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The National NOTARY[®]

January 2013



THE MAGAZINE FOR AMERICA'S NOTARIES

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Office
Challenges**
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Can Help Your
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A BRAVE NEW WORLD FOR SIGNING AGENTS

Knowledge 2.0

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June 2-5, 2013

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— N.C., Fort Worth, TX

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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.

COVER STORY

16 • A Brave New World For Signing Agents

For most of the past decade, the mortgage industry viewed what happened at the closing table as an afterthought. Amid a record-setting boom, few cared whether the Signing Agent did a good job or provided good customer service. No longer. After a wave of scandals and governmental reform, the entire industry is facing much tighter scrutiny, and Notary Signing Agents can expect to be held to higher standards of training, compliance, and professional conduct than ever before.

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Some of the toughest challenges Notaries face arise in the workplace.

The National Notary asked Notaries to share how they successfully dealt with improper requests from bosses, clients and others.



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ON THE WEB

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 2013 Conference

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Improper Workplace Requests

Does the NNA have a document that Notaries could have their bosses sign that reads something to the effect of: 1) "I will not encourage Notaries and non-Notaries in my employ to take someone else's journal and gather signatures of people who have not personally appeared;" 2) "I will not encourage Notaries and non-Notaries in my employ to identify signers using copies of driver's licenses."

Basically, a reminder to employers that they should not be asking their employees (Notary or non-Notary) to do things that are questionable and/or illegal.

Amanda Monsue, Westlake Village, California

While the NNA does not publish such a document at this time, we are aware that inappropriate or illegal notarization requests from employers are an important concern for many Notaries. The NNA recommends Notaries take time with an employer to explain the requirements and duties of the Notary office. Resources such as The Notary Public Code of Professional Responsibility or a state Notary handbook can help Notaries explain the importance of following state laws and best practices. Notaries may also want to ask if rules against making illegal notarization requests can be added to your workplace's written office policies or code of conduct. For some examples of Notaries who successfully resolved problem workplace situations, please see our article in this issue on page 10. — The Editors

Representative Signer Concerns

I just finished reading "Notarizing For A Representative Signer" (November 2012) and was stunned by something I read. As a Notary in California — which I consider a leading state for fraud, forgery, and other illegal behavior — when I read that California instructs Notaries NOT to ask for proof of authority to act as an attorney in fact, I was appalled. Are we to take someone's "word" for the fact they're acting in someone's interests legally based only on their word? That seems utterly ridiculous, unprofessional and downright foolish. It's asking for legal trouble that no Notary needs or wants.

While I realize the NNA doesn't make the laws governing California Notaries, this practice is danger-

ous not only for the Notary but for the public at large. Anyone can walk into a Notary's office with documents for signature and wipe out someone's life savings based solely on their word they're acting as "attorney in fact" to John or Julia Doe. What can we, the Notaries, do to influence our state government, or the Secretary of State to amend this requirement ASAP? Once the damage had been done, undoing it and regaining the lost assets is much more difficult than just asking for proof in the first place. Even then, there's no guarantee the "proof" is legitimate, but at least the Notary would have some protection — the record of the document particulars (signature dates, names, etc.) can be included in the "comments" section of the journal with the other pertinent information.

Sheila Reilley, Buena Park, California

For persons who want to contact state lawmakers about possible changes in Notary statutes, we suggest writing to your local state legislator or your state's Notary-regulating office (in California, this is the Secretary of State's office) to express your concerns and offer your suggestions regarding changes to state Notary law. — The Editors

WE WANT TO HEAR FROM YOU!

In our continuing efforts to address the topics and issues facing Notaries today, *The National Notary* wants to hear from you! Whether it's your thoughts on business opportunities, challenges in your office or on signings, we want to know about your day-to-day experiences and observations, and what information and resources you may need to help guide you through them. You can send us comments via 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.



Handling The Big 'If' With Relevant Education

There was a time when I believed, naively perhaps, that if I planned and organized and concentrated enough, everything would run smoothly. It's what I used to call the big "if."

We're all familiar with the concept. If I attend to every document and then file it away on the day it's received, I'll never have a desk piled high with paper again. If I finish this one (or two or three...etc.) project(s) by Friday, Monday will be a breeze.

While this is a nice theory, it is not how things happen in daily life.

And, as if I needed confirmation, I remember what the great educator and pragmatist John Dewey wrote: Arriving at one goal is the starting point of another.

As Notaries, we can surely understand this. We take our oath of office and suddenly learn that we have sworn ourselves to undertake a significant responsibility for which we realize that often we are not properly prepared.

We turn to our state's Notary guidebook — if there is one — or take a Notary seminar. If we take a course or two, we expect to be able to comprehend the full scope of our new obligation and be set to perform notarizations expertly.

This stage, though, is just the beginning.

In fact, whether we are new Notaries or have held a Notary commission for years, we must appreciate that, in this era of proliferating identity theft and computer "phishing" for exploitable personal and corporate information, businesses are under extraordinary pressure to regulate and document their activities. So, too, are Notaries.

In the wake of the "robo-signing" and foreclosure debacles of recent years and the resulting statutory and regulatory changes that are being put in place by federal and state governments, Notaries are increasingly recognized by the legal and business

communities as vital cogs in providing a very high and necessary level of security and trust to transactions.

And with this recognition comes a higher level of expectation. Document signers presume we are trained, that our training is suitably rigorous and that we have a requisite and confirmed level of experience.

It is no longer enough merely to understand the concept and theory of notarization. We must now also have a command of all applicable statutes, regulations and court precedents, as well as of widely accepted best practices and expected standards of conduct under the common law.

In this new environment, we are being asked, often required, to add consistency and excellence to the performance of our official duties.

Though laws and rules still vary greatly among the states, commerce and law are demanding that all Notaries understand and execute their responsibilities with a common standard of predictability and excellence. Now, education and training are being charged with delivering skill and competence that can be measured and verified.

Dewey, who advanced his theories at the onset of the 20th century, wrote that in order for education to be most effective, content must be presented in a way that allows students to relate the information to their experience.

That is exactly what is being asked of us today!

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

Made In China: A Flood Of Fake IDs

False IDs are used to commit a variety of crimes, including identity theft and document fraud, and are sometimes used by scammers posing as someone else during a notarization. A flood of high-quality fake IDs coming from Chinese companies now has a group of U.S. Senators up in arms.

Senators Mark Kirk and Richard Durbin of Illinois, along with Senators Chuck Grassley and Tom Harkin of Iowa have asked the Chinese government to stop businesses selling fake U.S. driver's licenses and government documents via the Internet.

Notaries should be alert for signs that an ID is fake or has been tampered with, including inconsistencies between the signer's age or appearance and information on the ID, peeling or unusually thick laminate on the card or missing holograms or other security features.



Housing Market's Top 10 Turnaround Towns

One of the surest signs of a housing rebound is rising home prices, and that's just what's happening in a number of cities. Realtor.com, an online listing service run by the National Association of Realtors, recently published its list of the country's Top Turnaround Towns based on a number of factors including median home prices, housing inventory and unemployment rates. All the communities on the list have previous histories of steep home price declines and high foreclosure rates.

Rank	City
1	Oakland, CA
2	Sacramento, CA
3	San Jose, CA
4	San Francisco, CA
5	Bellevue-Everett, WA
6	Bakersfield, CA
7	Santa Barbara, CA
8	Phoenix, AZ
9	Fresno, CA
10	Miami, FL



Foreign Buyers Eyeing U.S. Real Estate

The landscape of American property ownership is becoming more international as Canadians, Chinese and Mexican home purchasers now comprise the top three international investors in U.S. real estate, according to the National Association of Realtors (NAR).

Property investments by foreigners experienced a 24 percent increase since 2011.

Several reasons — including social status, investment safety, the lure of desirable vacation homes and rental income opportunity — were cited for the investment surge.

Differences in language and legal systems can present challenges for U.S. Notaries, but real estate spikes of this nature also can translate into extra income opportunities.

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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Registration Underway For Conference 2013 In Austin, Texas



It's time to polish those cowboy boots and plan your visit to the Great State of Texas — Austin to be exact — for the NNA 2013 Conference June 2-5. This year's theme, "Knowledge 2.0", will focus on seminars and presentations that appeal to every segment of the notarial profession.



Due to the changing dynamics in the housing market, a large number of representatives from the mortgage and title industries will be on hand to share information and take part in presentations.

Whether you have just received your commission or are a seasoned Notary professional, there are subjects and speakers that can give your career a boost. The opportunity to meet and network with your colleagues from around the country is also a plus for our Conference attendees, who often make lasting friendships at this annual event.

More information on the full Conference schedule and special events will be updated in the *Notary Bulletin* and on the NNA Facebook page as they become available. For more information or to register for NNA 2013 Conference, call the NNA toll-free at 1-800-US NOTARY (1-800-876-6827), or visit the NNA website (nationalnotary.org/conference). We hope to see you there!

NNA® Webinars Available Online

Did you miss a live NNA webinar presentation that you really wanted to watch? Want to see one again? No problem. The NNA is archiving all webinars shortly after they air and making them available at no charge. Visit the website at www.nationalnotary.org/webinar — archives to check topics as well as the schedule for upcoming webinars.

As the foremost provider of Notary education nationwide, the NNA develops these informational sessions on a variety of topics that affect Notaries and Notary Signing Agents. They cover such issues as the different types of notarizations, identification concerns and advice on handling special requests. Recent topics included "ID Fraud – A Notary Trap," "What Every Notary Should Know About E&O Insurance," and new state laws for California and Iowa.

New webinars air each month. Contact us by Facebook or email if you would like to suggest a topic.



A 'Guidebook' That Every Notary Should Have

Whether you are a newly commissioned Notary, or have been one for years, there is one essential tool that you shouldn't be without — your state's *Notary Law Primer*. These books cover the processes, laws and certificate wording you need for any notarization, how to identify signers, procedures for record-keeping, seal and bond requirements, and even how to obtain your commission.

The state primers are updated on an as-needed basis, when state laws change. As an example, California's was recently revised to include new regulations regarding notarizations for real estate transactions. For those states that do not have an individual primer, the NNA® also publishes a *U.S. Notary Law Primer* which covers the basics of notarization which apply nationally.

If you don't already have a primer, visit the online bookshelf listed under "Supplies" on the NNA®'s website, NationalNotary.org.





Overcoming Office Challenges: Success Stories From Notaries In The Workplace

By David Thun

Some of the toughest challenges Notaries face originate from the workplace. All too often a boss, co-worker or client will ask a Notary to skip necessary procedures in the name of expediency. Such requests can seem harmless, but they often lead to big trouble for the Notary and the Notary's employer. *The National Notary* reached out to Notaries who have successfully navigated these difficult situations and asked them to share how they resolved the problem.

Standing Up For Personal Appearance

Personal appearance by a document signer before a Notary is an essential part of notarization in every state and territory — but many signers mistakenly assume that they can sign on behalf of a spouse or family member, not realizing that many cases of document fraud are committed by relatives. That's why Notaries must always insist on a signer's personal appearance, and how Debbie Malin-Wurtz of Wahiawa, Hawaii, found herself in a tough dilemma at work.

Debbie's boss was adopting a baby and asked her to notarize his signature, and the signature of his wife, on the adoption papers.

"His wife wasn't present, but he wanted me to notarize both signatures," Debbie said. "It was very uncomfortable when I said I could only notarize his signature."

Debbie was in a difficult situation. Her boss was impatient to get the paperwork completed.



Debbie declined to notarize the wife's signature. She explained to the boss that the law only permitted her to notarize his signature on the documents, since his wife was not physically present. To help him better understand why personal appearance by a signer is necessary for a notarization, she gave him a copy of *The Notary Public Code of Professional Responsibility*.

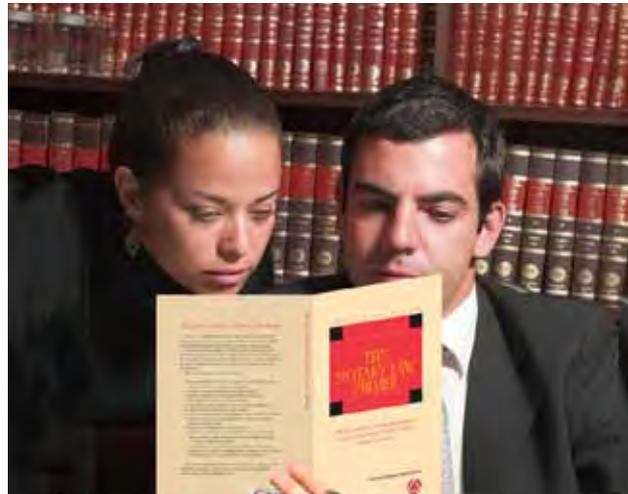
No matter how hard it is to say "no" to someone going through a stressful situation, personal appear-

ance is absolutely essential. Debbie made the right choice by obeying the law and declining to notarize the wife's signature while she was absent. Because a Notary's duties are complex and often misunderstood by the general public, providing her boss with a copy of the Code was a good way to help educate him about why she had to refuse the notarization.

Requesting Necessary ID

While it's important for businesses to treat their clients well, too much eagerness by supervisors to please can put Notaries in a tough situation, like the one Jenn Sundquist Shelton of Sacramento, California, faced at her law firm. One day one of the law firm's partners asked Jenn to notarize the signature of an important client. However, when Jenn asked the client for identification, the partner tried to intervene.

"He looked at me and giggled nervously and told me I was ridiculous asking for ID," Jenn said. "After all, the client was well-known to the firm's lawyers so there should be no need for that, right?"



Wrong. Jenn knew that California state law does not permit Notaries to identify signers through personal knowledge. "Obviously, we knew who he was — but I still needed proof," she said. She politely explained to the client and the attorney that an acceptable form of ID would be required, and the client was agreeable. However, after the notarization, Jenn was called in by the lawyer and criticized for "embarrassing" him in front of the client. Jenn stuck to her guns.

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* At the end of the 30-day trial period, your card will be billed automatically (\$9.00mo/\$99.00yr plus applicable sales tax for standard LifeLock identity theft protection or \$22.50mo/\$247.50yr plus applicable sales tax for LifeLock Ultimate[™]) unless you cancel within the 30-day trial period. You can cancel anytime without penalty by calling 1-800-LifeLock.

² Network does not cover all transactions and scope may vary.

¹ 2012 Identity Fraud Survey Report, Javelin Strategy & Research, February 2012.

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"I pulled out my *California Notary Law Primer* and once again explained the law," she said. The lawyer wasn't convinced at first, but after he spoke with another Notary who confirmed what Jenn said, he dropped the issue.

Jenn took all the right steps in the face of pressure. She didn't back down until the attorney was convinced she was doing the right thing by following the law.

No Amount of Cash Is Worth Your Integrity

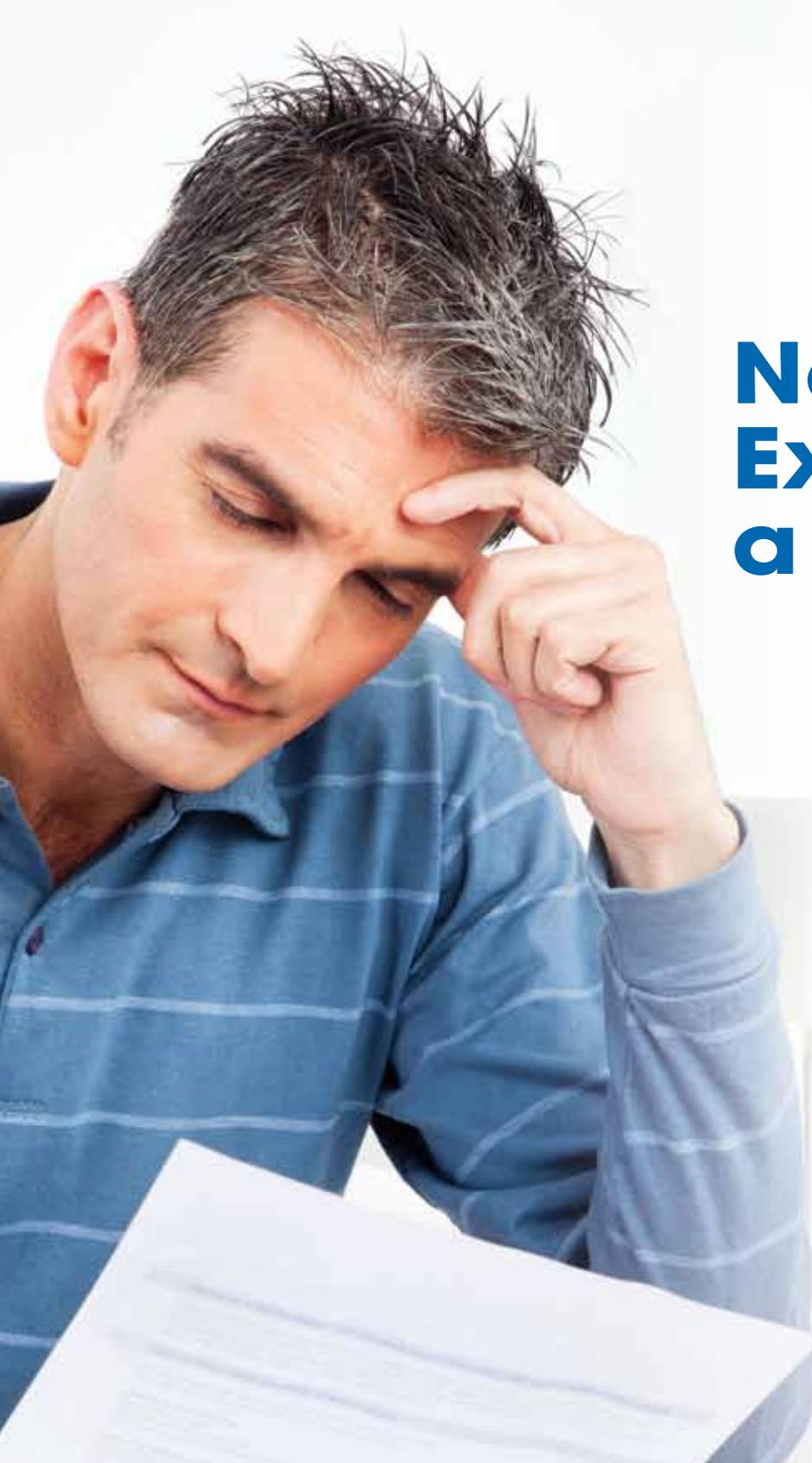
Agreeing to do something illegal can be the worst mistake a Notary can make — but sometimes dishonest people put a lot of temptation in the Notary's path. Lynne Shertzer of Newport Beach, California, works for a law firm and was asked to notarize some estate documents for a former client. The notarization was to take place at a hospital, but when Lynne arrived she found out the client was in a coma in the intensive care unit.



The person who contacted Lynne was insistent that the documents be notarized. He told Lynne the client's daughter, the beneficiary of the documents, would move the unconscious client's hand to sign the documents. Lynne refused this clearly illegal procedure, but then the man upped the ante — he offered Lynne \$10,000 to go ahead with the illegal notarization. "No one has to know," he said.

Lynne knew, though — and what's more, she knew the request was illegal and the consequences to both the victim and herself if she took the money and went through with it. "I told him I thought I could buy a lot of cigarettes in prison for \$10,000, but no thanks!" she said.

Lynne showed the highest standards of integrity in this situation. She made the right choice. 



Jim was a Notary for many years. And then... he got the letter that changed his entire outlook. Jim was being sued, even though he did nothing wrong.

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How **facebook** Can Help You With Your Notary Business

By Moses Keshishian



As small business owners, we all have one overriding priority: generating more revenue. We do this by connecting to the market, developing leads and closing the deal.

Throughout the history of modern business, every dollar originates from creating that initial relationship. What's different today is that those relationships are originating online, particularly through social media channels, especially

through the mother of all social networks: Facebook. The key to success for entrepreneurs in today's social media environment lies in knowing how to cultivate those connections, nurture them, and convert them into loyal customers.

So *The National Notary* reached out to several Notary-entrepreneurs and asked them to share how cultivating relationships through Facebook has been beneficial for them.

TNN: Please describe a time when you met a person at an event, became friends with them on Facebook, and then did a notarization for that person.

Nathan Ganeshan, owner of Nathan Notary www.facebook.com/NathanNotary — "Once I was at a family dinner and I was introduced to a mortgage consultant. He connected with me on Facebook and today I am his exclusive Notary for all loan signings."

Tonie Boaman, owner of Dash Notary www.facebook.com/DashNotary — "An attorney and I crossed paths in networking circles a few times a month. Eventually I asked him, "What way do you prefer to be contacted?" His reply: "Phone and Facebook." That night I added him to my friends list. Less than two weeks later he called me on a Sunday to help him with documents for court on Monday. He then went to our Facebook business page and posted, "Thanks for being there with your Notary kit when I needed a document notarized last Sunday."

Maria Torres-Lopez, owner of Notary @ Your Door www.facebook.com/NotaryAtYourDoor — "Some of my clients found my Facebook page by searching for a Notary on Google. One of them is a law firm from New York called Weitz & Luxenberg. They were searching on Google for a Notary in Florida. They became fans of my Facebook page and now continually send me referral business for signings in Florida. This relationship did not call for a face to face meeting all thanks to a few emails and my Facebook business page."

TNN: How has Facebook helped you with word of mouth referrals?

Nathan Ganeshan: Eighty percent of my business comes from referrals and word of mouth, and Facebook keeps me one step ahead of the

game as it gets me and prospective customers connected immediately. No one needs to write down my contact details. All they have to do is go to my Facebook page. Also, every time a friend likes or comments on a post from my business page, their friends see it, which helps my business grow."

Tonie Boaman: "I can't tell you how many times other Notaries and signing companies have said to me 'No need for marketing on Facebook, you will never get repeat business from there.' I have news for them: We performed hundreds of Notary jobs in 2012 and almost all of them did repeat business with Dash Notary. On Facebook, you are constantly reminding your customer base about you, so we are reaching out and taking the repeat and referral business instead of waiting for it to come to us."

Maria Torres-Lopez: "When customers visit my Facebook page, they see that although my company is small, it's a company that stays connected with its clients. This gives potential clients the confidence they need to email me or call me directly to set up an appointment. Once the initial contact is made, a deal is almost always reached. This week the company that runs the perks website for the 37,000 Miami Dade County employees contacted me to have me as part of their network of wedding officiants for their employees. One of the reasons they contacted me was because of my website and Facebook page."

TNN: Why do you continue to use Facebook?

Nathan Ganeshan: "I love Facebook. I literally live on it. Facebook has provided such a wonderful platform to spread the message and visibility of my service, unlike any other social media. Facebook also helps me connect to prospective customers. I can't exist without it."

Tonie Boaman: "It would not be a smart move if Dash Notary quit using Facebook. We would easily lose



Nathan Ganeshan
Owner of Nathan Notary

Tonie Boaman
Owner of Dash Notary

Maria Torres-Lopez
Owner of Notary @ Your Door

30 percent of our business from referrals. I do not know about everyone else, but one of our significant factors when deciding if we are taking a late night appointment is the question, "How did you find out about us?"

Another reason is the private and/or public groups on Facebook: This is your bread and butter for getting referrals. Do NOT do spam advertising; instead get to truly know the members of each group you are in. Then you can post news about the industry or something else happening with your company in the group about once a week. This is a great way to stay in people's minds for referrals."

Maria Torres-Lopez: "Facebook allows me to have an online network of attorneys, realtors, closing companies, law firms, and individuals that I can keep in contact with and market my services to. I also use Facebook to keep in contact with other Notaries in my area. This is very useful because I can refer business to them when I am unable to accept a new signing opportunity. This keeps the client happy because they are getting the signing completed by another highly capable Notary. Notaries in my area also refer business back to me."

TNN: *How has interacting with the NNA's Facebook community been beneficial for you?*

Nathan Ganeshan: "The NNA's Facebook presence connects Notaries in the U.S. and allows them to share their knowledge and experiences, thus many Notaries get to know one another and exchange ideas. Personally I have become friends with other Notaries whom I have never seen or met. The NNA helps many Notaries by posting webinars, *Notary Bulletin* articles, and industry news."

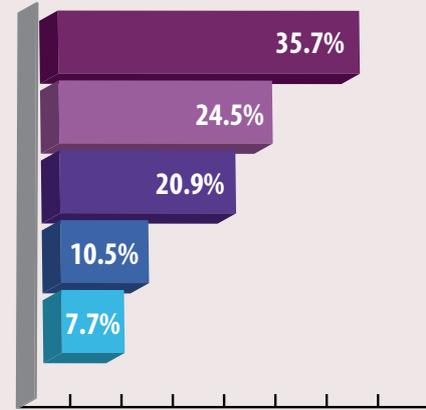
Tonie Boaman: "National Notary Association's Facebook page has helped us increase business by providing content that is relevant to the Notary Public profession. Thus, they allow their members to repost the information so the general consumer learns that Notaries Public are more than just 'Sign, Stamp, and Deliver.'"

Maria Torres-Lopez: "The NNA's Facebook page has helped me learn how other Notaries and NSA's deal with difficult situations. It helps me learn from other people's mistakes and to avoid my own. The NNA's Facebook page has increased my knowledge as a Notary, and the more I know, the more capable I feel when it's time to close a deal. Furthermore, displaying the NNA logo on my Facebook page provides a sense of security and peace of mind to my clients." 

What You Told Us

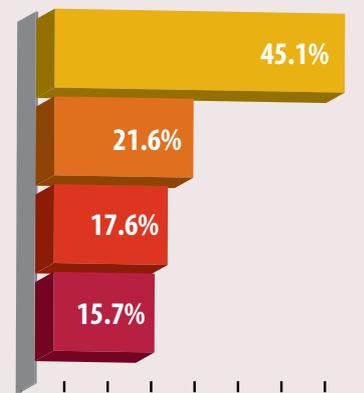
We polled hundreds of Notaries nationwide and asked them about their Facebook activity.

Most popular reasons why Notaries post on Facebook:



- To stay visible to friends, family and customers so they think of me first when they need a Notary
- To advertise my services as a Notary in my community
- To share important Notary-related information and build a reputation as a knowledgeable and informed Notary
- To start conversations with my clients and make a positive impression
- All other responses

Most popular reasons why Notaries like to share from the NNA's Facebook page:



- Sharing news and information from the NNA builds credibility for me as a knowledgeable Notary
- The NNA posts content that's relevant for my clients on Facebook
- The NNA has fun stories and photos I enjoy reading and sharing while on Facebook
- All other responses

A BRAVE NEW WORLD FOR SIGNING AGENTS

By Kelle Schillaci



It was a balmy evening in early December 2008 when Vicki and Dan were about to close the loan on their new home in Burbank, California. A moment filled with both excitement and anxiety quickly turned to dismay when they greeted their Notary Signing Agent — their first “face-to-face” contact with their lending institution. She showed up with a box of paperwork under one arm, her two-year-old son wrapped in the other, and a little white Maltese at her feet.



“The dog wasn’t the problem, the little boy was,” Vicki recalled in a recent interview. “He decided to tear through our house at full speed, and we were not child-proofed.” While Dan went through the paperwork, Vicki chased after the rambunctious toddler.

The Signing Agent’s conduct made the title company and lender look bad, Vicki said. “If that’s who they get to represent them, what other unpleasant surprises will they have for us down the road?”

While this account is not indicative of the performance of most Signing Agents, Vicki and Dan’s experience illustrates just how wide open and unregulated the closing table has been, and their story is not unique.

“I’ve seen signing agents show up at the title company to drop off paperwork in hair rollers and a bathrobe,” said Daniel Lewis, NNA 2010 Notary of the Year and founder of Lewis Notary Services, Inc., a nationwide mobile Notary signing service. He recalled another Notary who showed up at a signing wearing the same clothes he had on the previous day: “He looked like he was homeless.”

There was a time when those stories did not matter. For most of the past decade, the mortgage industry as a whole viewed what happened at the closing table as an afterthought.

That’s all changing.

Since the 2008 housing market collapse, sweeping reforms have filtered their way through just about every part of the loan origination industry. With mortgage brokers and appraisers now being subject to much tighter scrutiny and higher standards, Notaries — and specifically Notary Signing Agents — will be held to higher standards of training, compliance, and professional conduct than ever before.

Gone are the days of showing up late for a signing, or rushing signers through paperwork in order to pick the kids up from soccer practice. In the very near future, Signing Agents will likely be required to attain higher levels of training or certification, will be subjected to more stringent background checks, and will need to provide assurance that they are in compliance with state and federal regulations.

Serving on the forefront during one of the most

important financial transactions a person or family can make, Notaries have the power and responsibility to ease homeowners into their slice of the American Dream. Being an NSA comes with unique and awesome responsibilities which should never be taken for granted.

“Notaries offer a very important service,” said Utah Attorney Peter Stevens, an expert in regulatory initiatives affecting Signing Agents. “But the moment they let their standards slide or step outside the scope of their authority, there’s going to be pushback. If they perform properly and professionally, they’ll likely avoid over-regulation.”

A Changing World

Up to this point, the most significant new regulatory trends — including the \$25 billion National Mortgage Settlement levied against the nation’s major financial institutions, the finance and banking regulations set forth by the Dodd–Frank Wall Street Reform and Consumer Protection Act and other federal legislation, as well as the initiatives of major federal agencies — have focused on individuals and organizations higher up in the loan processing “food chain.”

There now is a nationwide licensing requirement for mortgage brokers, for example. Dodd-Frank also created the Consumer Financial Protection Bureau, which is creating rules to regulate mortgage transactions at all levels.

Notary Signing Agents, as an essential part of the process, are rapidly being wrapped into these necessary reforms.

For Signing Agent Nathan Ganeshan, owner of northern-California based Nathan’s Notary mobile signing service, one of the biggest changes has been an increase in additional loan paperwork. While major lenders have remained standard in their requirements, he estimates he’s seen 30 to 40 percent more paperwork from many third-party and private lenders.

“We’re seeing a lot more documents overall,” says

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“We’re seeing a lot more documents overall,” says

THRIVING AS A SIGNING AGENT

Signing agents often are the only “face” borrowers see during the mortgage lending process. As a result, lenders, title companies and signing services look for Notaries who can provide a high level of customer service and regulatory compliance. *The National Notary* asked several experienced Signing Agents and signing service owners for tips on how to stand out, get noticed by potential employers, and complete assignments smoothly.

Getting in the door. Many of the large signing service companies maintain databases of approved Signing Agents they use, and one of the key challenges for NSAs is getting in those databases.

“Research each company, and find out what their requirements are for NSAs,” said Laura Biewer, a long-time Signing Agent and Notary educator from Modesto, California. “Do they require training or certification? Do they require E&O insurance? Some services want referrals from other companies you’ve worked for.”

Then meet all their requirements. “It’s the first chance you get to demonstrate that you can follow instructions and be a team player,” Biewer said.

Standing out. Many signing services prefer to contact NSAs through online directories such as those provided by the NNA or 123notary.com. One of the best ways to stand out is through your training.

“Certification is the key to getting assignments,” says Liz Adams, NNA 2008 Notary of the Year and owner of the nationwide signing service ETA Mobile Notaries, which hires primarily through online NSA directories. “The more education the Signing Agent has, the more appealing the Signing Agent is.”

Another way to stand out is by attending professional conferences, such as the NNA Annual Conference, said Daniel Lewis, the NNA 2010 Notary of the Year and founder of Lewis Notary Services, Inc., a nationwide mobile Notary signing service. “Attending professional events shows your commitment to your career.”

Being the consummate professional. Signing services all track the work of NSAs, so it’s critical to do things right the first time, Biewer said. “A lot of the major companies have instruction sheets,” she said. “Pay attention to how they want you to do things, and get the details right.”

If there’s a problem, she says, fix it before asking for another assignment. If it’s a problem you cannot fix — say there’s a mistake in the paperwork — don’t just walk away. “I can be a conduit to those who can fix the problem.”

Being a consummate professional also means showing up on time, prepared, and looking like a professional, say the experts. That includes everything from your business cards to your work wardrobe to having the right equipment — such as a good quality printer.

“Every way in which you present yourself should say, ‘I’m a professional. I’m the one who can solve your problems,’” Biewer said.

The more professional you are, the better customer service you provide, the more your career will prosper.

“Every way in which you present yourself should say, ‘I’m the one who can solve your problems.’”

Ganeshan, “with each lender having different requirements to protect themselves. Some require more disclosures, some mortgage documents require FBI verifications, still others require occupancy affidavits.”

One major mortgage lender, for example, recently started requiring Signing Agents to complete a “notarial evidence” form with all mortgages that includes the Notary’s name, commission number and expiration date as well as the names of all signers at the loan signing appointment, the method used to identify them and the loan number.

Al Verkuylen, Senior Vice President of LSI Title Company, told a gathering of hundreds of Signing Agents at the NNA’s 34th Annual Conference last June that federal regulators have started looking closely at settlement and closing practices of third-party vendors such as title and closing services, with special focus on the Notary process.

Clearly, NSAs need to know what to expect from lenders or title agencies in order to perform their role diligently. But where should that knowledge come from? Will each lender handle its business differently, leaving it to the Signing Agent to decipher the document requirements, or will there be some sort of uniform standard created across the board, making compliance an easier task for all parties? Who will be tasked with creating this standard — will it require government intervention, or is it possible the industry could regulate itself by establishing its own rules and a code of conduct for all Signing Agents to follow?

One of the biggest challenges the industry faces is the wide disparity of notarial laws and regulations from state to state. Some states, for example, require individuals to undergo training, testing and background checks before obtaining a

Notary commission. Other states merely require a Notary to complete an application and pay a fee.

Under the current regulatory environment, however, banks with a multi-state presence need to manage their outside service provider, in a consistent, uniform manner. Consequently, as Verkuynen noted last June, a number of major lenders had begun exploring ways to create a centralized training and certification process for Signing Agents that would comply with federal regulators.

Lewis and others embrace the idea of a national standard for NSAs. "I think a nationwide code of conduct is much needed and would greatly benefit the industry," Lewis said. "Other professions have them, like doctors and lawyers, and they're governed by specific rules. In addition to a code of conduct, a glossary of industry terms would be very helpful to improve communication between signers, vendors, and Signing Agents."

"With the rapid changes in the regulations in the signing industry, a code of conduct, issued from a reputable industry organization or the National Notary Association would definitely help," Ganeshan said.

Raising The Bar

While a uniform performance standard could address the government's mandates, the new mortgage industry environment involves far more than regulatory compliance.

Lenders now recognize that, with increasingly centralized loan origination operations, the Signing Agent often is the primary face of the bank

with the borrower, so they are scrutinizing the customer service experience at the closing table.

As a result, the notion of Signing Agents as true professionals is gaining wider traction across the industry. That's particularly true as the industry gradually rebounds from the recession and fore-

closure crisis. Already, the industry has indicated that there is a growing need for well-qualified Signing Agents — with an emphasis on well-qualified.

Many signing services are responding. Daniel Lewis, for example, carefully vets every potential new

NSA for his nationwide signing company.

"They need to meet basic standards, first," Lewis said, but the vetting process doesn't end there. "We like to hire Notaries who attend professional conferences, take training courses, become certified, and find ways to demonstrate a real commitment to their careers. We are raising the bar, because title companies are expecting much more these days from Signing Agents."

In order to ensure compliance, financial institutions, third party lenders and title companies are paying a lot more attention to who they hire. They want Notaries who are educated and competent in their role, who show up looking professional and ready to perform their role with confidence, and who can be counted upon to represent their company in a positive manner.

"The word professionalism does not just mean getting all the documents signed properly," Ganeshan said. "It starts from the time a Signing Agent is contacted for the appointment and remains until the close of escrow."

It also helps to stay educated on the industry itself, says NNA 2008 Notary of the Year Liz Adams.

"You need to know your industry and keep in the know for any changes that are occurring, so that you will not be behind the curve," said Adams, who built her own signing business and continues to mentor the growth of Notaries nationwide.

Daniel Lewis echoes Adams' focus on knowledge. "You have to always stay teachable,"





NNA WORKING TO SUPPORT THE SIGNING AGENT INDUSTRY

With the mortgage industry going through a transition to a far more regulated environment, the National Notary Association has been working hard with lenders and signing service companies to represent the value Notary Signing Agents bring to the closing process.

“Every chance we can, we advocate to make things better for Signing Agents,” said William A. Anderson, NNA Vice President of Best Practices and Legislative Affairs.

When lenders and title companies better understand the responsibilities and challenges Signing Agents face, it strengthens communication and opens dialogue to improve how loan document signing assignments are completed.

Anderson described how Signing Agents have expressed concerns to the NNA about receiving loan document packages on very short notice, which makes it more difficult for the NSA to print and deliver the package to the borrower in a timely fashion. NNA representatives have communicated these concerns to lenders and title companies to help make them aware of these challenges and request more timely deliveries so that Signing Agents can more efficiently schedule assignments.

One of the NNA’s highest priorities is ensuring that those involved in the signing process understand that notarizing loan documents is not just about getting the job done quickly, but ethically and professionally according to the requirements of state law.

While the Association provides training and certification courses for Signing Agents, our efforts extend beyond Notaries. This includes making sure anyone who does business with NSAs knows why they must insist on proper identification from borrowers, how it protects businesses from fraud when a Signing Agent insists on a document signer’s physical presence for the notarization, and why it’s so important to avoid dubious or dishonest shortcuts that can jeopardize not just the loan signing, but the legal standing of the Signing Agent, the lender or the borrower’s home loan.

The loan signing industry has been through some tough times, but the NNA is available to provide support and resources to professionals. Visit us at www.nationalnotary.org/SigningAgent for more information.



he said. “You can’t sit around waiting for the phone to ring with more business. You have to be open to learning and improving the way you do things.”

Lewis encourages NSAs to join professional associations, such as their state’s land title association or the Mortgage Bankers Association, in order to better understand the views of those organizations and the directions they are going, so as to avoid being surprised or left behind by industry shifts. He also emphasizes the value of Notaries helping and mentoring one another.

“If a Notary works outside of prescribed guidelines or makes serious mistakes, it can negatively impact the entire profession,” Lewis said. “If enough Notaries perform poorly, it’s more likely that laws will be made restricting everyone.”

That’s why Notaries should take it upon themselves to develop a culture of education, compliance and professionalism, he said. “It’ll show other industries that we take our profession seriously, and they, in turn, will take our profession seriously.” 



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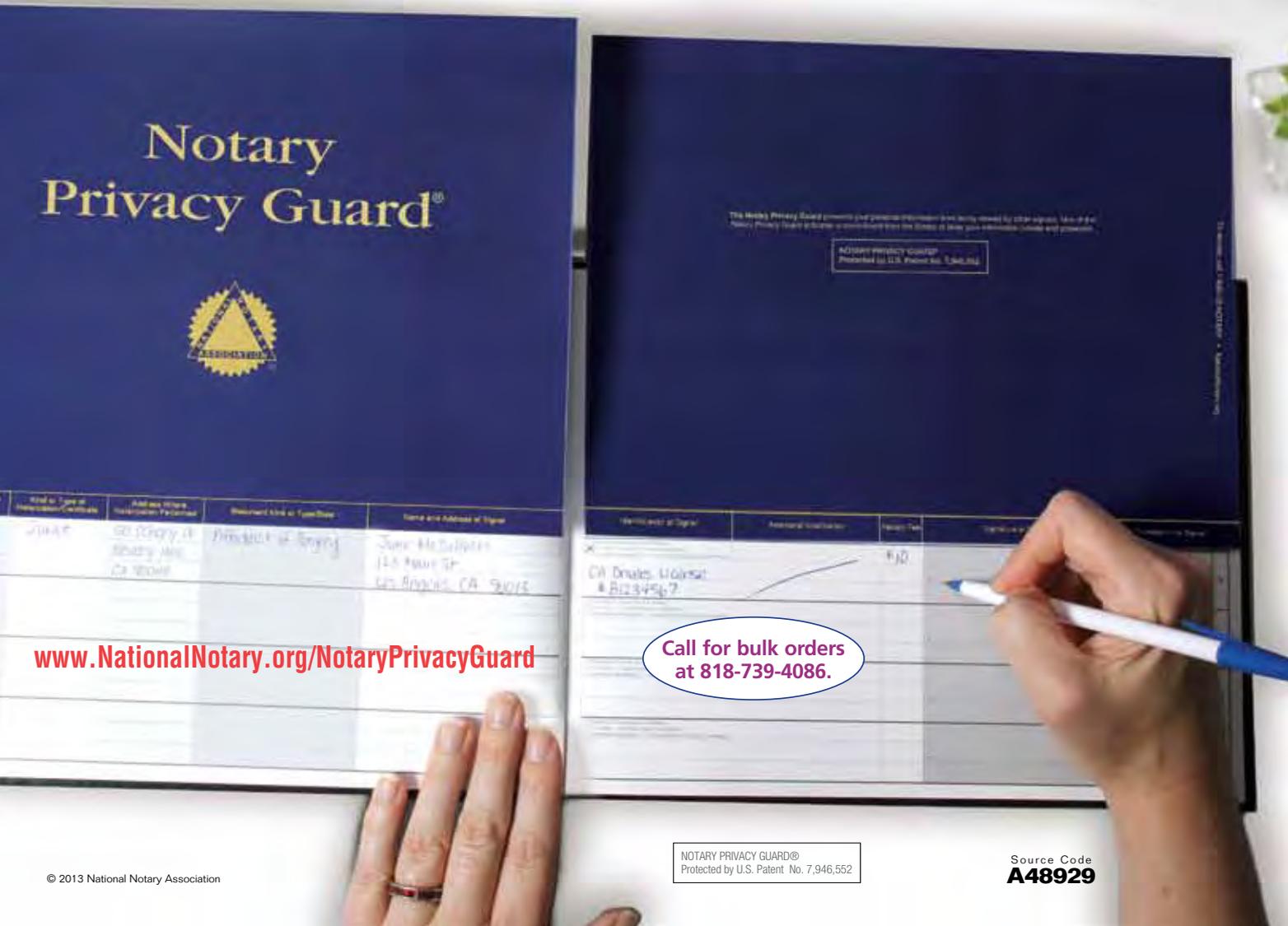


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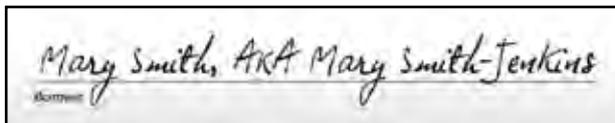
Notarizing 'AKA' Signatures

FOLLOWING THE RIGHT STEPS WILL HELP YOU MANAGE THIS ALTERNATIVE APPROACH TO SIGNING DOCUMENTS

Notaries often deal with signers whose IDs do not match the name on the document. Whether from marriage, divorce or other reasons, people often change their names, and this can make things challenging when it comes to notarization.

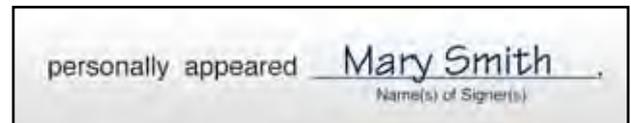
In cases where the signer lacks alternative ID or other options such as credible witnesses, a signer or receiving agency may want to use what's called an "AKA" or "also known as" signature. For an "AKA" signature, the signer would first sign their name as it appears on their identification, next writing "AKA" or "also known as" and then signing a second time using the name as it appears on the document.

For example, let's say Mary Smith recently went through a divorce. The name on her driver's license is "Mary Smith," but she needs to have a document notarized under her married name, "Mary Smith-Jenkins." Here is how the "AKA" would appear when she signs the document:

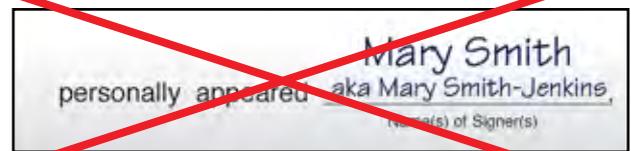


When asked to notarize an "AKA" signature, *only print the name the signer has ID for* in the blank space on the notarial certificate because that's the only name for which you have satisfactory proof of identity. In the example above, Mary's driver's license identifies her by the name "Mary Smith," so you

would only write the name "Mary Smith" in the acknowledgment certificate:



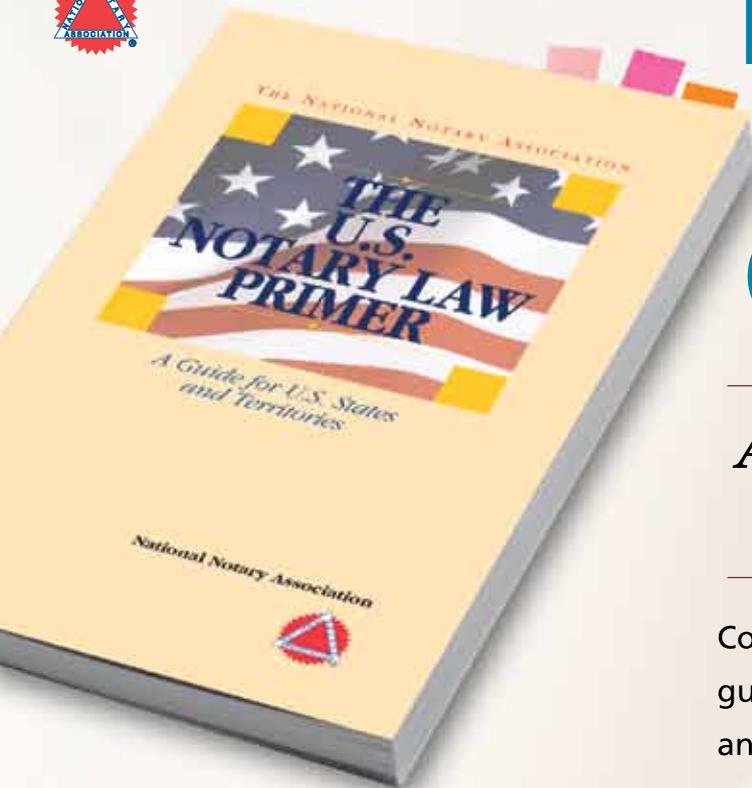
You would NOT write "Mary Smith-Jenkins" or "...AKA Mary Smith-Jenkins" in the certificate. It is the signer who must link the two names when signing the document, not you, when completing the certificate. Never complete a notarial certificate as follows:



Before using an "AKA" signature, it's the signer's responsibility to confirm that it is acceptable to the receiver. Some agencies may not accept documents signed in this manner. You cannot advise a signer whether an AKA signature is acceptable for a document. If the receiving agency will not accept an "AKA," the signer must either provide an alternate form of identification or credible witnesses to verify the name as required on the document, or locate a Notary who can personally identify the signer if state law permits personal knowledge as a form of identification. Otherwise, you cannot perform the notarization.



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Wills, Foreign Language Documents, Prisoner Requests And The Tax Man



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.

When asked to notarize a will, I suggest that the person consult an attorney prior to notarization. Does the same recommendation apply to a living trust?
K.B., Roanoke, VA

If someone asks you to notarize a will, you may suggest they get legal advice first or proceed to notarize it. You will need to ensure the will has a notarial certificate, and if it does not, the signer will need to tell you whether to take their acknowledgment or administer an oath (jurat). The same thing applies to living trusts. You can notarize those documents as long as you are specifically directed by the signer as to what kind of notarization (acknowledgment or jurat) the living trust requires.

As a Texas Notary, am I allowed to notarize non-English documents?
D.T., Austin, TX

Yes, Texas Notaries are authorized to notarize documents written in another language. As long as the notarial certificate (acknowledgment or jurat) and document signature are in English, Texas Notaries may notarize documents written in a language they cannot read. However, under no circumstances should a notarization be performed if the Notary and the principal signer cannot communicate in the same language.

As a California Notary, I have been asked to perform a notarization for an inmate who is incarcerated under an alias. He is requesting that I notarize a Power of Attorney document that is under his legal or birth name. However, he does not have a legal ID under this name, only under his incarcerated name. Can I perform this notarization?
L.L., Chino, CA

If the inmate does not have proper identification, you cannot notarize his document. Credible identifying witnesses could be used to identify the inmate, but you would have to confirm with the California Prison System as to whether this is an acceptable solution.

As an independent Notary Signing Agent/mobile Notary in Arizona, am I required to have a tax identification number (TIN) for my limited liability company? I am the sole owner and have no employees.
D.L., Phoenix, AZ

Unfortunately, this is not a notarial question, but an important one, nonetheless. We recommend that you check directly with your city or county clerk's office to find out if, as an independent NSA, you require a tax identification number.

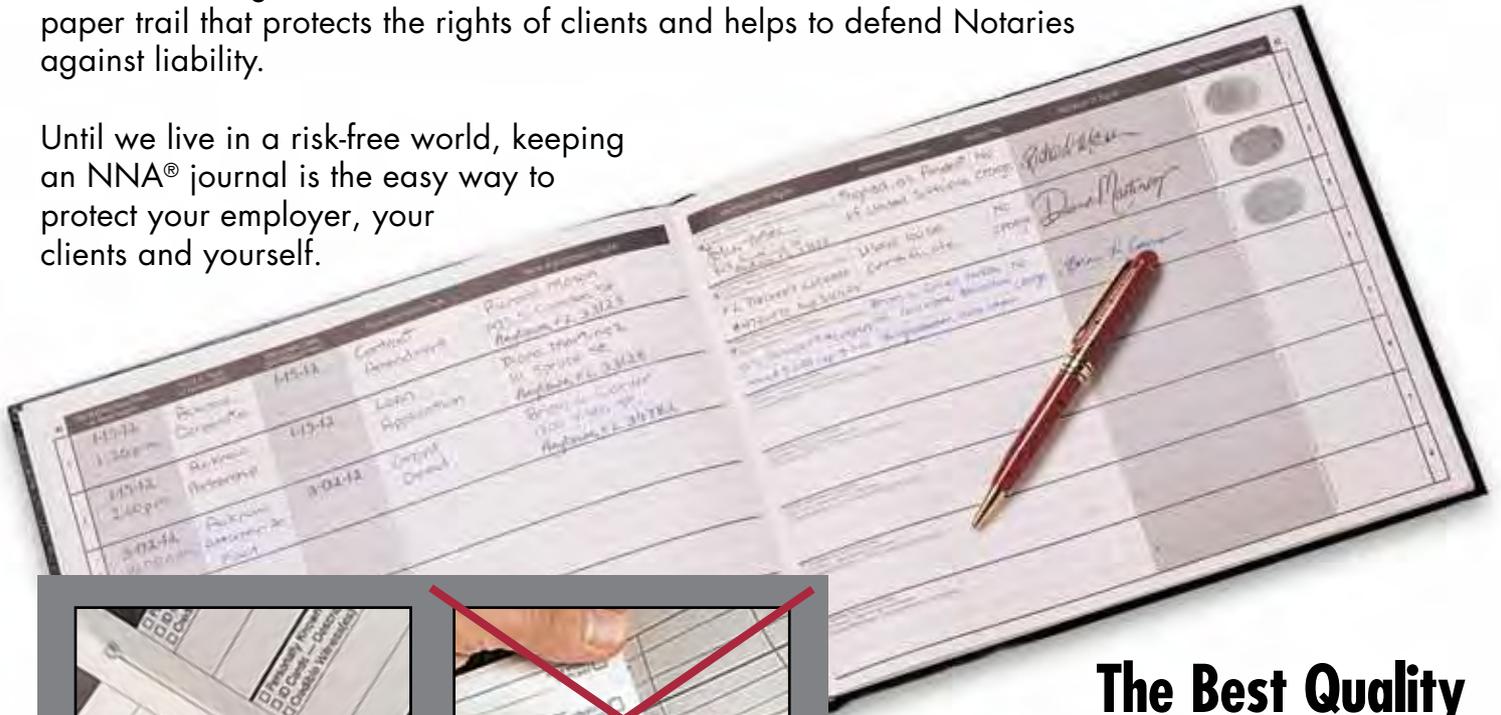
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— The Editors

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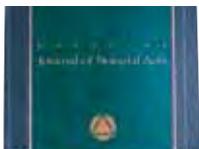
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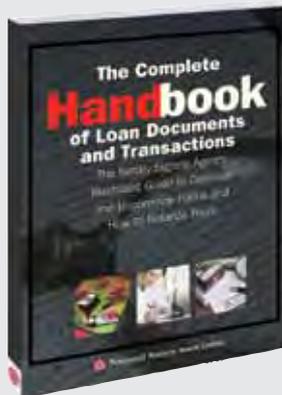
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