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The National NOTARY®

May 2010



THE MAGAZINE FOR PROFESSIONAL NOTARIES



Mike Shea
2010 March Fong Eu
Achievement Award Recipient

WHAT NOW?



The Notary Event

What you'll learn



With an impressive line-up of core workshops, programs and events scheduled, featuring a virtual who's who of the Notary world, the educational opportunities found at this year's Conference will impress all Notaries — new and established; employer-based and entrepreneurial.

We'll gladly provide a Certificate of Continuing Education to those able to take in at least nine workshops and two general sessions over the three days, and guarantee that you'll leave the 2010 Chicago event much more informed and invigorated than ever before! *The New Standard of Care* is not just a theme at the 2010 Notary Event of the Year — it's a commitment. You'll discover how recent legislative and judicial events have re-shaped the role of the Notary Public office, and more importantly, how you'll need to embrace these new standards in order to properly execute your duties as a public servant. **So what are you waiting for? — register today!**



Why you'll love it

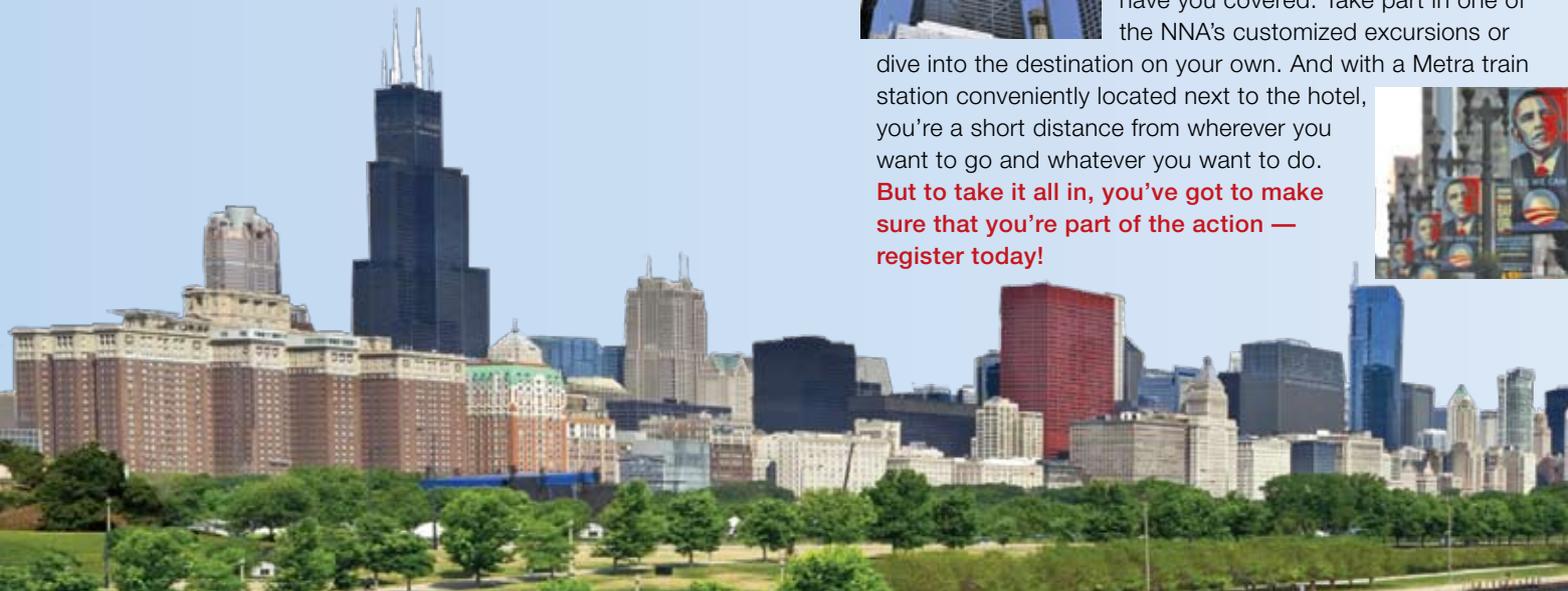
At the heart of the 2010 Chicago Conference is a dedication to advance your learning and promote your skills as a Notary Public — but we've planned this year's event with the spirit of honoring your dedication to protect the public trust. As a result, you'll hear from experts and professionals who will share their enthusiasm, their commitment, and their passion for *The New Standard of Care*. At the Conference's key signature events you'll be inspired to revere your role as a Notary with gusto and fanfare. **With so much to love about this year's Conference, make sure you're part of The Notary Event of the Year — register today!**



Where you'll go



As soon as you arrive at the stunning Hyatt Regency McCormick Place, you'll know that the 2010 Conference is going to be different. You'll be in the heart of a city that doesn't stop — from food to fun; from shopping to sightseeing — we have you covered. Take part in one of the NNA's customized excursions or dive into the destination on your own. And with a Metra train station conveniently located next to the hotel, you're a short distance from wherever you want to go and whatever you want to do. **But to take it all in, you've got to make sure that you're part of the action — register today!**



Event of the Year!

the new
Standard
of Care

LAKE SHORE DRIVES You Wild BONUS

The NNA, in partnership with the National Notary Foundation, is thrilled to offer an exciting package of savings & gifts for delegates registering for Conference **before May 13th**. Worth hundreds of dollars — the Lake Shore Drives You Wild Bonus is our way of saying “Thank You” — and one more reason that Conference 2010 is the Notary event you can't afford to NOT attend!

Registration is easy...

To guarantee your place at The Notary Event of the Year, just visit NNAConference.com where you can complete your registration online, or download a registration form. You can also call us direct at 1-800-US NOTARY (1-800-876-6827).

NNA CONFERENCE 6/14-17

A MUST FOR UPDATES & NETWORKING

GREAT INTRO TO NNA — LOVE CHICAGO

NOTARY EDUCATION \$\$\$ OPPORTUNITY

CAN'T AFFORD TO NOT ATTEND

MUST REGISTER TODAY!

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NNAConference.com

See you in Chicago!

June 14 -17, 2010

Hyatt Regency McCormick Place

\$99 NNA Rate — 1-888-421-1442

Special Expires 5-13-2010

Full Conference Registration — \$498
(\$598 for non-NNA members)

Single Day Pass — \$175
(\$250 for non-NNA Members)

Pre-Conference Workshops — \$99 each

Full Guest Pass — \$198
Gala Banquet Guest Pass — \$125

Monday, June 14th

Pre-Conference Workshops

Expo Opens

NNA Tours: Obama's Chicago
& Chicago City Tour

Welcome Reception

Tuesday, June 15th

Expo Continues

General Session: Opening Keynote

General Session: Notary of the Year
Panel Discussion

Workshops

NNA Tours: Dinner Cruise on Lake Michigan

Wednesday, June 16th

Expo Continues

General Session: “The State of the Notary
Public” Office Address

Workshops

Gala Banquet

Thursday, June 17th

Expo Continues

General Session: What Every Employer
Needs to Know

Workshops

Farewell Event

Register Today!

for all things Conference ...

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PUBLICATION POLICY

The objectives of THE NATIONAL NOTARY are to: (1) publish only quality articles on Notaries, notarization and related subjects; (2) inform our readers of important developments in the field of notarization; and (3) focus on Notary issues and related subjects that are helpful, educational and informative to Notaries and others interested in the field.

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From The Senior Managing Editor



The Value Of Knowing What You Don't Know

It is often said that doing the “right” thing is not always the “easy” thing.

I firmly believe in this mantra, but I always felt there was something missing: What do you do if you don't know what the “right” thing is?

Countless Notaries across the United States face this dilemma every day. They perform flawed official acts at the urging of their bosses, not realizing that the absence of personal appearance is a violation of law. They unknowingly rely upon identification documents that don't meet statutory standards for satisfactory evidence. And they fail to keep sound records of their notarizations — if they keep them at all — not realizing how important they are in protecting the public from fraud, and the Notary from ending up on the wrong side of a lawsuit.

There are some Notaries who purposely dismiss best practices and risk legal exposure simply to make their life “easy.” But the vast majority of untrained Notaries have no idea that their official acts are flawed, and they face a ticking legal time bomb simply because they never learned to do it the “right” way.

When faced with a task of significant import, you should never assume you know what to do. The remedy is to seek guidance from the experts (page 26). There are several sources of valuable knowledge, including your professional organization, local Notary networking groups and your Secretary of State.

Several states require mandatory education for Notaries — the latest being Colorado (page 12) — but unfortunately, far too many do not, leaving the responsibility upon Notaries to learn how to uphold their important public duty.

That's the primary reason the NNA was founded in 1957 — to fill the massive void of education left wide-open by the states. Notary education is so important at the NNA that our programs are consistently evolving — most recently marked by a special, customizable curriculum (page 24) designed for Conference 2010 attendees.

In the end, the irony is that doing the “right” thing can also be the “easy” thing. All you have to do is realize what you don't know, and invest a little effort into discovering the answer. The alternative is to forge ahead with blinders on and, while you may avoid some obstacles, you will eventually slam into a brick wall ... or worse.

When faced
with a task of
significant import,
you should never
assume you know
what to do.

COVER STORY

16 • What Now?

Notaries today are being overwhelmed by information, events and demands that were unforeseeable not too long ago — a symptom of what might be termed modern-day “compression fatigue.” And as the second decade of the 21st century begins, Notaries, like so many others who are striving to achieve and maintain professionalism in their chosen career fields, find themselves constantly asking that worrisome question about their future — What now?

WHAT NOW?



FEATURES

12 • March Fong Eu Achievement Award: Mike Shea



Mike Shea, Director of the Licensing Division of the Colorado Secretary of State, has been selected the 2010 March Fong Eu Achievement Award recipient. Shea is being honored for his tireless commitment to improving the standard of practice for Colorado’s 110,000 Notaries.

24 • Building A Conference Schedule To Meet Your Needs

Delegates attending Conference 2010 in Chicago now have the ability to customize their own schedule so that their specialized workshops and sessions meet the needs of their line of work.



26 • The Experts You Can Trust



When you have questions about Notary practice, finding the answers is as simple as knowing where to look. State regulators, other Notaries and your professional organization have the expertise.

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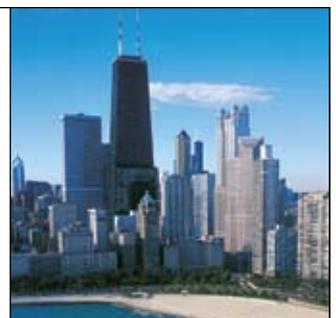
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ON THE WEB

Conference 2010 Provides Important Employer Guidance

NNAConference.com





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ASSOCIATION**

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OUR MISSION

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

OUR READERS' RIGHT

Employer Worries

I am very concerned about Notary employer-employee issues. In spite of the recent Illinois appellate court decisions confirming increased employer responsibility with regard to best practices, there continues to be a lack of responsibility on the part of employers to be proactive in the training and supervision of their Notaries. This includes a decreased willingness to pay for professional association dues and training.

This is shortsighted thinking, and will lead to increased risks on the part of employers, and discourage Notaries from either joining or continuing in the profession.

Geraldine Bowen, Thousand Oaks, California

Identification Crisis

I read that California recently considered a bill that would allow Notaries to accept "matricula consular" cards from Mexico as satisfactory evidence of identity. Why require Notaries to accept these IDs from another country? It is already hard enough trying to decipher the IDs for the 50 states in the United States. Where is the common sense in some of these bills?

Willie Mae Williams, Columbus, Texas

California Governor Arnold Schwarzenegger vetoed this bill (AB 442) in late 2009 following strong opposition from the NNA and Notaries across the state. — The Editors

Renewal Issues

I did everything I was supposed to in order to renew my Notary commission early. I called the California Secretary of State's office and was told they had all my necessary paperwork, but they do not send out commissions any earlier than 30 days prior to the expiration date of my renewal. That means when I get my commission, I have to hurry up and get it to the city clerk's office to file it and then hurry and order my new stamp.

All because the Secretary of State's office cannot handle the paperwork in front of them from the California Notaries seeking their commission renewals or a new commission. It is very frustrating.

Lynn Votaw, Chino, California

Letters To THE NATIONAL NOTARY

We welcome letters, comments and questions from you and reserve the right to edit for space and clarity.

Contact us at publications@nationalnotary.org or by fax at (818) 700-1942. Mail can also be sent to National Notary Association, Editorial Department, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.



Oprah, Obama And Opportunity

If one were looking for reasons to go to Chicago to attend this year's annual Conference, we have found them. Whether or not you have spent years reading from Oprah's

Book List, you surely want to know something about the city in which she began her trip to fame. The foundations of the presidency of Barack Obama can be discovered amid the precincts of the Windy City. And what Notary wouldn't be interested to meet colleagues in a state that allows them to fingerprint certain document signers and charge up to \$25 for these transactions?

The Chicago location also offers an unusual opportunity for Notaries anywhere in the country to attend our annual Conference at a stellar location *and* obtain valuable training and coaching on the latest practices and procedures — and at a bargain too!

We cannot predict how the next 10 years will play out for our office, but we can project that it is going to be a stimulating time for Notaries who not too long ago believed they were being left behind by the computer age.

Except for a brief moment in the sun when the U.S. Supreme Court in 1984 decided, in *Bernal v. Fainter*, that Notaries no longer needed to be citizens, there were few other Notary landmarks to recall from those quiet decades.

Certainly, in that same year, few of us recognized any significance to the break-up of AT&T that paved the way for a telecommunications and digital revolution. And Apple's innovative introduction of the mouse during that year caused hardly a ripple on the Notary's millpond.

We have traveled seemingly light years away from those days when lawmakers and business people thought very little about

revitalizing the Notary office — if they thought about Notaries at all.

How could anyone have predicted that Notaries would be instrumental players in the new electronic world? The sophistication of identity crimes in the 1980s was a mere hint of the threat it has grown to be. And the idea that Notaries would enjoy new revenue opportunities was never imagined.

Electronic records require security. Reliable identification of signers requires expertise. Notarization in healthcare, estate planning and other fields where sensitive data must be maintained requires specialized knowledge that cannot be acquired merely from reading statute, rules and regulations.

When the Illinois Appellate Court held an employer responsible for poorly training Notaries, it also declared that because state law was often silent on important notarial procedures, it was practical to look to industry standards to determine what is to be considered reasonable conduct by a Notary.

As we count the days until this year's Conference, we're preparing to further garnish the city's reputation for fostering personal and professional success in those who believe their reach should exceed their grasp.

Chicago is a place that has encouraged the talents of many remarkable Americans, and our Conference, with its theme of *The New Standard of Care*, proposes to do exactly the same. It shines a light on the bright future ahead for Notaries in this country who prepare themselves for success.

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

A Call For More Education For Notaries — And Employers



America's Notaries are paying attention to the growing calls for greater professionalism and accountability and realizing the need to do something about it, according to a recent National Notary Association poll.

Combined, seven out of 10 poll respondents viewed liability and education as the two most pressing issues facing the Notary Public office today. In many cases, respondents' comments suggested, the two issues go hand in hand.

"Testing and education should reduce liability and increase the public perception of Notaries," one Notary commented. A Maryland Notary who listed liability as his biggest concern, wrote that the key to the issue was, "Education, education, education!"

That is especially important for Notaries' bosses, say many respondents, who often are pressured by their employers to break the rules. The Maryland Notary wrote that his boss is reluctant to sign his notarial record, while "there is even a Notary in the office who signs a contract and then notarizes it."

A Washington State Notary writes: "Too many employers do not understand that the seal does not

belong to them, even if they paid for the employee's commission."

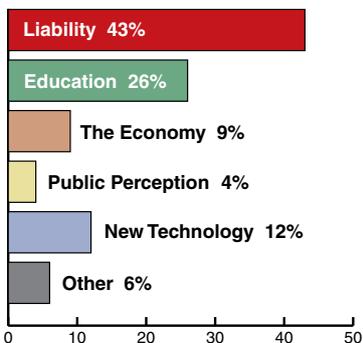
The comments clearly point to a growing recognition that by Notaries that employers need to understand their responsibilities as well as the role and boundaries of their staff Notaries.

In an effort to help educate employers of Notaries, the NNA has reserved a special day for them without charge at its Conference 2010 in Chicago. The session covers the responsibility of employers to properly train and supervise staff Notaries so they meet the New Standard of Care.

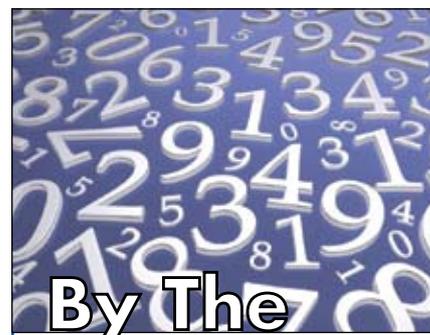
For more information, visit NNAConference.com.

NNA Poll Results

The NNA asked Notaries what their top concerns were.



Source: NNA Research



By The NUMBERS

\$12.29 The value of a stolen identity on the black market, according to Symantec

The average cost to a business for each consumer record compromised in a data breach **\$204**

100% Increase in the number of lawsuits related to loan modifications between the third and fourth quarters of 2009

The increase in the number of reports of suspected mortgage fraud in 2008 from 2007 **23%**



State Notary Regulators Targeting Misconduct

Across the country, regulators are scrutinizing Notary misconduct more closely and sending a message that commission holders will be expected to follow the highest standards of professionalism and care or they could face disciplinary — or even legal action.

Florida Governor Charlie Crist, for example, launched a statewide grand jury investigation to combat a “culture of corruption” among public officials. The move was spurred by a list of dozens of public officials and eight Notaries who had been disciplined, convicted or suspended from office for a wide range of misdeeds.

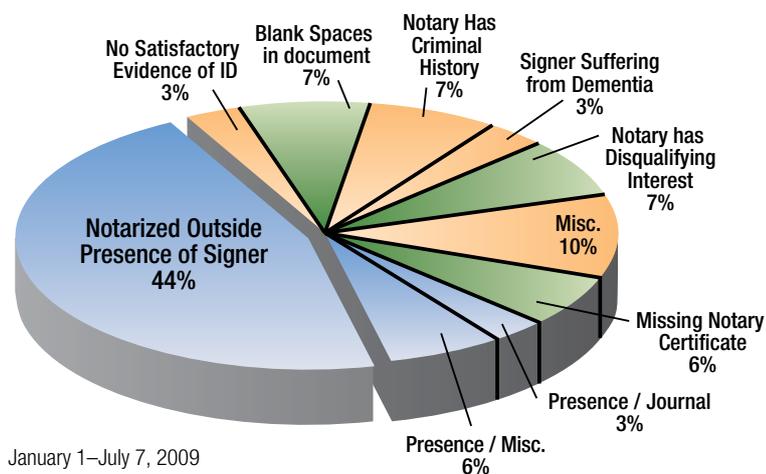
In Colorado a major crackdown is underway for violation of the state’s Notary Public Act, with a major issue being the lack of personal appearance. The Secretary of State’s office recently released a breakdown of the violations it encountered in the first half of 2009, and the most pervasive problem by far was by Notaries who did not require a signer’s presence.

And in Massachusetts, the personal appearance issue has become a criminal problem for a Worcester Notary who was indicted for her unwitting participation in a mortgage fraud scheme, even though she had no knowledge of the conspiracy. Her crime: accusations that she notarized documents without the signer being present, which allowed the fraud to go forward.

These cases illustrate that Notary best practices — including requiring personal appearance, keeping a record book and properly checking signers’ identification — are essential to protecting you from exposure to liability.

2009 Violations Of The Colorado Notaries Public Act

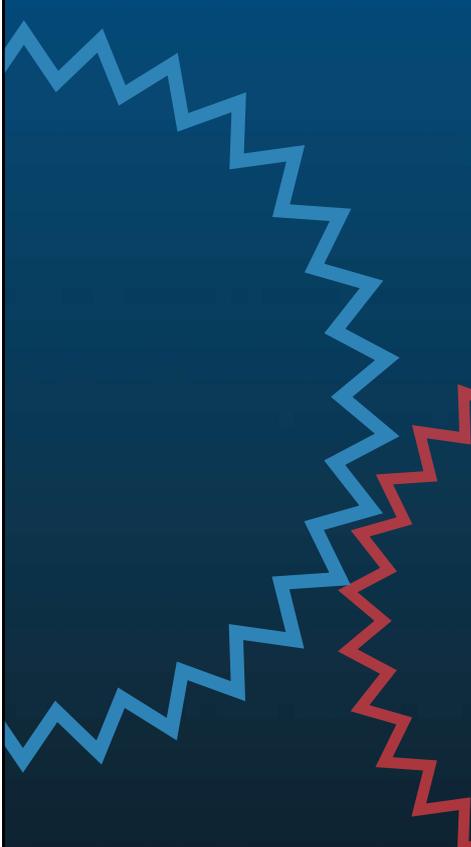
Investigated under signed complaint per 12-55-107, Colorado Revised Statutes



January 1–July 7, 2009

Source: Colorado Secretary of State

► More Than Training and Supplies





Chambers Connect Notaries To Their Communities

Just about every community has a Chamber of Commerce which offers an array of services and opportunities for businesses, and they can be a good networking and business resource for Notary entrepreneurs.

Chambers of Commerce are organizations of local businesses that share market information, advocate pro-business policies and provide a forum for business leaders. One of the most common activities is networking, which is a vital element for building a Notary-related business.

Actively participating in Chamber events and functions allows you to build a strong, positive reputation in the community, which helps when people are looking for the Notary-related services you provide.

To find your local Chamber, you can look in the phone book, search the Internet, or call your local government office. Some Chambers require a membership fee, while others do not, but the benefits they provide are clearly valuable to your business.

Recession-Fueled ID Theft Bringing Surge In Bogus Signers

Financial desperation born of the recession is fueling a renewed surge in identity fraud, and that means Notaries must be increasingly vigilant because they will likely see more impostors appearing before them.

In its recent forecast, the San Diego, California-based Identity Theft Resource Center (ITRC) pointed to trends that are driving the spike. Among them: an increase in the number of "all-in-the-family" cases in which thieves steal the identities of their relatives, friends, roommates and co-workers; and the emergence of people with no criminal history trying their hand at stealing people's identities.

Because many business transactions — such as real estate deals — require notarizations, Notaries are experiencing an uptick in identity fraud attempts. Recent data released by the federal government shows a significant jump in identity fraud committed in connection with mortgage fraud — driven largely by the recession.



The Identity Theft Toll

While ID theft losses decreased as the economy grew, the recession has reversed those gains since 2008.

	Victims	Total Losses
2003...	10.1 million	\$53.2 billion
2004...	9.3 million	\$52.6 billion
2005...	8.9 million	\$56.6 billion
2006...	8.4 million	\$49.3 billion
2007...	8.1 million	\$45 billion
2008...	9.9 million	\$48 billion

Source: Javelin Research & Strategy

eHealth Records Set Stage For Electronic Notarization

Electronic notarization predominantly has been pushed by the mortgage and real estate industries, but Notary technology is continuing its expansion into the healthcare industry, opening potential opportunities for healthcare Notaries.

Kaiser Permanente and the U.S. Department of Veterans Affairs recently announced a pilot program to share patients' electronic health records (EHR). The program, which started in San Diego, could end up going nationwide and include a large portion of the 5.4 million veterans receiving benefits from the VA.

"As the public accepts the benefits of EHRs, they will see the

value of signing their medical directives and powers of attorney with electronic signatures," said NNA Vice President William A. Anderson. "Once eNotarized and made a part of the EHR, the patient's wishes can be honored by any physician with access to the patient's EHR."

The process of exchanging medical records, which used to take weeks, now takes just seconds.

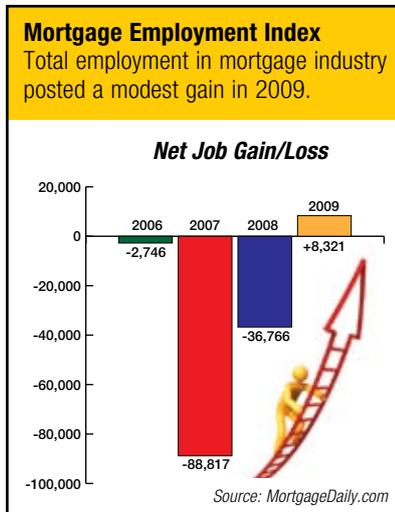
Electronic notarization will be applied when patients need to add such documents as advanced healthcare directives to their EHRs. Advanced healthcare directives are documents that provide instructions if a patient becomes incapacitated.

Mortgage Industry Employment Inching Up

In a small but encouraging sign that the mortgage industry is turning toward recovery — potentially good news for Notary Signing Agents — employment among lenders posted a modest gain in 2009.

In total, the industry posted a net gain of 8,321 jobs last year, according to the Mortgage Employment Index, which is produced by the online publication MortgageDaily.com. Lenders brought in 30,899 new hires compared to trimming 22,578 jobs via layoffs and attrition.

The latest numbers come after three years of massive job losses. There is still considerable volatility in the job market — the industry posted net job losses



in the first and third quarters of 2009 — but the overall job numbers support the cautiously optimistic view of economists that the mortgage debacle may have bottomed out.

Anti-‘Notario’ Efforts Growing

A growing number of states are taking swift action amid a rise in fraudulent immigration consultants, many of which are operating under the guise of *Notarios Publicos*.

In many Latin countries, *Notarios* are highly trained legal professionals akin to lawyers or judges who can dispense legal advice and assistance. Unscrupulous individuals in the U.S. have taken advantage of that perception to hold themselves out as immigration specialists, charging exorbitant fees for services they cannot legally perform.

During the past year, the Tennessee Attorney General has been investigating and taking legal action against Notaries who advertise as *Notarios Publicos* in order to prey on unsuspecting immigrants. Authorities in Michigan, Washington and many other states have also brought enforcement actions against *Notario* operations.



Notaries, especially those connected to immigration-related services, should always make sure their advertisements make it clear they are not legal professionals and cannot offer advice or represent clients in official proceedings.

► **More Than
The Notary
Hotline**



General Sessions To Address Critical Issues Affecting Notaries



Moving to enable delegates to experience a wider array of speakers and subjects at Conference 2010 in Chicago, the NNA's annual gathering this year will include more General Sessions over four days than ever offered before.

Among the highlights is the much-anticipated "State of the Notary Public Office" address, which will be presented live to delegates and via Webcast to Notaries across the nation by NNA President Milt Valera.

The session on June 14 will feature the presentation of the 2010 Notary of the Year award. Following days will include a panel discussion of current Notary issues with Notary of the Year recipients Daniel Lewis of Indiana, Liz Adams of Florida and Carol Salter of Colorado; and an overview of recent court decisions and how they affect Notary practices and the policies of their employers, featuring top Notary law expert Michael Closen.

General Sessions are open to all delegates and the session featuring Closen is open to all employers of Notaries. Attending two sessions will help Notaries complete their Certificates of Continuing Education.



Library Offers Online Notary Resources

For answers to questions on ethical issues, basic information on the role of Notaries, or other quick access to general Notary information, the NNA's Online Library provides easy access to information with the click of a mouse.

Part of the NNA's NationalNotary.org Web site, the Library includes PDF versions of the *Model Notary Act*, *The Notary Public Code of Professional Responsibility* and the brochure, "What Is A Notary Public?" which outlines general information about the Notary office and its duties. All are available for easy download and printing. The Library also includes links to state Notary-regulating agency sites and copies of NNA position papers.



Your Benefits:

NNA Webinars Bring The Experts To Your Desktop

The NNA has launched a new avenue for Notary education that delivers the latest information from the nation's top experts directly to your computer. With a continuing series of live Webinars, NNA Vice President William A. Anderson is now presenting online guidance and instruction on subjects ranging from Notary basics to the finer points of Notary Signing Agent practice.

The Webinars offer an easy and convenient way for Notaries to keep up to date on the laws, practices and procedures that are vital to maintaining professional standards and statutory compliance, said Anderson, one of the nation's foremost experts on Notary best practices and trends.

The NNA is also working with signing services and companies that employ Notaries to identify areas where more education is needed. As a result, the most recent installment, broadcast on April 13, detailed "How to Complete Notarial Certificates Right the First Time."

The Webinars are provided at no charge to members, and past Webinar archives are available for viewing anytime.

Members can view the live or archived Webinars on both PC and Mac-based computer systems using through any up-to-date Web browser.

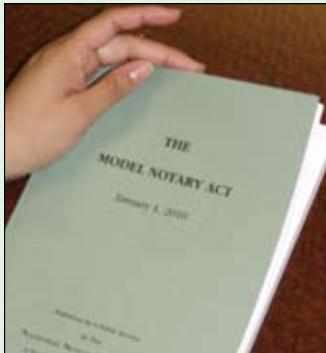


Updated 'Model Notary Act' Available Online

The NNA has published an updated edition of the *Model Notary Act* (MNA), the landmark model legislation that modernizes and enhances the role of the Notary Public Office, and it is available for download in PDF format from the NNA's Web site.

Also available is a map showing which U.S. states and territories have adopted provisions of the MNA, as well as a listing of the distinguished committee members involved in its drafting. The map also includes a description of 12 states that have adopted extensive provisions of the MNA into statute. All of this information is available for download from NationalNotary.org. The MNA is in the public domain, so legislators, employers, industry officials and educators can download it to help develop policy or curriculum.

The MNA is a set of model statutes and provisions to help states ensure best Notary practices when crafting their own laws. The 2010 update includes expanded information on electronic notarization.



Notary Foundation Scholarship Honors Hawaii's Mark Bennett

HONOLULU, HI — The National Notary Foundation has awarded a special scholarship grant to the University of Hawaii's William S. Richardson School of Law in the name of State Attorney General Mark J. Bennett, who was the National Notary Association's 2009 March Fong Eu Achievement Award recipient.

The University's Law School Dean Aviam Soifer received the Foundation grant from Bennett who was honored by the NNA at its 2009 Conference in Las Vegas, Nevada.

Bennett was honored for enacting a set of administrative rules that require Hawaii's Notaries to abide by *The Notary Public Code of Professional Responsibility*. Adopting the *Code* and other rules have significantly strengthened the ability of Notaries in the state to protect citizens against document fraud and rampant identity crimes.



Hawaii Attorney General Mark J. Bennett, left, and NNA Executive Vice President Deborah M. Thaw present Richardson School of Law Dean Aviam Soifer with the NNF scholarship grant.

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2010 March Fong Eu ACHIEVEMENT AWARD

Mike Shea is one of those rare public servants who is both an activist and a careful and precise thinker — a combination of personal qualities that has roots in his training and experience as a combat-zone military pilot and a detail-conscious attorney.

As Director of Licensing and Enforcement for the Colorado Secretary of State, Mike serves dutifully as Notary Public administrator. He never leaves a problem unsolved, and he always speaks out when a particular law or policy doesn't make sense. Through his tireless advocacy for education he has taken the lead to elevate standards and professionalism among the state's 110,000 Notaries and to promulgate best practices in their performance of official acts. His innovative and effective electronic solutions have vaulted Colorado to national prominence in the field of eNotarization. And his combination of common sense, progressivism, technical acumen and readiness to weigh in with helpful and informed opinions has earned him the unshakable respect of his fellow state Notary Public administrators.

For his decisive leadership and the positive impact he has had in improving the quality of notarial services for the citizens of Colorado, Mike Shea has been selected as recipient of the National Notary Association's distinguished March Fong Eu Achievement Award for 2010. Every year since 1979, this prestigious Award has been bestowed upon an individual who has done the most to improve the standards, image and effectiveness of the office of Notary Public in the United States.

NNA President Milt Valera praised Shea's efforts on behalf of Notaries. "He has been a driving force in implementing stronger professional standards for the Notaries of his state. Whether by working behind the scenes for legislation to mandate education, by installing optional Notary training programs through his department, or by personally instructing countless Colorado Notaries,

he has made a big difference. Due to his efforts, Notaries in Colorado are as well prepared to meet the 21st century challenges of both paper-based and electronic notarization as any state population of Notaries in the nation."

An Oregon native, Shea received a bachelor's degree in business administration from Pepperdine University in 1977 and a law degree from the University of Denver in 1980. He has since been admitted to practice law in Colorado and Florida.

Mike has also had a distinguished career as a citizen-soldier and helicopter pilot. He served in Vietnam, Bosnia and Iraq as a reserve member of the Marine Corps and the Army National Guard.

Shea joined the Secretary of State's office in 1988 and served as the Director of Commercial Recordings — a department that is now called the Business Division. Following the 9/11 terrorist attacks he was mobilized to undertake a dangerous tour as an aviator. When his duty ended in 2003, then-Secretary of State Donetta Davidson asked him to join the Licensing Division, where he first became involved with Notary issues.

The first thing Shea realized was how few educational resources were available to Notaries. "Training was the biggest issue — the fact that we didn't have any statutory provisions for training," he said. "My predecessor had tried to introduce guidelines for it and they kept getting shot down by the legislature." But the General Assembly wasn't the sole problem — in 2005 a Notary education and testing bill was successfully passed by legislators only to be vetoed by the Governor to "protect Coloradans from bureaucratic red tape."

Undeterred, Shea worked to put in place a Notary education mandate. Finally in 2009, with the help of testimony from Carol Salter, a dedicated and active Notary, legislation passed authorizing the Secretary to set rules for Notary education.

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"Had she kept a journal, it would have saved her a lot of money."

Mike Shea

A Fighter For Best Practices



Director of Licensing and Enforcement, Colorado Secretary of State's office

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Meeting with Andrew Whitfield, Deputy Director of Licensing and Enforcement.



On military assignment in Guyana as a member of the Army National Guard.



Speaking with members of the Licensing and Enforcement staff.

Another critical need Shea recognized and fought to address was improved recordkeeping requirements. For many years, statute required Notaries to keep a record only of the acknowledgments they performed that affected the title to real property, and even then a large loophole enabled Notary-employees to forego keeping a journal record altogether.

“We had run several investigations and hearings in which Notaries had done everything right — except maintaining a journal,” he said. “One Notary who didn’t keep a journal was sued, and spent a lot of money to get the case dismissed. Had she kept a journal, it would have saved her a lot of money.”

Thanks to Shea’s aggressive efforts, a law took effect on July 1, 2009, requiring Notaries to keep a record of every notarial act. Though the loophole exempting recordkeeping by Notary-employees remains in effect, Shea strongly urges Notaries to keep a log book anyway.

“Regardless of what a boss says, you should still maintain a journal,” he says. “As a lawyer, I can say that if you are on the witness stand and someone claims he’s never seen you before, if you can pull out your journal and show you have the person’s name, address, signature and driver’s license information in it, that’s valuable evidence.”

Shea has been one of the nation’s leaders in bringing electronic technology to Notaries. He has worked closely with county recorders and title companies to put eNotarization rules into place, enabling Notaries who register with the Secretary of State’s office to perform paperless notarizations. Shea has devised an ingenious eNotarization system that involves assignment of Document

Authentication Numbers (DAN) to registered electronic Notaries. This system offers Notaries and citizens a simple and low-cost way to authenticate electronic documents — yet it is flexible enough to integrate with public key technology and security.

Though Colorado has seen major changes in its Notary laws in recent years, Shea says Notaries have welcomed the changes. “At classes we teach, Notaries come to us and say they never knew about these levels of liability,” he said. He added that the state’s Notaries are also becoming interested in practices used in other states, like California’s thumbprint requirement.

While Shea spends a lot of time on the road teaching Notary classes — he estimates his office has taught around 2,000 Notaries since last July — he believes the need for Notary education will continue to grow. He hopes the state will update ID requirements by 2011 to

conform to the NNA’s 2010 *Model Notary Act*.

Shea is as energetic in his personal time as he is on the job. Along with spending time with his wife of 23 years, Gail, his stepchildren and 6-year-old granddaughter, he enjoys rock climbing, bicycling, skiing, snowboarding and golf. He has also offered pro bono attorney services to local residents in need as a contribution to his community.

The most important thing for Notaries to succeed in their work, he says, is to understand the importance of their role. “Realize that this isn’t just something you do once or twice every six months,” Shea said. “It’s a profession and it requires some diligence. There’s a lot of potential liability, and Notaries need to do everything professionally to reduce that liability.” 

“There’s a lot of potential liability, and Notaries need to do everything professionally to reduce that liability.”

**WHAT
NOW?**



We are living in an age of extreme compression. It took our species several million years to learn to fly — a feat first accomplished at Kitty Hawk in 1903. Yet only 66 years later, humans flew to the moon.

It took mankind countless millennia to fully understand the exact function performed by the human liver — but only a relatively short time thereafter to begin transplanting these vital organs from person to person.

Most of the significant advances in the physical, biological and social sciences — from astronomy to zoology — have occurred within the past 125 years. This may be due to the fact that most of the problem-solving brains that ever existed were alive and functioning in human heads during the past century and a quarter. Humanity in Caesar's day comprised a small pail of sand — humanity today is a beach extending miles.

Thus, Notaries today may be excused for their complaints of being overwhelmed by information and events that were unforeseeable not too long ago. It's an understandable symptom of what might be termed modern-day "compression fatigue."

As the second decade of the 21st century begins, Notaries, like so many others who are striving to achieve and maintain professionalism in their chosen career fields, find themselves constantly asking that worrisome question about their future — *What now?*

Whether one lives in a metropolitan area or rural township, the value of a notarization, the significance of a signature penned in ink, and indeed the very nature of human identity and what it means to "personally know" another individual, are suddenly being reexamined from new and often disorienting perspectives.

“Rather than being supplanted by technology, Notary services will grow exponentially because of technology.”

When California recently enacted legislation that eliminated the century-and-a-half-old “personally known to me” option for identifying a document signer, and mandated instead a documentation-only rule, the onset of a new, security-conscious era was clearly signaled.

The concept of identity was thereby removed from the province of the five senses and human discretion, and instead invested in identification documents issued by a third party. Yet such identification documents and their presumed equivalency to an actual person now present heightened risks such as tampering or counterfeiting by tech-savvy criminals — to the Notary, to the signer and to the public in general.

Technological advances loom over all of our organizational and social norms. Suddenly Notaries are quietly asking whether or not their role can remain

viable in society and, if so, what skills and attributes will be required to continue providing value in our fast-changing legal and commercial systems: “Will anyone need my services?” “What usefulness will I provide?” “Will technology replace the work I do?”

And in the end, selfishly perhaps, what does it mean for *me* personally?

For Notaries with reservations, the long-term outlook and opportunities for America's official impartial witnesses are enormous.

There will always be a need for a trusted third party's authentication of formal transactions, whether drafted on paper or an electronic medium. The list of these sensitive documents is endless.

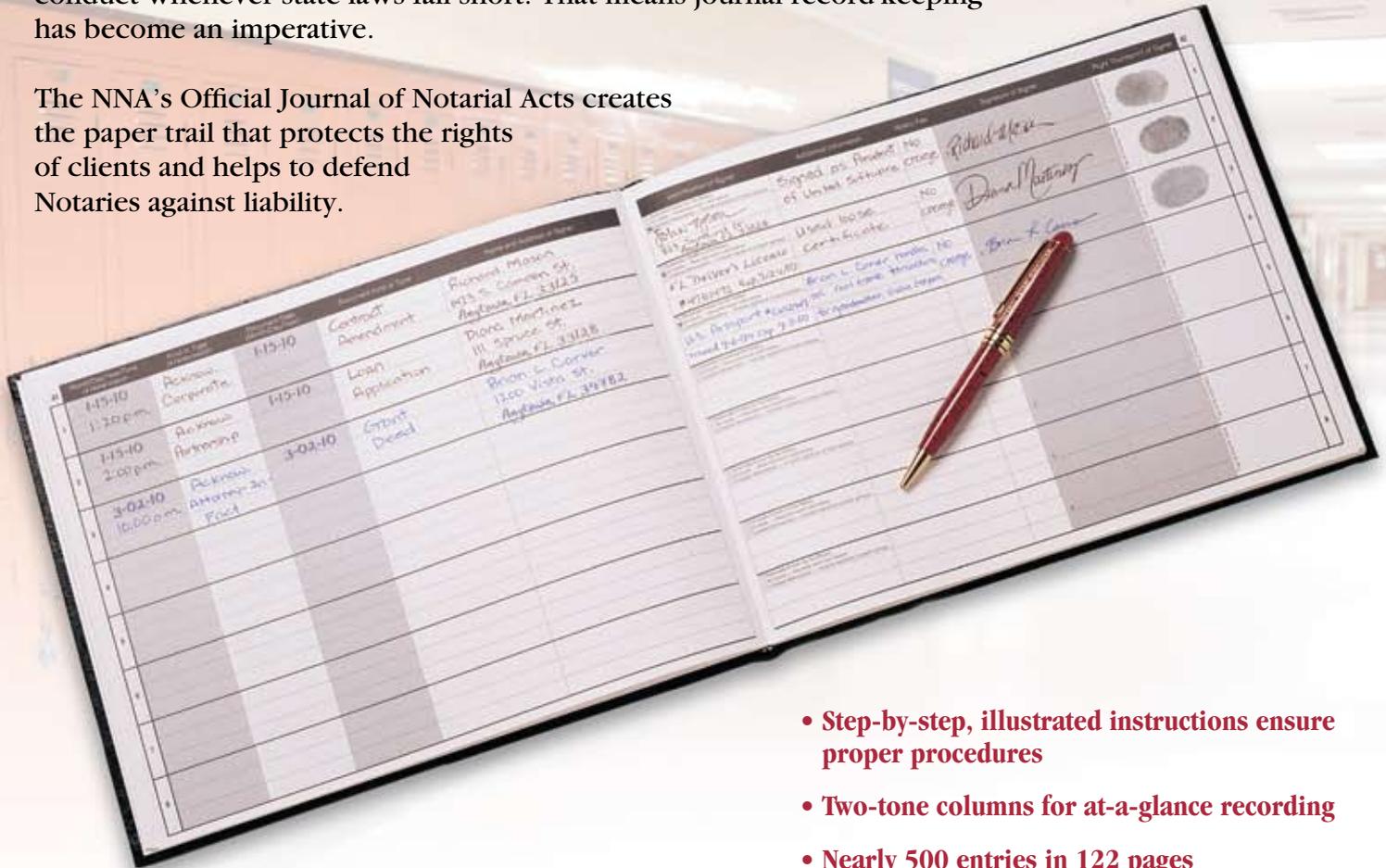
Deeds need to be notarized before they can be recorded as confirmed evidence of lawful ownership of real property. Affidavits of loss need to be notarized to set the legal wheels in motion to prosecute perpetrators of insurance fraud. Adoption papers need to be notarized to convince child care facilities

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As a Teen, Keeping a Journal Was Just for Fun. As a Notary, It's Your Duty.

Time was, only 38% of states required Notaries to keep a journal. But recent court rulings have looked to the NNA's *Model Notary Act* to set notarial standards of conduct whenever state laws fall short. That means journal record-keeping has become an imperative.

The NNA's Official Journal of Notarial Acts creates the paper trail that protects the rights of clients and helps to defend Notaries against liability.



- Step-by-step, illustrated instructions ensure proper procedures
- Two-tone columns for at-a-glance recording
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Official Journal of Notarial Acts, Hardcover

NNA Members: **\$23.95**

Non-members: \$27.00



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on the other side of the world to release an infant into the custody of an adoptive parent. Powers of attorney need to be notarized to authorize one individual to make critical healthcare decisions for another person.

The role of the Notary continues to escalate in importance in this digital age when legal transactions between total strangers are commonplace and there is a heightened need for a trustworthy human “anchor” to invest integrity into sensitive documentary transactions.

When an Illinois appellate court recently ruled that an employer has direct liability for failing to adequately train and supervise its employee Notaries, it confirmed, too, that courts accord greater significance now more than ever to the performance of official notarial acts.

The verdict of the appellate court had a sobering message: Whether they operate independently or as employees, Notaries are now being taken to task for their failure to adhere to statutes, administrative regulations and official directives and, especially, widely acknowledged best practices and commonsense rules.

For years leading up to the current global fiscal crisis, lenders and other financial institutions, from Fannie Mae to local community banks, were arguing for an easing of loan verification “burdens” that, as has been proven, weren’t all that rigorous to begin with. And in keeping with the anti-regulatory climate, some state legislatures attempted to weaken application procedures for Notaries or to remove such “onerous” but proven fraud-prevention requirements for Notaries as keeping a record of each notarial act performed.

Despite intense pressures, the all-important requirement of “personal appearance” by the signer during notarization has not been compromised or abandoned. More than ever, the Notary and notarization continue to provide security to our nation’s transactions by virtue of the Notary’s

careful screening of each signer for identity, volition and awareness.

The idea that technology can simply replace traditional notarial processes in commerce and law is creating tremendous pushback by experts and a dissatisfied public victimized time again as they purchased homes and had loans refinanced.

There is appeal, of course, for cost and time savings systems, particularly during economic downturns, such as the present one. But even then, the integrity of proper Notary oversight in important transactions continues to win favor.

Consider the most recent example of a proposal by business interests to put corporate expedience before public safety. Earlier this year, legislation was introduced in Virginia that would have allowed video-conference notarizations without the Notary at the same physical site as the document signer — thereby dangerously eliminating in-person screening by the Notary for identity, willingness and basic competence.

Today, when industries are looking to cut operating costs and streamline procedures, notarization might seem like an obvious choice for elimination. Rhetorically, it has always been easy to brand notarization as a burdensome hold-up.

One reason this argument persists is that when notarization does its job,

“Notaries are positioned to answer the identification challenges that keep troubling our country.”

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If You Knew It All, You Wouldn't Need a State Notary Law Primer

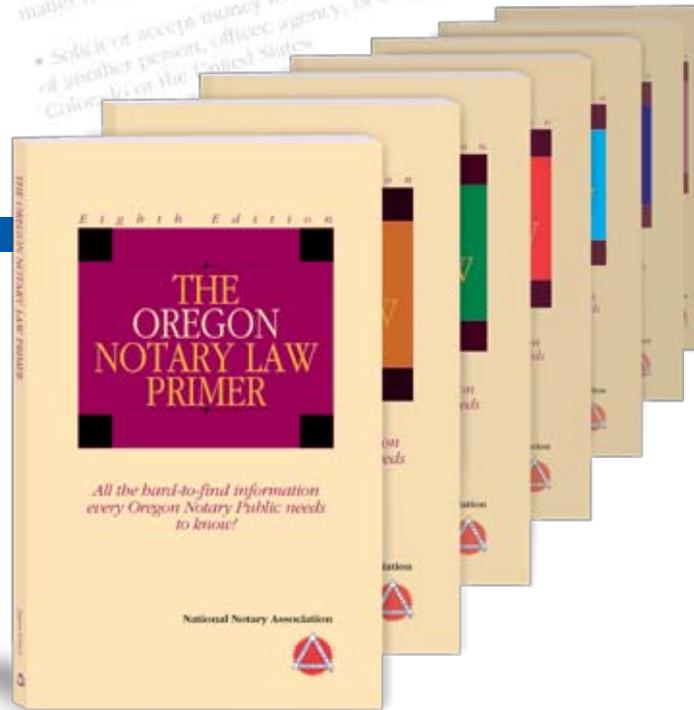
The complexities of notarization demand absolute command of each procedure, and the consequences of slip-ups can be severe. Keep your state's *Notary Law Primer* on your desk or bookshelf and enjoy instant access to crucial information. It's the easy way to know it all, including:

- Requirements for every notarial act
- Certificate wording for every notarization
- Wording for oaths and affirmations
- How to renew your commission
- All laws that regulate Notaries in your state, including text from the official state handbook

State-Specific Notary Law Primers

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Non-members: \$20.00



Arizona	Item #5130	New Hampshire	Item #5151
California	Item #5120	New Jersey	Item #5131
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Georgia	Item #5148	North Carolina	Item #5129
Hawaii	Item #5132	Ohio	Item #5141
Illinois	Item #5137	Oregon	Item #5128
Massachusetts	Item #5146	Pennsylvania	Item #5136
Michigan	Item #5135	Rhode Island	Item #5162
Minnesota	Item #5149	Tennessee	Item #5142
Mississippi	Item #5152	Texas	Item #5123
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nothing happens — that is, there is no fraud. The transaction represented in the document comes to a successful fruition and all parties are content.

This is the byproduct of notarization — security, assurance and contentment — now and well into the future.

There are no shortcuts in the notarial process. There is no substitute for a trained impartial third-party witness to judge whether duress, coercion or other improper threats are pressuring a signer.

Even with the departure of some Notaries who have left a field that has become too complex and challenging for their taste, many remain exhilarated by the growing opportunities available with a Notary commission, and they have chosen to rise to another level and master the new standards and precedents of a growing professional area.

Notaries today are demanding and participating in training and educational programs more than they ever have at any other time in history. While state regulators and legislatures may be slow to pass laws mandating formal instruction for Notaries, businesses and the public at large are beginning to understand the benefit of using Notaries who know what they are doing.

And Notaries themselves are coming to understand the business advantages and the career leverage of earning designations as a Notary Signing Agent, Trusted Enrollment Agent or as a Trusted Notary — all leading to a demand for fulltime professionals to perform the work and handle the myriad responsibilities in properly identifying parties in specific areas of industry, business, law, government and international commerce.

Even in the current real estate malaise, home sales remain steady in many markets — albeit at suppressed prices — as buyers take advantage of historically low interest rates. Short sales and other remedial real estate events still require notarization. Notary Signing Agents

who have proven their reliability and competence to lenders and title firms are still being sought out.

In this traumatized national real estate marketplace, beset with scandal, fraud and identity crimes, the ethical standards set forth in *The Notary Public Code of Professional Responsibility* are as compelling and important as ever. Notaries, employers, and particularly an economically battered American public are demanding that such a *Code* provide a comfort of integrity and impartiality to assure that the problems of today can be things of the past.

Rather than being supplanted by technology, Notary services in the future will grow exponentially *because* of technology. Gradually but surely, the idea of an identity verification expert is being embraced by business and government, and as a result certified and background-screened Notaries are being sought by the defense, pharmaceutical and healthcare industries.

Providentially, the special training of the NNA's Trusted Enrollment Agent (TEA) satisfies the unique policies of the many corporate certificate authorities who require digital identity credential applicants to be screened by state or federally certified entities.

The certified TEA today offers highly distinctive and needed capabilities in the marketplace. The program has already been embraced by prominent national corporations, including one that engaged the NNA with the largest ever number of identity-proofing assignments in the defense industry utilizing the Association's growing TEA force.

Technology is capable of many things, but detecting the discordant illogicalities and improbabilities that can trip up even a clever

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impostor is not one of them. Human ingenuity has yet to improve on the simple technique of looking at the behavior and listening to the words of another person as he or she responds to the questions of a trained screener. Such in-person screenings are essential for issuing the digital identity credentials that today allow access to closed medical and defense computer networks. As the need for these high-security credentials grows, the need for background-screened, computer-savvy Notaries trained to perform the requisite in-person identity screenings will grow correspondingly.

This year, the NNA published its much anticipated revision of the *Model Notary Act* — the latest version of its influential statute model that for nearly four decades helped legislators, Notary-regulating officials, industries and educators draft sound Notary laws and effective policies and rules.

One aim of the *Act* is to broaden the societal usefulness of the Notary office through such new duties as a “verification of fact” and certifying copies of electronic documents. Its effects — underscored by statutory adoptions in more than a dozen states and other United States jurisdictions — have proven that the fundamental tenets of notarization are vital to the modern world. It is a world where business transactions between total strangers are the norm rather than a rarity. A world whose citizens are so mobile and anonymous that identity theft is epidemic. And a world where electronic hyper-connectivity is vulnerable to sophisticated computer criminals.

Embracing change and an uncertain future is not a natural characteristic of the human condition and there is no greater example of that than the Notary office.

One constant of history is that times of seeming chaotic change often produce an enlightened new order. Laws will change and technology will enhance the speed by which we manage documents and transactions but only Notaries will provide the trustworthiness and assurances required in the execution of documents relating to real property, healthcare directives, financial and estate planning agreements and those yet to be conceived.

What now is not a troublesome uncertainty but a constructive inquiry into the nature of the Notary’s encouraging future.

In this age of extreme compression and accelerated change, Notaries — as they develop their training, enhance their knowledge and realize future career opportunities — are positioned to answer the identification challenges that keep troubling our country.

With their understanding of Notary best practices and involved procedures and — with dedicated demonstration of professionalism that reflects their critical role — Notaries will be the reliable, trusted and impartial services providers for an American public defenseless against those who strive daily to steal their identities. 

With their understanding of Notary best practices and involved procedures and — with dedicated demonstration of professionalism that reflects their critical role — Notaries will be the reliable, trusted and impartial services providers for an American public defenseless against those who strive daily to steal their identities. 

**“...when notarization
does its job, nothing
happens — there is
no fraud”**





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TODAY'S NOTARIES FACE AN EXTRAORDINARY array of challenges, including avoiding liability through sound practices, finding work in a tough economy, ensuring ethical notarizations in the workplace, and much more. Even long-time veterans are sometimes daunted at the issues they face in performing their day-to-day duties.

Because every Notary needs to evolve differently, the NNA took a special approach to its workshops and educational programs for this year's Conference in Chicago and is also providing Web site tools to help attendees to customize their daily program to fit their specific needs and vocations.

COMPLETION CERTIFICATES

As part of the NNA's specially designed Conference program, Notaries will be able to pick and choose a workshop schedule that is most relevant to their particular field or professional need, instead of

following a pre-set "track" of workshops. To receive a Certificate of Continuing Education, an attendee simply has to attend two General Session programs and any combination of seven workshops or labs in the following categories:

- **Best Practices** — Programs on maintaining sound practices and avoiding liability
- **Fundamentals** — Programs covering the ABCs of notarization
- **Professional** — Topics affecting NSAs, TEAs and Mobile Notaries

The four General Sessions during Conference include the following:

- **Kickoff General Session** — Presentation of the 2010 Notary of the Year Award
- **Notary of the Year Panel** — Featuring current and past Notaries of the Year

- **The State of the Notary Public Office** — An overview of key issues affecting Notaries today presented by the President of the NNA.
- **Legal Discussion** — An overview of recent court cases affecting Notary practices in the office and workplace liability

This approach is designed to give Conference attendees the choice to attend programs that will be most helpful addressing their specific needs or vocational requirements. Delegates will remain eligible for a certificate, even if they choose to skip topics that aren't directly relevant to them.

'MYCONFERENCE' ONLINE TOOL:

The Conference Web site features an easy-to-use tool called "MyConference" to help delegates organize their schedules. All workshops, General Sessions, signature events and excursions listed on the site include checkable boxes a user can click. Each event time selected is added to a master itinerary that the delegate can reference and print out or eMail to other people. This itinerary can be shared with friends and families to help plan travel, provided to employers for review when requesting permission to attend Conference or used as a personal reference while at Conference to help the delegate organize the day's activities. To use "MyConference," click on any page with a schedule of Conference events at NNAConference.com.

FOR THE NEW NOTARY

The essential starting point is basic Notary procedure and ethics. It's important not only for beginners to know how to properly complete acknowledgments, jurats and other acts, but also to learn how to recognize improper requests, possible conflicts of interest and avoid accidentally giving unauthorized advice regarding documents.

Beginning Notaries may wish to focus primarily on programs in the following categories:

- *Best Practices*
- *Fundamentals*
- *Suggested General Sessions:* Opening General Session, Notary of the Year Panel, State of the Notary Office, Legal Discussion

FOR NOTARY PROFESSIONALS

Experienced Notaries who specialize in fields such as loan document signings may wish to focus more on

recent industry trends, marketing tips and standards of care for their specialty. For these Notaries, we suggest looking at programs in the following categories:

- *Best Practices*
- *Professional*
- *Suggested General Sessions:* Notary of the Year Panel, State of the Notary Office

FOR THE CORPORATE NOTARY

Notaries who perform their duties for an employer often need to balance the needs of their employers with the strict requirements of state law. In such cases, understanding ethics related to employer-Notary issues such as fees, liability, recordkeeping and securing Notary tools is essential. We also strongly recommend attending the General Session discussing recent court cases holding employers accountable for Notaries having reasonable training and exercising best practices in the workplace, even if not specified by state law. For these Notaries, we suggest choosing a schedule from the following:

- *Best Practices*
- *Fundamentals*
- *Suggested General Sessions:* State of the Notary Office, Legal Discussion

Notaries will be able to pick and choose a workshop schedule that is most relevant to their particular field or professional need.

FOR EMPLOYERS

This is the first Conference offering programs specifically for employers and supervisors of Notaries. The NNA welcomes employers and encourages them to attend programs to help better understand the rules and procedures of notarization, easy steps that safeguard businesses from potential Notary-related liability, and how best to maintain professional Notary standards in the workplace beyond those specified by state law, as recommended in a key Illinois court case:

- *Fundamentals*
- *Suggested General Sessions:* State of the Notary Office, Legal Discussion

Details of individual workshops and programs in each category along with registration information for Conference are available online at NNAConference.com. We hope these suggestions are helpful to you and look forward to helping you sharpen your Notaries skills in Chicago this summer! 



THE EXPERTS YOU CAN TRUST FOR ANSWERS

WHEN NOTARIES NEED INFORMATION, HERE
ARE RELIABLE SOURCES THEY CAN CONSULT

TOO OFTEN, EMPLOYERS LOSE SIGHT OF THE difference between what they expect of staff Notaries and the limits the law places on notarial practice. In the corporate world, results are everything, and the steps Notaries must follow to verify identity and willingness are seen as obstacles in the way of getting results.

Some employers, while quite knowledgeable in their own fields of expertise, don't always have the most up-to-date answers to questions about state laws and procedures for Notaries Public. The trouble is, if the Notary doesn't have an accurate, reliable source of information to call on, changing a boss' mind about an improper request is an uphill battle, but it's one worth taking on because it protects you both from liability.

The good news is that there are reliable, trustworthy sources of information Notaries can turn to.

YOUR PROFESSIONAL ORGANIZATION

As a member of the NNA, you have access to the most reliable source of Notary information that exists

in the United States. For more than 50 years, the NNA has researched, written and discussed the best and safest standards of care for Notaries.

As the only professional organization that offers accredited training for Notaries in the United States, the NNA has Notary-related information available for every U.S. state and territory. The NNA's Hotline Counselors field questions from Notaries across the nation each week and also accept eMailed questions outside business hours. Should a Notary need information on any aspect of a notarization, whether it is certificate wording, proper identification procedure, or ethics, Hotline Counselors can assist U.S. Notaries in any region of the country.

Information is also available online at the NNA Web site, NationalNotary.org, along with online copies of important ethics guidelines such as *The Notary Public Code of Professional Responsibility*. The NNA also provides training for Notaries live and via the Internet, and publishes reference books such as state

INFORMATION RESOURCES FOR NOTARIES

NNA members with questions about notarization can contact our experienced Hotline Counselors by telephone at (888) 876-0827, Monday–Friday, 5 a.m.–5 p.m. Pacific time; or by eMail at any time at hotline@nationalnotary.org (please allow 24 hours for eMail responses.)

Notaries with ethics-related questions can find a copy of The Notary Public Code of Professional Responsibility online at NationalNotary.org/library.

law primers that Notaries can use to look up correct procedures if they have a question about a notarial act.

STATE NOTARY AGENCIES

Another good source for reliable information is your state Notary-regulating agency. Most state Notary agencies usually have someone on staff who can answer Notary-related questions by phone or eMail. Some states also publish reference handbooks for Notaries. Also, some states provide online resources for Notaries — Montana, Colorado and California, for example, offer their state Notary handbooks through the Secretary of State's office both in print form and as a PDF that can be downloaded and printed.

State Notary agencies can also help Notaries locate approved education providers for training classes, and some publish answers to frequently asked questions on their sites.

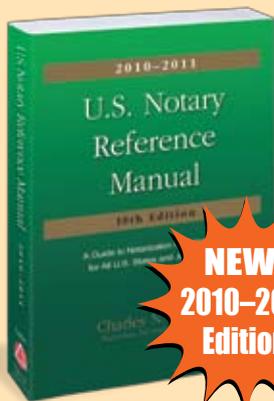
OTHER NOTARIES/SUPPORT GROUPS

Other Notaries can sometimes be helpful in answering questions, but choose who you contact carefully.

Education and training among Notaries can vary greatly, especially in states that do not require Notaries to take a test or training course in order to receive a commission. In order to avoid getting bad advice, try to find Notaries who are not only well-trained but who demonstrate strong ethics in their work as well.

If seeking information from fellow Notaries, consider looking for a professional support group of Notaries in your area. In some communities, Notaries meet together to share updates to state laws and information about challenges or questions they have.

When asking questions about Notary procedures, don't be afraid to seek out more than one source when looking for answers. 



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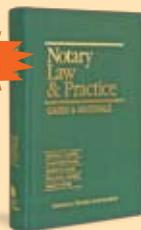
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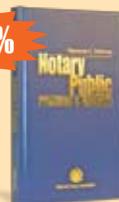


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- Partnership Acknowledgment — #5938
- Attorney in Fact Acknowledgment — #5939
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944*
- Copy Certification by Document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

Arkansas: (8½" x 11")

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

California: (8½" x 11")

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

Florida: (8½" x 7")

- Individual Acknowledgment — #5181
- Corporate Acknowledgment — #5182
- Official/Trustee Acknowledgment — #5185
- Partnership Acknowledgment — #5183
- Attorney in Fact Acknowledgment — #5184
- Signature-by-Mark Acknowledgment — #5931
- Disabled Person's Acknowledgment — #5933
- Certification of Photocopy — #5187
- Jurat — #5186
- Signature-by-Mark Jurat — #5930
- Disabled Person's Jurat — #5932

Hawaii: (8½" x 7", unless noted)

- REVISED!** • All-Purpose Acknowledgment — #5921
- REVISED!** • Jurat with Affiant Statement (8½" x 11") — #5935

Massachusetts: (8½" x 11")

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

Missouri: (8½" x 11")

- Acknowledgment by Individual — #15936
- Acknowledgment by Corporation — #5937
- Acknowledgment by Partner — #5938
- Acknowledgment by Attorney in Fact — #5939
- Acknowledgment by Individual Who Cannot Write Name — #5940
- Acknowledgment Through Affidavit of Executing Witness — #5941
- Certification of Facsimile — #5942
- Jurat with Affiant Statement — #5924

Nevada: (8½" x 7", unless noted)

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

New York: (8½" x 7", unless noted)

- All-Purpose Acknowledgment — #5925
- Proof of Execution by Subscribing Witness — #5926
- Copy Certification by Document Custodian — #5946
- Jurat with Affiant Statement (8½" x 11") — #15924

Ohio: (8½" x 11")

- NEW!** • Jurat with Affiant Statement — #15924
- NEW!** • Individual Acknowledgment — #15936
- NEW!** • Corporate Acknowledgment — #15937
- NEW!** • Partnership Acknowledgment — #15938
- NEW!** • Attorney in Fact Acknowledgment — #15939
- NEW!** • Credible-Witness Acknowledgment — #15943

Ohio (continued): (8½" x 11")

- NEW!** • Proof of Execution by Subscribing Witness — #15944
- NEW!** • Signature-by-Mark Acknowledgment — #15945
- NEW!** • Copy Certification by Document Custodian — #15946

Texas: (8½" x 7", unless noted)

- Ordinary (Individual) Acknowledgment — #5243
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement (8½" x 11") — #5924

Washington: (8½" x 11")

- Individual Short-Form Acknowledgment — #5906
- Representative Short-Form Acknowledgment — #5905
- Disabled Person's Acknowledgment — #5904
- Copy Certification by Document Custodian — #5923
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement — #15924

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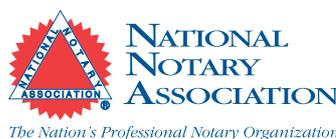
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THE SEAL IS A NOTARY'S ESSENTIAL TOOL, AND THERE ARE TWO MAIN TYPES THAT CAN BE USED IN PAPER TRANSACTIONS — INK STAMPS AND EMOSSERS. THEIR USE VARIES DEPENDING ON STATE GUIDELINES.

WHAT IS AN EMOSSER?

Unlike an inking seal — which uses colored fluid to leave a photographically reproducible image on a document — an embosser is a press-like device that “pinches” a document, leaving a raised image in relief on the paper surface. Unlike an ink seal impression, an embossed seal normally isn't photographically reproducible by itself.

RULES ON EMOSSER USE VARY

The requirements for using an embosser vary widely, depending on the laws of the jurisdiction where the Notary is commissioned. Many give Notaries the choice of using either an ink seal or an embosser when notarizing, although some only allow a Notary to use an ink seal when performing notarizations.

Some jurisdictions require an ink seal, but also allow Notaries to emboss the document after the ink seal is affixed. The territory of Guam is unique in requiring both an ink seal and an embosser on notarized documents.

In jurisdictions whose laws do not require Notary seals of any kind, generally Notaries are permitted the option of using any kind of seal. It is important that Notaries be aware of the type of seals permitted in their jurisdiction and how they are to be used.

PHOTOCOPYING EMOSSSED SEALS

One of the most common problems with embossers occurs when attempting to photocopy the notarized document. An embossed seal impression does not show up well — or at all — when the document is photocopied, which can lead to

confusion if the copy appears to lack a Notary seal. Many jurisdictions that permit the use of embossers require the embossed seal impression to be made “photographically reproducible.” In order to ensure an embossed seal impression is photographically reproducible, the Notary can rub a pencil point or other carbon substance over the seal impression to “smudge” or darken it so that it shows up when photocopied.

OPTIONAL USE OF EMOSSERS

In some states where an ink seal is required for notarization, state law allows Notaries also to use an embosser as an additional security measure. In these jurisdictions, while the embosser may not replace the ink seal, it may be added to the document as additional evidence of notarization or to prevent fraudulent replacement of pages.

In jurisdictions that permit embosser use, if a loose notarial certificate is attached to the document notarized, the certificate and document may be embossed together to show that they are part of the same instrument. Some Notaries using this option position the document and loose certificate so that the embossed impression appears partially on the document, and partially on the loose certificate, enabling them to be matched together in case the document and certificate are separated. However, Notaries should always confirm their jurisdiction permits optional embossing before proceeding.

Complete and up-to-date information about the seal requirements for each U.S. state and territory may be found in the 2010–2011 *U.S. Notary Reference Manual*.



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Variety Of ID Types Confuses Issue Of Identifying Signers

By Denese Turner
NNA Hotline Counselor
dturner@nationalnotary.org



One of the essential tasks a Notary performs is the vetting and verification of a signer's identity. While it may seem like a straightforward task, the process can be complex because

there are so many types and styles of IDs that vary from state to state, and from various authorities and government agencies. Many identification documents are also issued by trusted, well-known authorities, but they still might not meet the criteria for acceptable satisfactory evidence of identity. **D.A. of New York, New York**, encountered just such an ID and posed this important question: **I have to notarize a document from a UN official. Do I ask for UN official ID only?**

New York State only requires a Notary either to personally know or have satisfactory evidence of a signer's identity, but does not define satisfactory evidence (Real Property Law, Section 303). The best IDs have three components: a photograph, a signature and a physical description. Generally reliable forms of identification include: New York driver's license or official nondriver's ID; a driver's license or non-driver ID from any other U.S. state; U.S. and foreign passports; U.S. military ID; or permanent resident card (or 'green card') issued by the United States Citizenship and Immigration Services.

My employer requires me to be a Notary as part of my job. I record notarizations I perform outside the job, but do I need to document every signature of my employer for work-related notarizations?
C.D., Whitehall, Pennsylvania

Pennsylvania Notaries are required to make a chronological record of every notarial act in a Notary register. It is strongly recommended that the register be a permanently

bound record book (not loose-leaf) with pre-printed page numbers. (57 PS 161)

My purse was stolen with my Notary seal in it. What can I do?

M.F., Hialeah, Florida

A Notary whose seal is lost, misplaced or believed to be in someone else's possession, must immediately notify the Department of State in writing (FS 117.05[3][d]). Include your commission number and expiration date when notifying the state, and mail it to:

Department of State
Division of Corporations
Notary Commissions
P.O. Box 6327
Tallahassee, FL 32314

May I notarize my father's signature as long as the document does not involve me in the content of that document?

M.B., North Kansas City, Missouri

Although not addressed in statute, the NNA and the Missouri Secretary of State recommend that a Notary not notarize for a spouse, parent, grandparent, brother, sister, niece, nephew, aunt, uncle, child or grandchild because the financial affairs of family members are often intertwined. Such a notarization could be cause to challenge a document in court later on. Thus, it is always the safest practice to avoid even the appearance of a financial or beneficial interest and not notarize documents for immediate family (*Missouri Notary Public Handbook*, page 30).

You can reach Denese and all our experienced Notary Hotline counselors at

1-888-876-0827

5 a.m. to 5 p.m.

Pacific Time

Monday through Friday.

Hotline answers are based on laws in the state where the question originated and may not reflect the laws of other states. If in doubt, always refer to your own state statutes.
— The Editors



Instructions On I-9 Forms Can Cause Confusion

Few forms have caused as much consternation for Notaries as the I-9 Employment Eligibility Form. The official instructions for this document state

that a Notary can be relied upon to complete a portion of the form, so it gives the impression that it's acceptable to do so.

But Notaries must be extremely careful with these forms, and they should not affix their seal to an I-9 because it does not contain any notarial wording, and the act would reflect a notarization of your own signature. Additionally, Notaries should not use the title, "Notary Public" after their signature because that signifies that they are performing some kind of notarial act.

The I-9 is a U.S. Citizenship and Immigration Services (USCIS) form submitted by an employer to verify that a job applicant is legally authorized to work in the United States. Its purpose is to help ensure that people hired for a job are legally allowed to work by verifying that they are either U.S. citizens or foreign nationals who have the proper permission to hold a job in this country.

The form creates a record that the applicant's identification has been verified, and only certain ID documents are acceptable as proof of eligibility. Normally, the form is completed by an employer, but sometimes the potential employee is unable to appear in person at the company's headquarters.

As an alternative, companies can rely on third-party agents to verify the employee's identification, and because of their reputation for trustworthiness and their training in verifying identities, Notaries are considered good candidates for this function.

Notaries often receive contradictory information regarding these forms because the instructions on I-9s state that an employer may designate them as an "Authorized Representative" to verify an applicant's ID and sign a statement attesting that they did so.

Some employers have taken the instructions a step further — and into dangerous territory — by adding their own expanded instructions that call for a Notary to act as the "Authorized Representative," and even a cover sheet that offers space for a Notary's seal.

Companies also may require that the prospective employee sign other documents, or take an oath before the Notary. These should be treated as separate requests and judged on their own merits. If the document does not contain proper notarial wording, it should be rejected.

However, verifying a person's work credentials is not an official notarial act. By signing such a statement and affixing your seal to it, you would effectively be notarizing your own signature, which is prohibited in most states. If you choose to perform this task, you must do so as a private individual. You should not affix your Notary seal or write the title "Notary Public" along with your signature on this type of document.

Be aware that private employers often add erroneous instructions to those already on the I-9, directing Notaries to place their seal on the form. These instructions run contradictory to Notary law in all states and should not be followed. — *Jason Cohen*

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