

# **‘SIGNED, SEALED, SECURED’**

A report on the 25<sup>th</sup> Annual Conference  
of the National Notary Association  
Chatsworth, California  
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## INTRODUCTION

The image of the notarial office has been challenged recently by widespread concern that Notaries may not have a role in this fast-paced era of electronic transactions.

The National Notary Association's 25<sup>th</sup> Annual Conference in Orlando, Florida, was one of the most significant in the history of the Association in several ways but primarily for demonstrating the falsity of the claim that the notarial office is irrelevant.

It was appropriate that, on the Conference's Silver Anniversary, the NNA boldly faced the challenge of proposing solutions to a dysfunctional notarial system.

The four-day conference, themed "Signed, Sealed, Secured," was the most ambitious program the NNA has ever presented.

The lack of uniformity in notarial practices from state to state was addressed in the updating of the Model Notary Act and the unveiling of the groundbreaking Electronic Notarial Journal of Official Acts — Enjoa™.

Conference attendees saw how state-of-the art recordkeeping works and were given the opportunity to use Enjoa™ with hands-on demonstrations in the conference computer lab.

Attendees also explored the opportunities of the growing Notary Signing Agent profession. A roundtable on the state of the Notary Signing Agent industry discussed the effects of interest rates — which continue to inch downward, the battle against fraud, lenders' unreasonable demands, and the need for reliable and trained Notary Signing Agents.

Other activities included a special session in which U.S. and foreign Notary regulating officials delved into such issues as archiving, authentication, fingerprinting, education and testing, fees and identification requirements.

Attorneys and government officials also were given insight into the expanding field of the Civil Law Notary.

In addition, the NNA recognized Notaries who exemplify the highest standards and dedication, through presentation of awards to the Notary of the Year and four Special Honorees. The annual March Fong Eu Achievement Award was presented to the official who has done the most to improve the standards, image and quality of the Notary Public office.

A digest of important presentations follows.

## **KICKOFF BREAKFAST: KEYNOTE ADDRESS**

**The Honorable Randy A. Daniels**

**New York Secretary of State**

As head of New York's Department of State, Secretary of State Randy A. Daniels manages 17 divisions with services ranging from training firefighters to maintaining records of corporations to managing more than 250,000 Notaries. In his address to the 2003 Conference attendees, Secretary Daniels noted the Notary's continuing high level of trustworthiness, honesty and integrity, while other once-respected institutions find their credibility called into question.

Secretary Daniels offered this insight at the kickoff breakfast regarding Notaries in his state:

The number of complaints we receive on a comparative basis is quite small, and they rarely result in disciplinary action. And that is the way it should be. The value you bring to the marketplace is your trustworthiness, and, in my opinion, its importance is significantly under-appreciated, which brings me to the main topic I want to discuss today. As we look around the world today and think about the issues that affect us, we see time and again how important trust, honesty and integrity are in every walk of life and institution. We especially see their importance when they are lacking. I spent the beginning of my career as a journalist. That is why I take special affront when I hear news stories have been intentionally doctored or fabricated. Currently, the focus is on *The New York Times*, but that newspaper is hardly alone in having published misleading or dishonest stories. As discussions about this incident have reminded us,

similar incidents also occurred in recent years at the *Washington Post*, *Boston Globe* and *The New Republic*. Television news has also had its share of ethical lapses. While there is good reason to believe the worst cases are ultimately exposed, we should also realize that something is lost in the process: trust; because when truthfulness is questioned, when it becomes doubted, trust is also diminished. And that does not just affect the past but also affects the future.

Another area where we see a loss of trust, of course, is corporate America. And here, we can often measure the costs in dollars and cents. The bankruptcies of companies such as WorldCom, Enron and Adelphia, for example, wiped out billions of dollars in market capitalization. And not only did thousands of employees lose their jobs, in many instances, they also lost their retirement savings. And these were just the companies that went bankrupt. Billions of dollars in market capitalization were also lost at other companies, that had problems with accounting.

Secretary Daniels spoke of the importance of trust and how it is unique to the character of America:

It is a great paradox, but I came to realize that our greatest strength as a people comes from the fact that, because we are a free people and because we are a nation of immigrants, we attach great importance to trusting each other. We understand more than any other nation that for society to function, when people are mobile and do not know each other, when they are not bound by a particular class or a station in life, they must establish norms of trust because there is no alternative. Trust, therefore, is what holds us together as a society. That is why we cooperate and work together. It is our great advantage as Americans. But it is also true that trust does not exist in a vacuum. Ronald Reagan used to say on the subject of the Soviet Union and arms control: trust but verify. He was right. And

that, of course, is what you as Notaries do. You verify signatures to ensure that people can do business and interact with each other in ways that are mutually beneficial. That verification process is crucial.

The role of the Notary won't diminish with the onset of electronic transactions, Secretary Daniels said:

As you know, there has been a great deal of concern in recent years over identity theft. As we move to a society where remote business transactions become more common, there is greater fear of the consequences of dealing with a dishonest party. Technology also creates the possibility, in effect, of leveraging identity theft, because nowadays a successful hacker has the potential to compromise larger and larger data bases in ways that would not have been practical when information was held in paper form or confined to a single mainframe. Rather than reducing the need to verify accurate information, therefore, I can imagine that the need for services such as notarization will actually increase as times goes on. And again, the reason is simple. People will not transact business unless there is an adequate level of trust among all participants. The issue, therefore, will be to find the best technological means of facilitating verification and maintaining trust, even as we increase economic efficiency. Perhaps the Enjoa™ prototype will be able to provide this.

Secretary Daniels said he was pleased to note the emphasis in The Model Notary Act of 2002 that any changes in the law should be technologically neutral:

We do not know how technology will change. But there is one thing that we know will not change, and that is human nature. And for this reason, verification will always remain a basic prerequisite for the effective transaction of business and law. The need to verify accurate information is also being increased by concerns over national security. As an expert

witness testified to Congress several years ago, false documents are as important to terrorists and their organizations as guns and bombs. This calls for increased need for verification, not the other way around.

Secretary Daniels is a firm believer that the first responsibility of government is to protect public safety:

I think we should be very clear where the basic responsibility for protecting the public lies. And that is not with you. You have an important role to play and you can be immensely helpful. But the primary responsibility for protecting the public lies with government. We pay good money for the services that we expect, and we should be very clear on who should shoulder the burden.

In his concluding remarks, Secretary Daniels paid tribute to the resiliency of the American spirit:

- I believe that we continue to be a beacon of light and a symbol of hope across the world and for all humanity. I believe, as Thomas Jefferson once said, we are the last, best hope of mankind, and I believe Ronald Reagan was right when he said our best days lie ahead. If we are to realize our destiny, and with humility accept it, then we must embrace the weeks, months and years ahead with confidence, courage, commitment and compassion. I am confident we will as Americans, as Notaries and as the official witnesses for our society.



## **OPENING GENERAL SESSION**

### **‘Meet Enjoa™’**

**Speaker: Bill Anderson**

The National Notary Association has been interested in and involved with computer technology for some time, following new developments as they have emerged in the marketplace and assessing their potential impact upon the Notary profession. The NNA believes technology can improve efficiency for Notaries and enhance their fraud-deterrent role. And the Electronic Notarial Journal of Official Acts — Enjoa™ — does both.

In the Opening General Session presentation entitled “Meet Enjoa™,” Bill Anderson, Research Center Manager for the NNA, gave five key reasons why Enjoa™ should be used:

First, Enjoa™ deters fraud. Notaries now have the ability to capture a signature, digital print and photograph of each signer at the time of notarization. Second, Enjoa™ enhances security. Enjoa™ will only allow the Notary who has registered the device to record journal entries. Third, Enjoa promotes standards. Enjoa™ combines the NNA’s longstanding standards for a paper journal with its new standards for an electronic journal, as defined in the Model Notary Act, Article III. Fourth, Enjoa™ creates efficiency. Enjoa™ allows Notaries performing high-volume notarizations to record journal entries faster and more accurately than is possible with a paper journal. Fifth, Enjoa is legal. Enjoa meets or exceeds state laws for Notary journals and is fully compliant with the Uniform Electronic Transactions Act and the federal E-SIGN laws, which make electronic signatures, notarization and recordkeeping legal.

Mr. Anderson explained how Enjoa™ can be used to prevent forgeries and fraud:

Enjoa™ allows the Notary to use the digital scanner to record a signer's thumbprint and uses the electronic signing pad to register the signer's signature. Add to this a third functionality — the ability to use an optional web camera to take the signer's photograph — and you have an effective tool for adding security to document transactions.

A third security feature, Mr. Anderson said, has been built into Enjoa™: entries may not be modified once they are stored, though the Notary can add a note later to any entry using a special “Addendum” feature:

One of the limitations of a paper journal is that any entry can be altered after it is recorded. White-out can be used to cover over information, information can be lined through with a pen, pages in the journal can be ripped out. Enjoa™ counteracts this limitation. Once an entry is committed to the database, it cannot be changed. Not even the Notary can go back into the entry to change anything. Now, that doesn't mean you can't add a note to a record later. Enjoa™'s “Addendum” feature allows you to attach a comment at a later date.

The ability to back up a database is critical. A Notary who uses Enjoa™ can make secure backups of critical data to a hard drive, network or removable media, like a CD-ROM. Mr. Anderson explained how Enjoa™ goes beyond the limitation of paper journals:

If you have years of paper journals archived in your basement and a flood washes out your home, your journals will be lost. With Enjoa™, you can store backups off site or even on the Internet so that if the unthinkable hap-

pens, you'll have a way to restore your data. This security feature will prove to be a huge benefit to all Enjoa™ users.

Mr. Anderson explained how Enjoa™ helps Notaries maintain records more securely and safely, better perform their jobs and perform their tasks faster:

Enjoa™ requires information in certain fields before the entry is saved. There are certain entries that a journal entry should contain, like the name and signature of the signer, the method of identification presented and the fee charged. If journal records consistently contained the same entries, then businesses, the courts, law enforcement and members of the public could confidently rely upon the information stored in Notary journals. Enjoa™ helps set standards for journal recordkeeping. Enjoa™ will lessen the likelihood that you'll forget something or make costly mistakes. If you're creating an entry in Enjoa™ and you forget to enter the signer's name, Enjoa™ won't let you record the entry until you type in the name. Enjoa™ is really stubborn; it guarantees certain minimum entries are recorded for each entry, providing consistent records from notarization to notarization and, to the extent that Notaries everywhere adopt Enjoa™, from Notary to Notary. Enjoa™ also teaches the Notary that certain entries are so valuable that the record for a particular notarization cannot be consummated without them.

Enjoa's™ ability to record entries faster for multiple documents and signers, while increasing accuracy, was examined:

Recordkeeping can become a burden for certain Notaries. For example, in a surety office, it's not uncommon for Notaries to process hundreds of bonds a day. A lender or title company may churn out dozens of deeds or assignments. And, on a lesser scale, Notary Signing Agents may notarize four or more documents for multiple signers in a single refinance transaction. Enjoa™ incorporates a couple of nifty features that will save

you time. One, we have what is known as a “recurring transaction” feature. If you notarize bonds, for example, you can store a profile for a bond, which includes the type of notarization, number of pages and so on. And you can then recall this transaction any time to cut down the amount of information you enter. Second, we have a “recurring signer” profile that allows you to associate transactions, such as a bond and a default fee, with a single signer as well. So what are the potential time savings? Your mileage may vary, but to give you what our experience has been, at the NNA where we process hundreds of Notary bonds a day, it’s not uncommon for a bond run consisting of 300 to 400 bonds to take seven to eight hours for one Notary to record. In our beta testing, once our staff began using Enjoa™ a 300 to 400 bond run only took one to two hours to record.

So how easy is Enjoa™ to use? Mr. Anderson commented on the Enjoa™ “user interface”:

We worked diligently to reduce any learning curve you’d encounter to the bare minimum. The metaphor we chose was a tabbed interface, much like a three-ring binder with binder tabs. We have tabs for the Signer, ID, Transactions, Fees and Biometrics. Two additional optional tabs include the Witnesses and Addendum tabs for use in special circumstances, or when you want to add a comment to a journal entry that you have previously saved. Paperless recordkeeping saves storage space paper journals require.

Mr. Anderson pointed out that the Notary’s personal representative may be required by state law to turn in a bound paper journal to a local city or county official for archival purposes:

In addition to biometric access — the thumb or fingerprint — Enjoa™ also incorporates password access. Assuming a retired or deceased Notary has given his or her password to a county clerk or personal representative, that person can get into Enjoa™. Only the person with the password can access Enjoa™ to search, view and print out journal entries. Enjoa will not let the person with password-only access add journal entries to the database. The entire journal may be printed out, bound and submitted to the applicable authority. Enjoa™ incorporates the industry standard PDF file format Adobe Acrobat Reader uses to print these entries. Looking into the not-too-distant future when your local city or county official may require the electronic file of your journal instead of a paper copy, with Enjoa™ that city or county official will be able to access the file (assuming of course he or she has the password) and print out the copy when needed. No special hardware or software is needed other than the “reader” to access the file.

Mr. Anderson said Enjoa™ meets or exceeds current statutory journal requirements and is compliant with *The Model Notary Act* of 2002’s provisions for an electronic journal:

An electronic journal that saves time and is easy to use, creates a more secure public record, and strengthens documentary transactions by providing more reliable and readily accessible information is a great idea. However, if it isn’t legal, then we’ve made one expensive paperweight. Long before we designed Enjoa™, the groundwork had been laid for an electronic journal of notarial acts. Once those standards had been established, we set out to create such a journal.

## GENERAL SESSION

### “The Model Notary Act”

**SPEAKERS: CHARLES N. FAERBER AND MALCOLM L. MORRIS**

Each of the United States and its territories sets its own rules governing Notaries. By the 1970s, many of those laws, some drafted in the 1800s — a few in the late 1700s — had become increasingly out of step with modern life. There was a need for a model statute to guide state lawmakers in modernizing their Notary laws. In response, the NNA recruited a panel of attorneys and state officials and the Yale Law School to produce the original *Uniform Notary Act* of 1973. The *Act* was updated in 1984 and an almost totally rewritten in 2002. To encourage adoption, the NNA contributed it to the public domain, forsaking any copyright.

Speakers for the Model Notary Act General Session were Charles N. Faerber, NNA Vice President of Notary Affairs, and Malcolm L. Morris, law professor at the University of Northern Illinois. Mr. Faerber is widely recognized as one of the nation’s foremost experts on Notary regulations, customs and practices. Mr. Faerber spoke first, giving the audience background on the creation of *The Model Notary Act* of 2002:

The idea behind *The Uniform Notary Act* was to provide a model that lawmakers could use kind of as a starting point in reforming the outmoded Notary laws in their jurisdictions. By the end of the 1970s, California and Missouri had adopted significant portions of *The Uniform Notary Act*, including the all-important journal provision and a journal-signature provision. In 1984, 11 years after contributing its first model statute to the public domain, the NNA drafted and published its second Notary law prototype — *The Model Notary Act*—which was an updating and a

significant expansion of *The Uniform Notary Act*. The widely influential 1984 model was adopted in part, or in toto, by dozens of states and territories. Indeed, *The Model Notary Act* was adopted virtually without a word being changed in the U.S. Territory of Guam and, of all places, the Commonwealth of the Northern Marianas.

The 1984 model stood as a guide for lawmakers for 18 years, until the introduction of *The Model Notary Act* of 2002. Mr. Faerber explained why the update was necessary:

The list of things that the drafters of the 1984 *Model Notary Act* didn't know, as well as many other now-important things that they never considered, has been addressed in *The Model Notary Act* of 2002. This *Model Notary Act* is the product of five years of drafting and collaboration on the part of 29 experts from the fields of government, law, business and high technology. The new *Model Notary Act* provides rules for the state administrators who regulate Notaries and for Notaries themselves in performing notarial acts. Introduction of the new *Model Notary Act* is particularly timely. Last year, we conducted a comprehensive survey of state statutes regarding notarization and it was revealed that 70 percent of the Notary laws in the United States failed to provide Notaries with even minimal guidelines on how to identify document signers.

Mr. Faerber pointed out that *The Model Notary Act* of 2002 sets rules not just for traditional paper documents but also for electronic documents:

The Act provides rules for electronic notarization that do not violate the time-honored principles of traditional notarization. This includes the most important principle of all: that the signer of any document — whether the document is signed using electronic means or the traditional pen and ink

— must appear face-to-face before the Notary at the time of the notarization.

Mr. Faerber explained that electronic documents, rather than diminishing the importance of the Notary office, are actually heightening the importance of the Notary:

The more complex the technology you use to create a signature, the greater the opportunity there is for fraud. Now, *The Model Notary Act* fits into a new post-9/11 era when unscrupulous people assume false identities not just to make a financial killing, but sometimes to make a killing literally. It has become clear that financial enrichment is no longer the sole aim of every impostor. Murder and destruction may now be the impostor's goal. In this post-9/11 era, Notaries who are in place in every community in the United States, are really in a unique position to deter and even detect the impostors who quietly live among us, biding their time and trying to fit in before they commit a terrorist act. When such persons perform such mundane functions as purchasing a car or obtaining a firearm or getting a driver's license, they may very well have to pass the scrutiny of a Notary. Now, will the Notary be careless or criminal, as was the Virginia Notary who assisted three of the 9/11 hijackers in getting ID cards? Or will such Notaries be screened out in the application process, or perhaps shocked out of their carelessness during mandatory training sessions? The new *Model Notary Act* sets procedures for requiring such high application standards and such rigorous training.

Mr. Faerber explained the importance of requiring fingerprinting as a deterrent to fraud:



*The Model Notary Act* of 2002 stresses the importance of fingerprinting Notary commission applicants to weed out known criminals. The new *Act* also stresses the importance of training and testing applicants so that they fully appreciate the sensitivity and the potential far-reaching impact of their screening duties. The *Act* additionally stresses the importance of obtaining a journal thumbprint from the signers of such documents as a real property deed, something now required only by California law. Among the most important components of the *Act* are rigorous and clear-cut guidelines for Notaries to use in identifying document signers. Without such statutory standards, it's too easy for a Notary to be intimidated or cajoled or otherwise influenced into accepting a phony ID card or no ID card at all. So these four provisions of *The Model Notary Act* — mandatory fingerprinting of Notary commission applicants, mandatory training and testing of applicants, mandatory journal thumbprints for signers, and clear-cut, tough ID guidelines — unfortunately currently exist in the laws of only a few states. However, if these key provisions of *The Model Notary Act* could be enacted into law in every state, the persons in our midst who assume false identities — whether for enrichment or for mayhem — will have a much, much tougher job in going about their business.

Professor Morris is the nation's leading legal scholar, teacher and author in the field of notarization. His contributions to the field include co-authoring *Notary Law & Practice: Cases and Materials*, the first law school textbook written on notarization. He also taught the nation's first continuing legal education seminars on notarization for practicing attorneys. He is the author of the commentary portion of *The Model Notary Act* of 2002, providing insightful discussion of each provision in the *Act* and giving valuable background on what the drafters of the act were thinking as they wrote it:

*The Model Notary Act* puts together a comprehensive set of rules and regulations that govern not only Notaries but notarial practice. In some instances, what we've done is just restated long-standing rules that you're all familiar with. In other instances, what we've done is taken what we consider to be good practice and actually convert the good practice into rules of law that would mandate everyone follow them. We've also introduced some new ideas, but everything we've done has been designed to maintain the quality of the Notary profession and the integrity of document authentication. That's really at the heart of the *Act*. Documents that make it into the stream of commerce or into our personal lives must be properly authenticated so that third parties can rely on them and know that they are true documents signed by the person who purported to be the signer. In order to ensure that Notaries are able to do this, this *Model Act* provides a set of rules that really makes professionals out of every one of you. It imposes certain obligations upon you. It imposes an education requirement; it makes you be the best that you can be in performing your job because we think that's essential to having properly authenticated documents.

Professor Morris explained how *The Model Notary Act* of 2002 should be used:

In trying to craft a *Model Act*, you put together the ideas of people that they think would create the best uniform document, and so that's what they did. What can you do with a *Model Act*? It is not law. Don't take this document home with you and follow it in your state because it is not the law. It is only a proposal. And what we'll hope is that legislators will look at this and adopt it. Now they have the option of adopting it in toto; just take every word and make it the law of their respective jurisdictions, and that would supersede current laws in wherever they came from. I'm not sure that will happen, but it might in certain jurisdictions. There are other options that legislators can choose. They can decide that they like Articles

One and Two but have no interest in Article Three. Just take two out of the three articles. They could decide they're very happy with their current law, but there are a few provisions in the *Model Act* that make a good deal of sense. So they can just take a few of those provisions and integrate them into their existing statutes. So it will be up to you when you get back to your states over the next year or so to determine which portions of the *Model Act* have actually been integrated into your statutes. And of course, if you feel that any part of the *Model Act* that we presented is useful, you're always welcome to contact your legislators. As working Notaries in the field, you may inform them as to provisions that you would think would be very useful in your jurisdictions.

Professor Morris explained how certain provisions in the *Act* streamline the notarial process:

*The Model Notary Act* of 2002 includes traditional Notary acts — acknowledgments, oaths and jurats — but it also recognizes “signature witnessing.” Many Notaries actually just witness signatures but use acknowledgment certificates. And there is a difference between the two. The *Model Act* says “let’s not worry about the difference.” If you use the right certificate and all you’re doing is witnessing a signature, so be it. We also recognize copy certifications and we’ve introduced something new: a verification of fact. This allows a Notary to look at an official document, presented by the principal who’s seeking the notarization or the verification of fact. It allows the Notary to look at the document, read a fact on the document ... and verify that fact in a document by affixing name and seal. That’s something that we haven’t been allowed to do as Notaries before. However, if you read the commentary to that section, it seems that with the increase of foreign-nation adoptions, there are certain information items that have to be verified before the adoptions can take place. This allows a Notary to verify those facts to make these adoptions

go through much easier and quicker. That was our goal. The concern: verifying a fact isn't a license for you to go out and practice law. And we want to make it clear that verifying facts of a document doesn't allow you to draw inferences from the facts and it doesn't allow you to be like many of my colleagues in the legal profession and be creative with the facts. I'll be interested to see how many states actually adopt that provision, but we think it's one that's worth consideration.

Professor Morris then delved into the subject of electronic notarization and how the Act deals with it:

It doesn't give guidance. We felt that under federal law, the "E-Sign" act gives no authority for a state to deny a Notary the right to perform an electronic notarization. And then we took the next step. We actually created an article that addresses how to go about performing the electronic notarization. To my knowledge, no one had done it before we did. So they were just empty words to say that a Notary could perform an electronic notarization; nobody knew how to do it. Article Three is all about how to register in your state to become an Electronic Notary, and, after you register, how to go about the business of doing electronic notarizations. An important aspect of the *Act* is that we remain technology neutral. We did not pick one existing electronic signature technology in the *Model Act*.

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## NOTARY OFFICIALS OPEN FORUM

This forum provided an opportunity for state officials to discuss issues concerning their particular states. Among the topics discussed were recordkeeping, access to Notary records and potential privacy issues, education and testing. Currently, only half of the states' statutes are specific about recordkeeping requirements and only a handful of states require Notaries to keep their records.

And then if you're looking for something specific, are you entitled to see that piece of information?

NNA President Milt Valera said blanket access to a Notary's records is improper:

A private citizen may want to see a particular transaction or see a Notary's journal, the question can come, "Are you entitled to look at the whole journal? You'd be on a fishing expedition as opposed to looking for something specific.

While acknowledging that snooping by the government presents privacy concerns, John Henderson, a hearing Examiner for the Commonwealth of Pennsylvania, said Notaries are commissioned as public officers, and therefore their records are public as well:

One can argue the records are public documents and can be used for any purpose. From our perspective it's important, especially when you have to consider who allegedly was there and who allegedly was signing the document and whether the notarization was performed efficiently. There

may be a utility for the public at large, that they may be curious. But I personally have never been asked for prompted. I don't walk down the street and people ask me, 'Hey, who have you been notarizing for this week?'

The question of how much access officials should have to Notary records was discussed by the officials.

Enjoa recordkeeping ability was explained by NNA Group Manager Ozie Stallworth:

In terms of the testing, we literally did thousands of transactions with various iterations of the current software to test every feature, all of the functionality and the intuitiveness. We are currently working with a number of financial and mortgage institutions to see how it will work for them being they're in a corporate environment.

Ten states have comprehensive requirements regarding recordkeeping the time, date, document they're bringing before you, as opposed to most states who has requirements that state, 'A Notary should keep a record.' ''

Look, we're going to have to pick and choose what we want to do, and we're going to focus on what notarization is. Anybody can use this system. The components are there for a good notarial record. Enjoa™ will establish a standard. You won't be able to perform a notarization without personal appearance. You won't be able to cheat.”

“For those of us that have been less than pleased with the (requirement) standards, this (Enjoa) is certainly something Notaries can turn to. All of the elements are there in chronological order and it’s user-friendly.”

Thumbprints requirements

“There’s all sorts of horror stories out there. There are people who go to the hospital and come back to find that there’s someone living in their house.”

(Armando: Seems like he’s talking about how a lack of a thumbprint requirement can help facilitate fraud such as this).

“How do you reconcile between...discrimination and asking the Notary to require something (the thumbprint requirement) that’s not required by state law?”

From Milt: “What we tell Notaries outside of California, in those states that don’t require thumbprints or signatures in their journals, is that you kindly explain to them and ask them to do so. If they refuse...that’s an out. You have to be comfortable with the fact the person is who they say they are.”

From Milt: “The Notary is an official for the state, not for the party necessarily.”

In one person’s particular county: “The law states that you must be a State of Ohio resident to be a Notary.”

## Education and testing

“In our state (Ohio), I see it as an enormous problem.” (note: he was referring to the lack of education and testing.)

“We’re delighted that we’re approving the process of education providers.” (Note: Don’t know what state he’s referring to).

From Milt: “If they don’t pass, they can come back as many times as they want.”

I think from Milt: “It’s a lot of money to become a Notary in California. When it’s all said and done, it’s around \$300, \$400.

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## **FAREWELL BANQUET: KEYNOTE ADDRESS**

### **The Honorable Ron Thornburgh Kansas Secretary of State**

Secretary Thornburgh has made major strides in making state government more accessible and is an enthusiastic leader in e-government initiatives. In 2002, he was given the Digital Government “Agent of Change” Award by Massachusetts Institute of the Technology for his introduction of the Kansas Online Uniform Commercial Code filing system. This year, he has led the implementation of e-signature services to automate online transactions. State employees, and eventually Kansas residents, will now be able to obtain digital certificates to ensure the integrity of electronic documents and e-mails sent to state agencies.

Secretary Thornburgh offered these insights at the Farewell Banquet:

We’re here at a time in which the world around us is changing and you are a part of it. You are the driving force behind that change and you ensure how it happens and why it happens. From the times of the Roman seal, with the crest and the wax, to a digital thumbprint today, the change has continued, but the basic principles have always stayed the same. Today, on a daily basis, we talk about security. We talk about our personal security, whether it’s the alarm system in our home or what we’re doing in our office place or whether the alert level is at red, orange or yellow. We talk about our new awareness for man’s pure capacity for evil that we learned in the last couple of years.

Secretary Thornburgh spoke of the Notary's need to become an active part of the ever-changing economic and technological environment:

In this digital age of electronic signatures, we don't know precisely and exactly what the Notary's role is going to be. As we look at the role you will play in the evolution of this process, the message is simple: get great or get out of the way. Make it happen, drive the change, be a part of the change, be a part of that evolution, or get out of the way of everybody else in this room who's going to make the difference.

Secretary Thornburgh predicted that electronic identification issues would be solved within the next few years and encouraged Notaries to take an active part in finding the solution:

Business, technology and government will find a solution to the identity management problems and the identity management issues we face. You can either choose to be a part of it, or you can allow them to dictate to you what they think it should look like. Now more than ever, the need for security in identity management is larger in this world than it has ever been before. Technology and change continues to be driven faster and faster and faster. Identity theft grows at a rate of 30 to 40 percent per year in the electronic mechanisms of this world. Tell me there's not a need for identification management within the systems and the structures we're building right now; if we don't get a handle on it, we lose everything very quickly. So how will you play a role in that? As most laws are now being rewritten for electronic transactions, I think all too often we're saying, 'Well, do we really need that notarized? I mean, come on, it's a document. They're probably not going to lie. And if they do, we'll catch them later.' So what kind of role are we going to play as the transaction principles of security and trust are sacrificed for speed and convenience? That's not a compromise I'm willing to make.

Yes, I want all the speed and all the convenience I can get, but not when we're sacrificing security and trust. The Electronic Commerce Coordinating Council is just now beginning to write their white paper on security ID management. How will you respond to that white paper of this group of government officials who are going to determine what the policies are going to be in the very near future? How are you going to make a difference in that game?

Secretary Thornburgh said the most important element in business remains face-to-face contact:

Programming will never change the fact that you can look into somebody's eyes and see whether they're performing this action under duress. Programming will not change the facts of what it takes to provide a secure transaction. We need face-to-face, we need people-to-people, now more than we've ever had before within our world. As our world continues to move faster and faster and faster, I think it's important that we stop and look each other in the eye every single chance we get. The ultimate role of the Notary is to look people in the eye. Look them in the eye and make a difference. At a time when the risks have never been higher when it comes to personal security and identification management, we need you and the National Notary Association now more than we've ever needed them before. At a time when our personal security is under attack, at a time when our rights are being questioned in the name of homeland security, we have to be careful.

Secretary Thornburgh closed with the follow remark:

- Let me close with what I think is a quote that wraps it up very nicely. Leo Rosten said, "The purpose of life is to take a stand. The purpose of

life is to count. The purpose of life is to matter. But most importantly, the purpose of life is to have it make some difference that we have lived at all.”

**MARCH FONG EU  
ACHIEVEMENT AWARD RECIPIENT'S  
ACCEPTANCE ADDRESS**

**TODD G. KOCOUREK**

Each year, the National Notary Association presents the March Fong Eu Achievement Award to an individual who has contributed the most to the improvement of the standards, image and quality of the office of Notary Public.

Mr. Kocourek, a Florida attorney and the Special International Counsel for the Florida Department of State, was honored with the 2003 Award at the Farewell Banquet.

Mr. Kocourek has been a valuable facilitator in the establishment of the nation's first Civil Law Notary system to exist in parallel with a traditional U.S. Common Law system.

The result of Mr. Kocourek's effort on the landmark 1997 bill establishing a Civil Law system in Florida was that Florida Civil Law Notaries would come to be regarded as trustworthy peers of similar education and authority by Notaries abroad.

In his speech, Mr. Kocourek explained how he became involved in establishing Civil Law Notaries and his commitment to integrate the system cooperatively with the nation's traditional Common Law systems:

I've been given too much credit for the establishment of the Civil Law Notary system in the state of Florida. It came about as the result of the hard work of a great many people before me and with me. Notary Civil Law is not a challenge or a replacement. It is another option. Civil Law Notaries will be an increasingly useful option because people today, more and more, have legal and business interests that cross international borders. The demand for Civil Law Notaries' services is increasing

because we do what attorneys can not do. The Civil Law Notary gives evidentiary quality. Our documents are presumed correct as a matter of law.

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## CONCLUDING REMARKS

The National Notary Association's Silver Anniversary Conference in Orlando, Florida, was the most innovative and groundbreaking in the history of the Association. More than 350 attendees from foreign and domestic jurisdictions were treated to the unveiling of Enjoa™ and the revolutionary changes it brings to notarization. Notaries learned with hands-on training how to obtain an advantage in the competitive and fast-changing environment of 21<sup>st</sup> century commerce.

- The NNA thanks all the attendees who made "Signed, Sealed, Delivered" such a remarkable success. A special thanks goes to the participants of the roundtable discussions, whose technical expertise, insights and experiences proved so valuable.

**THE NATIONAL NOTARY ASSOCIATION'S**  
**26<sup>th</sup> Annual Conference**  
**will be at the Hyatt Regency at Penn's Landing**  
**in Philadelphia, Pennsylvania,**

▪ **JUNE 2-5, 2004**



**APPENDIX**  
**ROUNDTABLE ROSTERS**

Linda S. Adams  
Notary Education Coordinator Emeritus  
Florida Office of the Governor  
Tallahassee, Florida

Penny Cooper  
Notary Public Administrator  
Illinois Secretary of State  
Springfield, Illinois

Fran Fish  
Notary Public Administrator  
Utah Lt. Governor's Office  
Notary/Authentication Division

Peter C. Garcia  
Notary Supervisor  
New Mexico Secretary of State  
Santa Fe, New Mexico

John Henderson  
Hearing Examiner  
Department of State  
Office of Hearing Examiners  
Harrisburg, Pennsylvania

Cassandra Hicks  
General Counsel  
Ohio Secretary of State  
Columbus, Ohio

Mary Kane  
General Counsel  
Maryland Secretary of State  
Annapolis, Maryland

Dilip Mehta  
Notary Commission Administrator  
Ohio Secretary of State  
Columbus, Ohio

Eric Seabrook  
General Counsel

Ohio Secretary of State  
Columbus, Ohio

Pat Taggart  
Director Emeritus  
Office of the Secretary of State  
Jefferson City, Missouri

Christine Works  
Public Documents Administrator  
Secretary of State  
Springfield, Illinois

## **INTERNATIONAL DELEGATES**

### **Canada**

Leta Best  
President  
Society of Notaries Public  
of British Columbia

Wayne Braid  
Executive Director/Secretary  
Society of Notaries Public  
of British Columbia

### **UNITED KINGDOM**

Tony Dunford  
The Notaries Society  
Woodbridge, Suffolk  
United Kingdom

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President

Deborah M. Thaw  
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Charles N. Faerber  
Vice President of Notary Affairs

Ozie H. Stallworth

Communications Group Manager

Armando Aguirre  
Senior Editor