 Social Security Administration. "Identity Theft And Your Social Security Number." SSA Publication No. 05-10064. August 2009.



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The Notary's Motto: Always Be Prepared

1011	Manager Design
	An example is a special strain, where is the second strain the second strain st
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11	

Proof Of Bonding

Many states require Notaries to have a surety bond. Posting a copy of it is a good way to show your signers that you are in full compliance with the law and that they are protected.

What other resources do you include in your work space? Share your tips with other Notaries on the NNA Facebook page: www.facebook.com/nationalnotary





printed materials are not enough, make sure you can reach out for help. The NNA Hotline is a good place to start, as is your Secretary of State's office. Just make sure to have proper contact information, including phone numbers and website or e-mail addresses.

ot every notarization is simple and straightforward. Whether you're confronted with an unfamiliar ID, unusual notarial wording, a document in a foreign language, or a request for copy certification by document custodian, it's helpful to have the tools to properly respond to any situation. Here are the basic resources every Notary should have at hand.

A Secure Storage Space

DAMENCE

Every Notary is responsible for keeping their seal and journal of notarial acts securely locked away when not in use. Whether you use a desk drawer or file cabinet, the locked and secure space should be under your sole control, so no one else can misuse your tools.

Notary Library

Notary Reference Marinal

The National Notary Association and most state Notary regulating agencies (typically Secretaries of State) publish reference materials that contain detailed information on how to perform authorized notarial acts. At a minimum, your library should include NNA reference material for your state and your state's Notary handbook. A reference book on IDs also is helpful.

> am not an attorney and, therefore, cannot give legal advice about immigration or any other legal matter.

Yo no soy un abogado, y por esta razon, no puedo dar consejos sobre inmigración o cualquier otro asunto legal. NATIONAL NOTARY ASSOCIATION

Consumer Information

Because signers often do not know what you can and cannot do, they sometimes ask for help and advice you are legally unable to give. Post a "disclaimer" sign clearly explaining that you are not an attorney and cannot give legal advice or assistance. The sign also should list

your state's authorized fees for Notary services.

NNA Hotline Information Phone: 888-876-0827 Email: Hotline@NationalNotary.org

Follow Your State's Requirements with Notary Certificates

Terry Smith,

MONTEN J. JORES

Illustrated instructions on the back

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

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

- Type of document
- Document date and
- number of pages
- Other signers
- Space for signer's thumbprint

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

Mizona Maricopa

Prist

All States: except AR, CA, FL, HI, MA, MO, NV, NY, OH, TX & WA, see state lists; (81/2" x 11", unless noted)

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

Arizona: (81/2" x 11")

- Translator's Affidavit with Jurat #5955
- Jurat with Affiant Statement #25924 Individual Acknowledgment — #25936

Arkansas: (81/2" x 11")

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

California: (8½" x 11")

- All-Purpose Acknowledgment #5907 · Proof of Execution by Subscribing Witness -#5908
- Copy Certification by Document Custodian #5911
- Copy Certification of Power of Attorney #5242
- Jurat with Affiant Statement #5910

Florida: (81/2" x 7")

- Individual Acknowledgment #5181 Corporate Acknowledgment — #5182
- Official/Trustee Acknowledgment #5185
- Partnership Acknowledgment #5183
- Attorney in Fact Acknowledgment #5184
- Signature-by-Mark Acknowledgment #5931

*Except AZ, DE, FL, GA, LA, MD, MN, MS, NH, NM, OK, OR, RI, UT, VT, WI, WY **Except AK, CT, D.C., IL, IN, KY, MI, MS, NC, NE, NJ, NY OH, SC, SD, TN

- Disabled Person's Acknowledgment #5933 Certification of Photocopy — #5187
- Jurat #5186
- Signature-by-Mark Jurat #5930
- Disabled Person's Jurat #5932

Hawaii: (81/2" x 7", unless noted) All-Purpose Acknowledgment — #5921 • Jurat with Affiant Statement (81/2" x 11") - #5935

Massachusetts: (8½" x 11")

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

Missouri: (8½" x 11") Acknowledgment by Individual — #15936

- Acknowledgment by Partner #5938
- Acknowledgment by Attorney in Fact #5939
- · Acknowledgment by Individual Who

- Certification of Facsimile #5942
- Jurat with Affiant Statement #15924

Washington: (81/2" x 11")

Ohio: (81/2" x 11")

#15944

#15946

Jurat with Affiant Statement — #15924

Partnership Acknowledgment — #15938

Proof of Execution by Subscribing Witness

· Copy Certification by Document Custodian

Texas: (81/2" x 7", unless noted)

Copy Certification by Notary — #5922

Attorney in Fact Acknowledgment — #15939

Credible-Witness Acknowledgment — #15943

Signature-by-Mark Acknowledgment — #15945

 Ordinary (Individual) Acknowledgment — #5243 Credible Witness Acknowledgment — #5943

Signature-by-Mark Acknowledgment — #5945

Proof of Execution by Subscribing Witness — #5944

Copy Certification by Document Custodian — #5946

Jurat with Affiant Statement (8½" x 11") — #15924

 Individual Acknowledgment — #15936 Corporate Acknowledgment — #15937

- Individual Short-Form Acknowledgment #5906
- · Representative Short-Form Acknowledgment -#5905
- Disabled Person's Acknowledgment #5904 · Copy Certification by Document Custodian -
- #5923
- Copy Certification by Notary #5922
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— Samantha Klaburner 2009 Notary of the Year **Special Honoree**

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Acknowledgment by Corporation — #15937

- Cannot Write Name #5940
- Acknowledgment Through Affidavit
- of Executing Witness --- #5941

Nevada: (81/2" x 7", unless noted)

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

New York: (81/2" x 7", unless noted) All-Purpose Acknowledgment — #5925

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- Copy Certification by Document Custodian #5946 Jurat with Affiant Statement (8½" x 11") —
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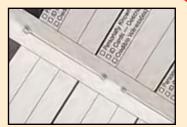
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Unusual Laws And Traditions That Helped Protect America's Transactions

o become a Notary in most states, people have to fill out an application, pay a fee, and in some states take a test or swear or affirm an oath to follow the law. But aspiring Notaries in Kentucky have to go one step farther.

They have to swear that they have never participated in a duel. That's right. A duel.

That particular requirement, established during the 19th century, may seem archaic in the 21st century. But it was enacted with the best of intentions. Lawmakers in the Bluegrass State wanted all its public officials — including Notaries — to be individuals of good character and honesty who valued the rule of law. In other words, public officials had to be the kind of people you could trust to handle the public's important transactions. The same ideal holds true today.

The anti-dueling oath emerged from the fact that far too many of the state's prominent citizens were settling their disputes with guns or swords. Between 1790 and 1867, 41 formal duels were fought in Kentucky in violation of laws prohibiting dueling, according to an essay on the Secretary of State's website. Those were only the duels people heard about.

Kentucky lawmakers were so alarmed by such "affairs of honor," as dueling was called, that they initially changed the state Constitution in 1849 to require all elected officials to swear the anti-dueling oath. The mandate was expanded to all public officials, including Notaries, in 1891.

The anti-dueling oath is just one of many examples of laws and traditions designed to preserve the role of Notaries Public and strengthen their ability to protect America's



transactions and consumers from fraud.

Another, more widespread practice involved how Notaries dealt with women.

Feme Covert And The Rise Of Women Notaries

Today, anyone needing a Notary is far more likely to encounter a woman than a man. A survey conducted by the National Notary Association in 1997 found that three-fourths of the Notaries in many states were women. That was not always the case.

For much U.S. history only men were permitted

to hold Notary commissions, as the qualifications required that the applicant must be eligible to vote. That all changed with the passage of the 19th Amendment to the U.S. Constitution in 1920, which gave women the right to vote and, subsequently, to become Notaries — an amendment that forever changed the demographic of the American Notary office.

However, during the time when men ruled the notarial roost, Notaries often had to take special care when dealing with female signers because of a legal principle called *feme covert*, according to a 1998 essay by National Notary Association Executive Vice President Deborah Thaw published in *The John Marshall Law Review* entitled "The Feminization of the Office of Notary Public."

Feme covert laws were based on the outdated notion that women were not capable of handling their own financial and legal affairs. Consequently, their husbands were given control over all the assets in the family, including any property, money and



possessions belonging to their wives. That control, however, was not absolute. Husbands needed their wives' "free consent" to convey property, such as the family home. As a result, many states passed laws requiring Notaries to speak to wives outside the presence of their husbands to properly establish willingness and awareness of the pending transaction, Thaw noted.

Those archaic laws are no longer in effect,

and society has become much wiser. However, during their time, *feme covert* laws were intended to help Notaries empower women to protect themselves from potential fraud which could have been perpetrated by the men who controlled their affairs.

Beyond Today's Norms And Boundaries

Today some states have statutes on the books that grant commissions or define jurisdictions in ways that other states may find curious. Will these be the laws that 22nd century Notaries find equally unusual? Let's take a look at Wisconsin.

While many states permit residents of neighboring iurisdictions to obtain a commission, Wisconsin takes it to a whole other level. Any legal resident of the United States may



become a Wisconsin Notary.

That means an Alaskan fishing boat captain can legally become a Wisconsin Notary with one caveat: The skipper will have to travel to Wisconsin to perform notarial duties, and the travel fees may be a bit steep for the signer's wallet.

Any legal U.S. resident also may become a Delaware Notary, but only for electronic notarizations and only if they are an attorney or an employee of a bank, trust or insurance company, according to a 2008 law. However, unlike Wisconsin, Delaware eNotaries do not have to be in the state to fulfill their duties since, according to Delaware law, the acts "shall be deemed to have been performed within this state."

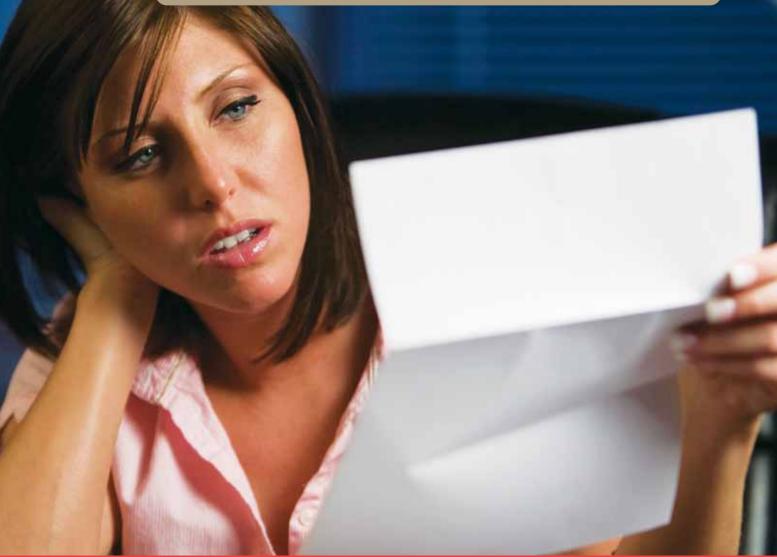
So, if the Alaskan fishing boat captain also happens to be an attorney, he can add a Delaware electronic Notary commission to his credentials.

Virginia transcends national boundaries when it comes to jurisdiction. Though the Old Dominion State's Notaries either must be residents or work in the state, they can notarize a document anywhere in the world.

So, a Virginia Notary touring the London pubs next summer during the 2012 Olympic Games can execute an acknowledgement for a fellow tourist. The only hitch is that the document must be filed in Virginia.

It's quite possible that Notaries in the 22nd century will scratch their heads at some of the laws and rules that govern the Notary Public office today just as we chuckle at some of the statutes from past eras. No matter how odd or dated these laws may seem, they all have one thing in common — they were all designed to ensure the authenticity of the public's transactions, and they all feature the indispensable, impartial, third-party witness at the center of the act. All was going great. Nancy was beginning to realize the benefits of her hard work. She was establishing a base of notarization customers. And then... she got the letter that changed her entire outlook. Nancy was getting sued.

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Foreign Passports, Powers Of Attorney And Out-Of-State Documents



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

A signer recently tried to present as ID a Mexican passport which wasn't stamped by USCIS. She also had a current green card. I understand that the green card can only be used as ID when notarizing immigration documents. But can I accept the passport and green card together as proof of identity for notarizing documents that aren't immigration-related?

C.R., Merced, California

In California, you may only accept a Mexican passport as ID if it is stamped by the U.S. Citizenship and Immigration Services (Civil Code, Section 1185). Such a stamp usually appears as a red imprint and will either read as "Admitted" or "Department of Homeland Security." Two unacceptable forms of identification may not be combined to identify a signer. If the signer's passport does not contain the stamp by the U.S. Citizenship and Immigration Services, and the signer cannot provide you with any other acceptable identification, you may have to rely on credible witnesses to vouch for the identity of the signer.

When notarizing a document for two separate signers who are not married, does each person need to have their own acknowledgment, or can both signers be named in one acknowledgment? J.M., Modesto, California As long as both parties are appearing before you at the same time, you can use one acknowledgment certificate for both. You would have two separate journal entries, but only one acknowledgment. However, if the parties appear before you at different times then you would need to have two separate acknowledgments. Being married or not does not have anything to do with how many acknowledgment forms you would need, only when they appear before you.

Can a Massachusetts Notary notarize New Hampshire documents? L.A., Tewksbury, Massachusetts

Although Massachusetts Notaries have statewide jurisdiction to perform notarizations within the borders of Massachusetts, they may notarize any document coming from out of state, provided the request does not direct the Notary to perform an act that is illegal or improper in Massachusetts. In other words, it is a question of where the Notary performs the notarization, not where the documents come from.

I have been asked to provide certified copies of several passports to our insurance brokers in Bermuda. The request states "Certified Copy of Passport (Notarized in the States)." I have been unable to determine the wording to use on this notarization. Can you please 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

advise? The notarization is for my company.

L.R., Houston, Texas

A Notary in Texas is not allowed to certify a copy of a passport because the Texas Secretary of State considers it a recordable document. Your company should contact the passport's issuing agency to see if the agency can certify the copy, or the company should check with the insurance brokers in Bermuda to see what alternatives they will accept.

How does someone obtain a copy of a journal entry if the Notary is no longer commissioned and their journal has been turned over to the County Clerk's office?

S.L., San Diego, California

If an individual is requesting a copy of a journal entry but the journal is in the country clerk's possession, the individual may attempt to make the request at the respective county clerk's office (i.e. the office where the journal was delivered). The office may or may not have the journal available, since some offices are more meticulous in archiving Notary journals than others. All county clerk offices in California may destroy any journals with a court's permission 10 years after their deposit (Government Code, Section 8209(c)).

Can I notarize a document without a Notary stamp if I haven't received the stamp yet? L.T., Jackson, New Jersey

New Jersey law does not require Notaries to use seals of office, but statutes do stipulate that a Notary must print, type, or stamp, in addition to his or her official signature, an impression of the Notary's name, preferably one that can be photocopied. Many New Jersey Notaries include this name on a stamp, along with the commission expiration date. If there is no such stamp, this information may be printed or typed by the Notary near the Notary's signature.

I work for a private employer who wants to collect my notarial fee. Can they collect and keep the fees charged?

K.T., Lafayette, California

The employer may under certain conditions. A private employer in California who purchases the notarial supplies and bond of an employee Notary may make a voluntary mutual agreement with the employee Notary to remit all notarial fees collected to the fund from which the employee Notary is paid (Government Code, Section 8202.7). It would be helpful to have the agreement in writing so there are no misunderstandings.

What do the letters "ss" represent on a notarial certificate? For example, a document will have:

> State of _____ County of _____ ss:

Do I need to fill out any additional information near the "ss" on the certificate? W. J., Nashville, Tennessee

The "ss" is an abbreviation of the Latin term *"scilicet"* which means "in particular" or "namely" and simply indicates the area where the venue information is located on the certificate (the "State of _____" and "County of _____" section). In response to "ss," you do not have to do anything other than fill in the state and county where the notarization takes place.

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NUTS AND BOLTS



Tips For Establishing Willingness And Awareness

CASUAL CONVERSATION CAN HELP NOTARIES LEARN IF A SIGNER IS ALERT AND UNDERSTANDS WHAT'S BEING SIGNED

An essential part of a Notary's duty is determining if a signer is willingly signing a document and is aware of the facts and terms contained within. Notaries aren't required to establish willingness and awareness based on medical or legal standards, but they are expected to use sound judgment.

But determining willingness and awareness doesn't need to feel like a police questioning session. In fact, working your questions into casual conversation can be far more effective than just sitting in front of signers and grilling them.

Once you're face-to-face, the simplest way to start is to ask some casual questions to see if the signer knows about the document being signed. Examples include:

- "So is this your first time having a document notarized? What brings you here?"
- "Can you confirm that this is the document you want notarized?"

Don't give unauthorized advice or try to influence the signer inappropriately. However, there is nothing wrong with asking additional questions to make sure the signer isn't being deceived or has the wrong document. If the signer doesn't know what the document does, or gives you contradictory information (for example, the signer says he's selling a car when the document is titled "DEED TO HOME"), stop the notarization.

When notarizing for older signers, it's particularly important to watch for signs that someone is having mental health concerns or is medicated. Sometimes even an alert older signer can be affected by conditions that impair their memory and judgment.

Brian Barreira, a certified elder law attorney in Plymouth, Massachusetts, likes to ask casual questions about current news, politicians and other details to see if a document signer responds clearly and knows what's going on.

Barreira suggested the following types of questions when talking with an older signer:

- "Hey, you mentioned you're married. That's great! Where did your ceremony take place?"
- "What do you think of the recent issues the U.S. Congress is fighting over?"
- "So what do you think about (mention a current event recently in the news)?"
- "Did you like the recent performance of (insert name of sports team or performer)? What was most memorable about it for you?"

Barreira recommends against asking an elderly signer, "What day is it?" Retirees often lose track of the days of the week, even if they are otherwise mentally fit.

Notaries must also watch out for signs that a third party in the room is trying to influence the signer. If someone present tries to answer questions for the signer or otherwise seems controlling, ask them to leave and speak to the signer privately. "Make sure the person knows what they are doing and no one is pushing them," Barreira said. "If someone with the signer won't leave, that is a big warning sign."

Don't be afraid to err on the side of caution. When in doubt about a signer's behavior, stop the notarization. You can always reschedule a notarization. It's far better than risking liability by notarizing for a signer in an uncertain condition. Better safe than sorry!

BEYOND THE BASICS



Expanding Your Notary Enterprise

EXPERTS OFFER BUSINESS-BUILDING TIPS FOR NOTARY ENTREPRENEURS AND SMALL BUSINESS OWNERS

Secure customer loyalty and expand your client base by creating sound strategies, providing exemplary service, and standing out from the competition.

THE PERFECT PLAN

Creating a detailed business plan helps pinpoint how to market and manage your organization, analyze your industry and competition, and establish financial goals. "The biggest mistake small businesses make is that they don't watch their cash flow," says John Doyle, president of the Southern California chapter of SCORE, a non-profit organization dedicated to educating small business owners. Create a profit-and-loss statement to determine spending strategies, such as investing in technology and training, employing advertising techniques, or developing a collection procedure. Free business plan templates are available at www.score.org.

'FRIEND,' 'FOLLOW,' 'LIKE,' AND CONNECT

Use social media platforms to engage with potential clients. Keep your content timely, informative, and engaging. Have one centralized "hub" containing your credentials, contact information, list of services, fee schedule, social media links, and client testimonials. Daniel Kehrer, founder of BizBest.com, recommends posting website, Facebook, and Twitter addresses wherever they may drive business, including business cards, store windows, counter cards, invoices and brochures.

GO BEYOND THE BOX

The September issue of The NATIONAL NOTARY reported on a Texas eatery that also

offers notarizations. Pairing up with a nearby business — a hair salon or market, for example — may provide multi-tasking opportunity for your clients. Notaries in some states can leverage their commission by performing automobile transactions in Pennsylvania or weddings in Florida, Maine, or South Carolina; others enhance their service offerings with electronic notarizations.

EXPAND YOUR PROFESSIONAL NETWORKS

Contact businesses that see a high volume of document transactions, such as real estate brokers, government offices, and banking institutions. Create referral networks with local businesses that don't employ Notaries, so you can refer customers to them for their services and vice versa; but be sure the businesses are as focused on quality and accuracy as you are.

Partner up with another Notary, so if one of you becomes too busy to accept a signing, you can refer signers to the other. Finally, reach out to clients for referrals. Always be prepared for on-the-spot opportunities and carry business cards to distribute at a moment's notice.

GIVE GOOD FOLLOW-UP

Create a follow-up questionnaire for first-time clients, and invite customers to be on your mailing list. Send out timely emails or blogs containing industry news, special deals, discounts, or useful tips. Make sure the mailing provides value, or you may be considered a "spammer." Once you build a solid client base, a database management system can help you maintain it.



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