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# The National NOTARY®

November 2010

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Value And Opportunities 12

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THE MAGAZINE FOR PROFESSIONAL NOTARIES



## Balancing The

# Pressures

## Between Service And Duty

Coming Jan

# THE NNA'S PROFESSIONAL

Covering Your Profession,  
Engaging Your



*This is going  
to be great for  
my business!*

**Redesigned Sections In Five Major Business Areas Will Deliver Specialized, Career-Boosting Information and Data In Your Industry. Section Members Will Get More for Less With Lowered Pricing.**

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**Two brand new Sections — Healthcare and Financial and Corporate Services** — join three current Sections that have been expanded and improved: **Notary Signing Agent and Small Business, Legal Professionals, and Immigration and International**. The Section eNewsletters will be published monthly — 12 issues a year — plus additional special announcements and breaking news bulletins.

Members in the current Notary Signing Agent, Small Business, Legal Professionals, and Immigration Sections will have full access to the revamped and retitled Sections. And the cost for each expanded and

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January 2011

# ALL-NEW SECTIONAL SECTIONS

## Providing Opportunity, Community

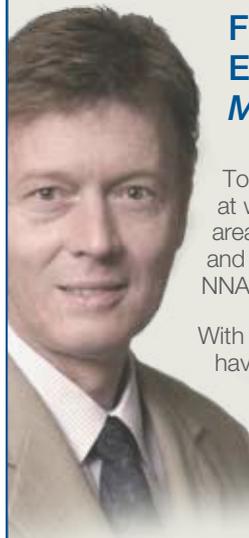
enhanced Section, which requires Association membership, is now even lower.

All Sections will provide essential and strategic information with insights and intelligence to help sharpen your professional practices and assist you in navigating challenges in your industry. Notable industry experts will serve as editorial advisers. The eNewsletters will offer news, analysis, trends, tools and services — professional assistance with a Notary slant that you'll be able to use right away.

Reports on eNotarization and related technology developments to help the Notary in each professional field will be a regular part of each Section.

The feature that is expected to hold particular appeal for Section members, based on the NNA's careful studies over several months, will be the new interactive "community," where Notaries may exchange ideas about issues and subjects of every professional interest. For the first time, Notaries will have the opportunity to address millions of their counterparts in an organized and professional forum.

**NationalNotary.org/NewSections**



**From the Desk of  
Executive Director  
Michael Robinson**

To help YOU gain an advantage at work and in your specific career areas of interest, we have redesigned and revamped our eNewsletters in the NNA's All-New Professional Sections.

With your Section membership, you will have the opportunity to benefit from a whole host of helpful information with an important Notary perspective that touches on such issues as identification, privacy and liability. Nowhere else will you be able to obtain such important information to assist you in your industry.

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- A Robust, Easy-to-Read Interactive eNewsletter
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- Regular Updates on New Laws, Regulations and Practices
- Industry Intelligence to Help You Seize New Career and Professional Opportunities
- Interviews and Columns from Leaders in Your Field
- Expert Advisers from Each Specialty
- New Section Communities For Your Questions and Participation
- Profiles and Biographies of Influential Industry Leaders
- Tips on Finding Employment and Succeeding in Interviews

### ***And there's even more...you'll receive...***

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**NOTARY ASSOCIATION**

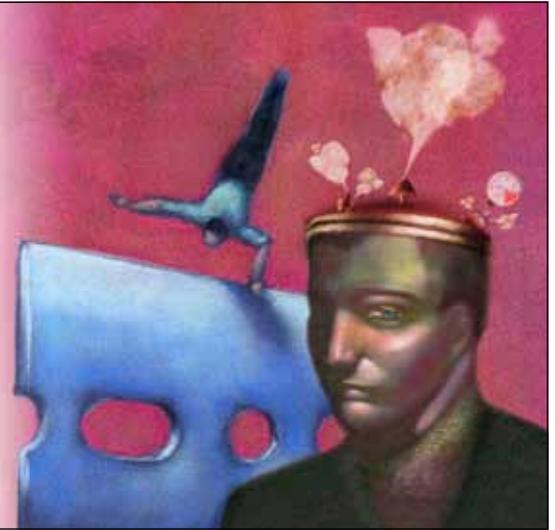
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## COVER STORY

### 20 • Balancing The Pressures Between Service And Duty

Notaries in the 21st century face a tense environment, often caught between employers and signers who misunderstand their role and the demands of high professional standards. But while you may feel compelled to acquiesce to unethical — or even illegal — requests, there is a simple truth: Knowledge and confidence is your greatest ally in balancing these pressures, and every Notary can prepare to deflect these situations, or even avoid them altogether.



## FEATURES

### 12 • A New CEO — Bringing Value And Opportunities

In a candid interview, the National Notary Association's new Chief Executive Officer, Marc Reiser, talks about his vision for transforming the Association.



### 16 • Coolidge 'Matters' To Notaries, Nation

The NNA's book "Why Coolidge Matters" has caught the attention of the national media for its urgent call for a return to civility in American life and politics, following the example of Notaries and our 30th President.



### 25 • Training Puts You In The Driver's Seat

When states don't require education, Notaries must be responsible and seek out their own training to make sure they don't accidentally go astray.

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### ON THE WEB

#### New Arizona Law Affects All Notarizations

[NationalNotary.org/az/lawchanges/](http://NationalNotary.org/az/lawchanges/)





# Professionalism Is An Attitude, Not Just A Label

Editors everywhere probably imagine a day when they get a “Virginia letter”. That’s the kind of letter that prompted writer Francis Church in a well-known editorial that appeared

in *The New York Sun* in 1897 to answer the earnest query of young Virginia O’Hanlon: Is there a Santa Claus?

In the common daily routine of journalism, this offered a stimulating challenge to write something uncommon.

Not too long ago, I got such a letter. Of course, in today’s age, the letter was an eMail and the writer was a Notary at least 18 years old, that being a legal requirement in every state (but 19 in Nebraska) for holding a commission.

It did, however, have the same sincere seriousness that Virginia expressed in her attempt to understand an otherworldly concept — Santa Claus — in a real world.

*My Virginia* asked: Is there a certain procedure on exactly how to be a professional Notary?

After I read the eMail, I immediately thought of Church’s counsel to Virginia, whose friends denied the reality of Santa Claus. He wrote, “Your little friends are wrong. They do not believe except what they see. They think that nothing can be which is not comprehensible by their little minds.”

Like Church, though, I identified the hurdle now before me: how to meaningfully express an intangible concept in a real, concrete manner.

We tend to use the word *professional* as though it were something definitive and measurable. The federal government classifies professionals as doctors, lawyers, accountants, and those with specified advanced degrees.

For editors, writers, actors and athletes,

receiving a form of compensation evinces professionalism.

But how can Notaries call themselves professional?

Regardless of your occupation, this letter probably reflects your own awareness that professionalism, as it applies to Notaries, is not easy to define.

Achieving respect and recognition for the Notary office may be the most difficult task we face, but understanding its absence and working diligently to incorporate it into our daily notarial activities is not.

Our task is first to prepare ourselves with sound training and a thorough understanding of our responsibilities. As do all *professionals*, we must pursue every educational opportunity available and maintain the highest standards of principle and practice.

We must motivate ourselves from within. Training can make you competent but personal commitment raises its value to excellence. And excellence is surely a sign of professionalism.

Church cautioned Virginia that because “nobody sees him, that is no sign that there is no Santa Claus. The most real things in the world are those that neither children nor men can see.”

Professionalism cannot be seen. It is, in the end, an attitude, a manner that is delivered deliberately but subtly. Though we cannot adequately describe it, we know that it can be applied to us.

---

*Deborah M. Thaw can be reached at [dmtbaw@nationalnotary.org](mailto:dmtbaw@nationalnotary.org)*

# Follow Your State's Requirements with Notary Certificates

Preprinted Notary wording that meets your state's requirements

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

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- Other signers
- Space for signer's thumbprint

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

**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")

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

**Florida:** (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)

- All-Purpose Acknowledgment — #5921
- 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 — #15937
- 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 — #15924

**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")

- Jurat with Affiant Statement — #15924
- Individual Acknowledgment — #15936
- Corporate Acknowledgment — #15937
- Partnership Acknowledgment — #15938
- Attorney in Fact Acknowledgment — #15939
- 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") — #15924

**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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\*\*Except AK, CT, D.C., IL, IN, KY, MI, MS, NC, NE, NJ, NY, OH, SC, SD, TN

## Coolidge Feature Very Inspiring

Thank you so much for the great article about Calvin Coolidge. Americans need to have access to and read this kind of information from our valiant leaders of the past. As the article states, it is so true that honest, selfless public service is and should be the very “foundation of our democracy.”

**Susan J. Christiansen**, Walnut Creek, California

## Careless Attorneys

I read with interest the article in the September 2010 issue of *THE NATIONAL NOTARY* titled “Attorneys Must Properly ID Their Clients.” This article shows a glaring example of how a lack of training can lead to the violation of one of the major requirements of notarization — that you ID the signer. It is amazing that this even needs to come to court.

In many Ohio counties, the only requirement for an attorney to become a Notary Public is to sign a piece of paper. There are no required law school courses on Notary law. I have talked to friends at various agencies and it isn't surprising to find that there are a large number of notarial errors made by attorneys.

**Tom Franklin**, Youngstown, Ohio

## More On Education

In continuing our collective ongoing dialogue about Notary education, I would not be opposed to a requirement to take two continuing education classes during a commission term. I, too, find having to study for and take the test every four years a hardship. In addition, I find some of the questions on the test to be difficult, but knowledge of proper notarial procedures is more important.

**D. Dacosta**, San Mateo, California

## Charging Improper Fees

I am facing extreme financial hardship and I needed to borrow from my pension and apply to claim a check I was owed. I had two documents that needed to be notarized. The person who notarized the documents charged

me \$10. It was only later that I found out that in my state, Notaries can only charge \$2 per notarization.

I am very angry that this Notary either did not know the standards and practices of her profession or willfully disregarded them to take advantage of a client who was not aware of the cost guidelines.

**Camille Uliano**, Pelham, New York

## Lack Of Standards?

In response to Chrissey Ladd's remarks in your article “Notaries Taking A Stand For Standards” (July 2010), I, too, was struck by the lack of identification standards when I got my New Jersey Notary commission (I also held one in New York until my retirement), as well as the lack of training or requirement for testing in New Jersey. Clearly this is a state where the professional standards should be raised to protect the public.

**Michael Shuchman**, Jersey City, New Jersey

## On Testing

If a Notary has a problem updating and testing their knowledge to renew their commission, then they should not be a Notary! It is necessary to stay on top of current Notary law and remind Notaries of the importance of their appointment.

**Angela Marie Anderson**, Redwood City, California

## WE WANT TO HEAR FROM YOU!

In our continuing efforts to address the topics and issues facing Notaries today, *THE NATIONAL NOTARY* wants to hear from you! Whether it's your thoughts on *The New Standard of Care*, business opportunities or challenges in your office or on signings, we want to know about your day-to-day experiences and observations, and what information and resources you may need to help guide you through them.

You can send us comments via eMail at [publications@nationalnotary.org](mailto:publications@nationalnotary.org). Or write us at: National Notary Association, Attention: Editorial Department-David Thun, 9350 De Soto Avenue, Chatsworth, CA 91311. Please be sure to include your city and state and if you are willing to have your letter published.

## States Update Rules For Fed ID Changes

Recent changes to federally issued IDs have prompted some states to update their rules regarding “satisfactory evidence of identity” for notarial acts.

The most notable changes have been prompted by the new federal “Passport Card” — a wallet-sized ID card issued for travelers crossing U.S. borders at land and sea entry points. The Passport Card contains a photo and limited information about the bearer. While it lacks a physical description and signature — two staples of identification documents for notarizations in many states — officials in California and Oregon are permitting Notaries to accept these cards as satisfactory evidence of a signer’s identity.

The federal government also has changed the appearance of the Permanent Resident Card or “Green Card,” in an effort to thwart fakes. Most states allow the cards to be used as satisfactory evidence, and the redesign does not affect those rules.



## Foreclosures Turning Spotlight On ‘Fake’ Documents

With the real estate market in a state of flux, law enforcement is increasingly scrutinizing foreclosure cases for deceptive and fraudulent practices. Notaries who fail to adhere to the requirements and best practices of their office may get caught up in investigations.

Such is the case for Notaries working for three Florida law firms suspected of filing bogus documents in an effort to speed up foreclosure proceedings.

Florida Attorney General Bill McCollum is investigating whether the law firms submitted forged, notarized mortgage documents in thousands of foreclosure cases. He recently issued subpoenas requiring the firms to turn over extensive records, including the names of every Notary they employed during the past five years.

The case underscores the need for Notaries to follow proper notarial procedures and refuse improper requests from employers.



## The National NOTARY

Vol. LIII, No. 6, November 2010

Published by the  
National Notary 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.

## Stay Alert For Child ID Misuse

If there appears to be a significant age difference between the signer standing before you and the birth date reflected on the person's ID, you just might be holding a forged identification document containing a child's stolen personal information.

Children's identities are attractive to criminals because they have a clean credit record, most agencies have no method of verifying age, and it could take years for the fraud to be detected because a person's credit activity doesn't usually begin until age 18. The Federal Trade Commission receives nearly half a million reports of child identity theft each year.

A Notary encountering such a discrepancy should follow best practice standards to verify an identity, including quizzing the signer and examining the ID carefully for signs of forgery. If you are not satisfied that the ID is genuine, refuse the notarization.



## Shredding Parties Make Good Neighbors And Good Business

With identity theft a growing concern, "shredding parties" are becoming more and more common across America. These events offer a prime opportunity for Notary entrepreneurs to help their neighbors and market their businesses.

All types of organizations — from insurance agencies and local bank branches to neighborhood associations and copy shops — are organizing shredding events. Because Notary-related businesses are heavily involved in protecting citizens' identity, they are perfectly suited to either be sponsors or event hosts.

Typically, several organizations partner to host an event. They arrange for shredding equipment and get out the word. Crowds often line up around the block to shred their old documents. And the sponsors have a chance to serve their communities and get their names in front of all those people in a very positive way.



### Consider these your tools of the trade

- 1 National Notary Association Membership
- 2 Journal of Notarial Acts
- 3 Errors & Omissions Insurance
- 4 Notary Seal
- 5 Notary Education



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ASSOCIATION

*The Nation's Professional Notary Organization*

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## Sovereign Citizens Still Causing 'Notarized' Headaches



The so-called "Sovereign Citizens" movement — whose members use notarized documents to claim immunity from state and federal laws and make wild financial claims against governments and businesses alike — is alive and well, and Notaries need to proceed with caution when they encounter requests from these individuals.

One of the more commonly requested acts is a protest — a largely antiquated and highly complex notarial act involving an unpaid debt. They are rarely performed today, but Notaries and government officials have

reported a sharp increase in their use by the Sovereign Citizens movement, which has been placed on the FBI's domestic terrorist list.

In a Georgia case, a number of people in the sovereign citizens movement have been charged by local authorities with stealing various properties in suburban Atlanta by filing forged deeds. Notaries need to be very careful when presented with these types of documents. States such as Oregon and Utah have been restricting the types of notarizations that can be performed, and other states are considering similar moves.

## Identity Fraud Hits Record Levels In Mortgage Scams

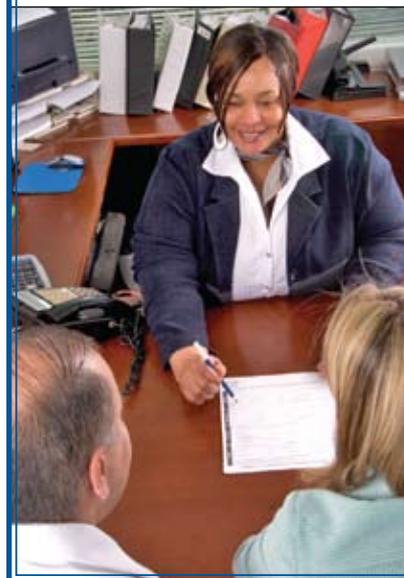
Mortgage fraud spiked 17 percent last year, and with it came record levels of identity fraud associated with loan scams, according to a leading industry research firm. This means that Notaries have more opportunities than ever to help prevent fraudulent transactions.

Identity fraud played a role in 12.6 percent of the \$14 billion in fraudulent loans in 2009, reported CoreLogic. That ranks it as the third most common type of fraud found in mortgage-related crimes and is a reflection of how criminals are adapting to much tighter controls by lenders, according to the FBI. While Notaries have little power to detect many mortgage schemes, they can help prevent losses by conscientiously verifying the identities of every signer.

## Plunging Interest Rates Ease Summer Doldrums

While the end of the federal government's homebuyer tax credit program pulled the rug out from under the real estate market this summer, record low interest rates have fueled a spike in mortgage refinance activity, and that has helped Notary Signing Agents weather the turbulent economy.

Lenders in many cities reported brisk business from homeowners seeking to lower their interest rates, which plunged well into the 4-percent range. The Mortgage Bankers Association reported that refinanced loans at times accounted for more than 80 percent of the nation's total mortgage business this summer.



## Half A Billion 'Compromised' Records Aggravate Data Protection Concerns

Whether the result of international hackers, inside jobs or lost or stolen laptops, more than 500 million personal data records have been compromised since 2005, exposing the private information of victims across America.

While media attention focuses on high-profile cases affecting banks and government, countless smaller incidents make up the bulk of the exposures — often the result of lost or stolen items we



use in our daily business: laptops, smart phones, USB flash drives or data discs. Notaries rely on these tools to store client lists, business records, and job-related records such as mortgage eDocuments.

The Privacy Rights Clearinghouse suggests that these devices be password protected and encrypted, and remain in the constant custody of the owner — the same way Notaries safeguard their journals and seals.

## Election Season Brings Misconduct Claims

The 2010 General Election is fast approaching and amid all the heated politicking, factions in towns and districts across the country are raising claims of misconduct and fraud involving Notaries.

Notaries helping political campaigns must adhere to all proper notarial procedures and resist pressure to cut corners — like not requiring the personal appearance of a signer — no matter the reason.

In two recent examples, a Cranston, Rhode Island, Notary is being investigated for improperly notarizing dozens of applications for absentee ballots, including one that was signed “Count Dracula,” and failing to properly affix a seal impression. In suburban Detroit, Michigan, local officials have asked the state’s Attorney General to investigate the filing of forged, notarized Tea Party candidacy papers for people who had no intention of running.



## Let Us Tell Them for You



The *Sorry, No Can Do!* collection presents concise responses to common requests for improper notarizations.

**Save over \$10.00 when you buy the collection!**

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Set of 4 #5390	<b>\$49.95</b>	\$80.00

Also available separately:	<small>NNA Members</small>	<small>Non-Members</small>
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'Sorry, No Can Do! 2' #5385	<b>\$16.95</b>	\$22.50
'Sorry, Boss, No Can Do! 3' #5387	<del>\$16.95</del> <small>Now</small> <b>\$12.95</b>	\$22.50
'Sorry, Borrower, No Can Do! 4' #5389	<del>\$16.95</del> <small>Now</small> <b>\$12.95</b>	\$22.50



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## Help Support Coolidge's Legacy Of Civility

At a time when the collapse of civility is hindering the business of our nation — from our own homes to the halls of the U.S. Capitol — it's important for us to emulate the legacy and ideals of President Calvin Coolidge, whose commitment to public service and integrity can guide us in transforming America.

Notaries have a direct connection to Coolidge because he was the only president to be sworn into office by a Notary, and he set an example for all Americans with his commitment to integrity, impartiality and adherence to the rule of law. To promote the Coolidge legacy and help restore civility to modern American life, the National Notary Foundation has established the Coolidge Notary Memorial Fund. Proceeds will benefit the Calvin Coolidge Memorial Foundation in Plymouth Notch, Vermont, to further its mission of opening the eyes of the world to the legacy of our nation's 30th President.

To donate, visit [NationalNotary.org/Foundation](http://NationalNotary.org/Foundation) and click "The Coolidge Notary Memorial Fund."



[www.NationalNotary.org/foundation](http://www.NationalNotary.org/foundation)



[www.WhyCoolidgeMatters.com](http://www.WhyCoolidgeMatters.com)

## Need To Learn New State Laws Or Rules?

With many states updating their laws, rules and practices, Notaries in several regions are enrolling in training classes to help them comply with various revised directives. To meet the demand, the NNA is consistently expanding its new law training opportunities, both live and online.

Offering tailor-made training courses for states with new Notary-related laws, including Arizona, Colorado, Illinois, Montana and Rhode Island, the NNA stands ready to aid Notaries in any state with new notarial changes. For more on the importance of training, see the feature on page 25.



[www.NationalNotary.org/training](http://www.NationalNotary.org/training)

## The Search Is Underway For The NNA's 2011 Notary of the Year

The National Notary Association is continuing to seek nominations for the most ethical, public-spirited and professional Notary Public in America to be recognized as the 2011 Notary of the Year.

Ideal candidates for this recognition go "above and beyond" what is required when performing notarizations and serving the public. They spend time educating their colleagues and the public about Notaries, are active in advancing the American Notary office through promoting best practices and ethics, and they volunteer to help others in their communities.

The Notary of the Year will be profiled in an upcoming issue of THE NATIONAL NOTARY. Nomination forms are available online and can be mailed, faxed or submitted electronically.



[www.NationalNotary.org/noty](http://www.NationalNotary.org/noty)

## All-New Professional Sections Coming In January 2011

Notaries in different industries need specialized information and support to uphold their duties, so the NNA is introducing its all-new Professional Sections, which will debut in January 2011. The re-imagined and upgraded Section eNewsletters will help Notaries in different fields advance their careers while avoiding liability and compliance issues.

The existing Sections — NOTARY SIGNING AGENT AND SMALL BUSINESS, LEGAL PROFESSIONALS, and IMMIGRATION AND INTERNATIONAL — are being expanded and improved. The NNA is adding two new Sections: HEALTHCARE and FINANCIAL AND CORPORATE SERVICES. All Section eNewsletters will be published monthly, and will contain valuable information, breaking news and important announcements.



[www.NationalNotary.org/NewSections](http://www.NationalNotary.org/NewSections)

## 'Model Notary Act' Accessible Online

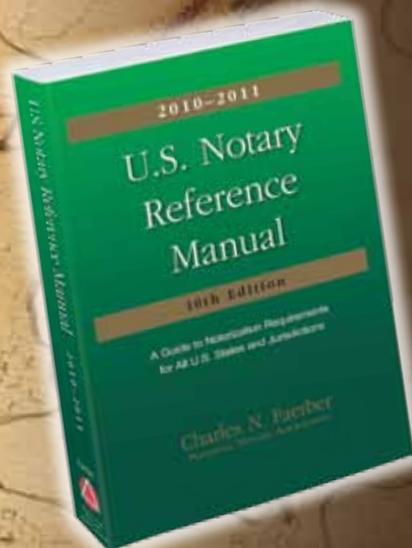
The NNA has published an updated edition of the *Model Notary Act (MNA)*, the landmark model legislation that modernizes and enhances the role of the Notary Public office, and it is available for download in PDF format from the NNA's Web site.

The *MNA* is in the public domain, so Notaries can download and print or forward the text to share with their employers, and Notary educators can incorporate it into their curriculum. The *MNA* is a set of model statutes and provisions for Notaries designed to be used by states as a guide toward ensuring best Notary practices when crafting their own laws. It recently has been updated for 2010 with expanded information on electronic notarization.



[www.NationalNotary.org/MNA2010](http://www.NationalNotary.org/MNA2010)

The most comprehensive guide for Notary procedures in all U.S. states and other jurisdictions



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THE NNA'S NEW CHIEF EXECUTIVE OFFICER

# MARC A. REISER



## BRINGING NEW LEADERSHIP, INNOVATION AND OPPORTUNITIES TO AMERICA'S NOTARIES

Facing the most challenging time in our history, America's Notaries are confronted today with identification issues that are more daunting than ever. Sophisticated identity thieves, abetted by state-of-the-art technology, are increasing their successes in the bold scams they perpetrate. Often the Notary is the first and only line of defense against such occurrences.

As the National Notary Association moves well into its second half century, the organization's executive team, led by President and Chairman Milt Valera, has been preparing for the challenging future. And first on its list of priorities has been the selection of a new leader with versatile, organizational and technological expertise and experience.

Enter Marc A. Reiser, whose track record includes leading high level organizations, including membership-based, non-profit entities, to new heights of achievement. Reiser's recent appointment became effective September 1 when he became the highest ranking executive at the NNA. "He will provide the thrust for advancing and improving the value of membership and for growing the NNA," said Valera.

A strong executive with innovative and visionary acumen, Reiser will be a perfect leader and "conduit" for bringing together fresh, new ideas to supplement and channel those of veteran experts at the Association. He possesses an acute understanding of the NNA's legacy of service, support and advocacy, and the vital need to sustain fiscal responsibility while providing new value and services for members.

Reiser joins the NNA at a time when the industries in which Notaries are most active — real estate, mortgage lending and banking — are suffering one of the worst economic downturns in history.

"Marc's strong business sense of purpose, combined with his broad expertise in organization, management and systems, will be important drivers to increase value for our membership and the public which Notaries serve," Valera said.

Reiser, a Long Island, New York, native, was the stand-out candidate in an aggressive executive search that began early in the year, and his appointment coincides with the NNA's ambitious transformational objectives to modernize and better serve Notaries. He will also serve on the Association's Executive Committee.

Reiser earned Masters of Business Administration degrees in finance and information systems from New York University's Stern Graduate School of Business. He recently sat with editors of *THE NATIONAL NOTARY* to discuss his vision and expectations for the future.



**Q: You made a big personal and professional change in moving from New York to become the CEO of the NNA in California. What was the attraction about serving Notaries?**

A: The first thing that attracted me was the sheer number of Notaries that the NNA serves. I am truly excited about the opportunity to service, educate and support 4.8 million Notaries and contribute to a general sense of community where they can share ideas and feedback about their experiences. As I learned more about the NNA, I became impressed with the principles that the NNA stands for — especially its Core Values of Membership, which guide Notaries to comply with laws and best practices, to help them avoid liability, to promote professionalism and to expose them to new opportunities.

Second, with the real estate, mortgage and banking problems still affecting our economy — and recovery several years away — Notaries need more support than ever and more value from their membership. I will work with our team to create that value while keeping a sharp eye on our financials so the NNA remains robust and ready to serve.

**Q: Why are Notaries so important to you?**

A: Notaries play an extremely important role as they help to maintain a higher level of trust and security in commerce. That is truer today than ever before, especially in light of the current economy. For me, Notaries step-up and perform a role that is often above-and-beyond their primary employment, and I am always pleased to meet individuals of this caliber. The extra effort that Notaries give to better society, and commerce in particular, is appreciated.

**Q: Tell us about your background and your leadership philosophy.**

A: My background spans all aspects of management and organizational development, including business management, product development and marketing. Early in my career, I realized that a complete leader needs many skills across different disciplines. That's why I earned two MBAs. I went on to manage several businesses — start-ups and established ones — and succeeded in building or strengthening them by constantly improving the services they offered, even under the most challenging conditions.

I strive to surround myself with strong talent, and I develop and challenge that talent to find better ways to

serve our core constituency through carefully thought-out objectives and goals. I am a 100 percent subscriber to the words of a fellow business school alum: “Set clear achievable goals for each day, month, and year. Let nothing stand in the way of achieving those goals.”

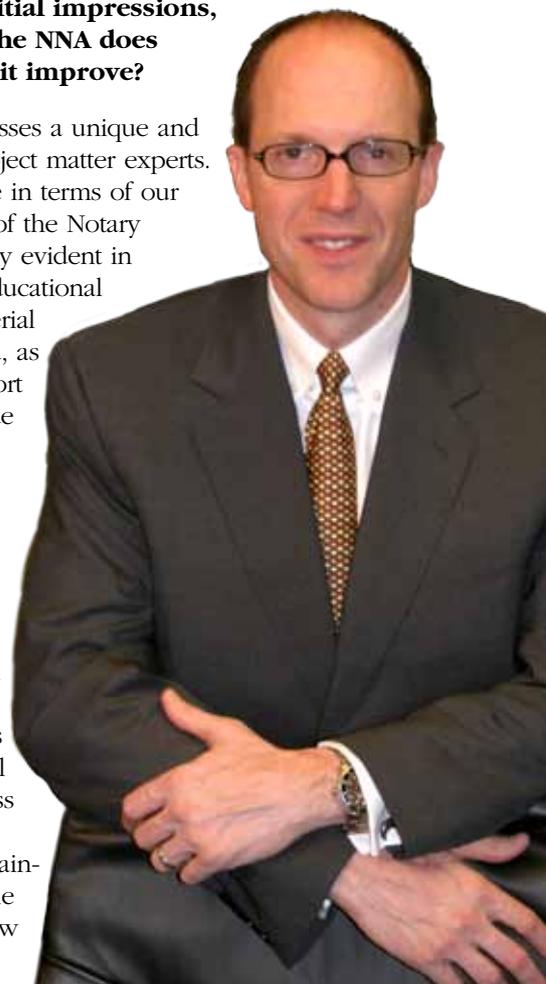
**Q: What were the first three things you did when you stepped through the doors of the NNA on September 1?**

A: First, I phoned my wife to let her know that I had made it to the office okay, that I was pleasantly surprised at the easy, traffic-free ride in, and that the NNA was going to be a wonderful home for us. Second, I made a quick walk around the offices to say “hello” to my new co-workers and some of the management team, who I had become acquainted with in the weeks before arriving here. Third, I took out my calendar, sat down with Milt Valera and started to put some plans in motion.

**Q: Based on your initial impressions, what do you think the NNA does best and where can it improve?**

A: The NNA possesses a unique and impressive team of subject matter experts. We are second to none in terms of our knowledge and grasp of the Notary office, and this is clearly evident in the sheer volume of educational and informational material that we have produced, as well as the other support and services we provide to our members.

We are truly the one-stop service provider for Notaries, whether they are new, established, or considering becoming one. However, we can always improve our outreach to individuals and employers, as well as provide better access to the vast amount of information that we maintain. This is an example of being smarter in how



# “We all need to step back and understand what it means to serve the public...”

— **The Honorable M. Jodi Rell**  
Governor of Connecticut

Notaries have a proud connection to Calvin Coolidge, the only U.S. President to be sworn into office by a Notary Public. And this special President set an example for Notaries in performing his duties with impartiality, integrity and a commitment to public service.

As a commissioned Notary — a Public Official who is held individually accountable for your conduct and performance — you can draw insight and strength from the American President who used civility and commonsense to lead a country, in a timely new book, *Why Coolidge Matters*.

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

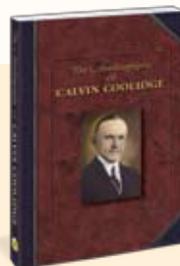
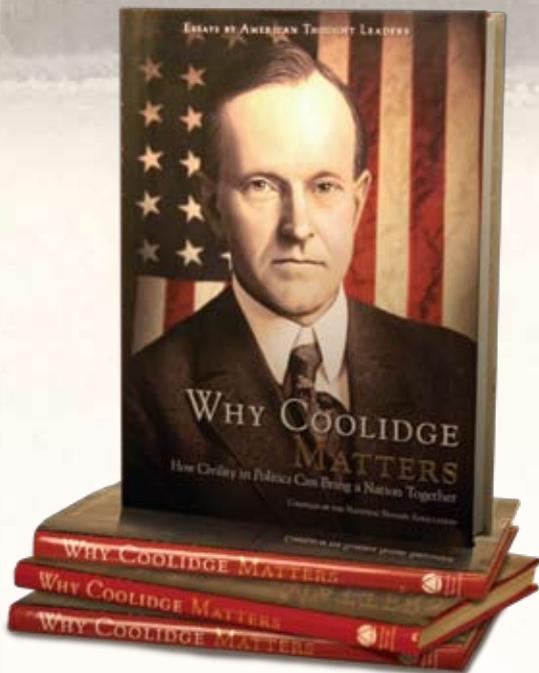
Strikingly designed with seldom-seen photographs and images of a time when civility prevailed, *Why Coolidge Matters* is a *must* for every Notary’s coffee table or private library.

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

Your copy will arrive in a distinctively created shipping carton bearing a simulated postmark of Plymouth Notch, Vermont, where President Coolidge was sworn into office at the family farm on August 3, 1923.

## **Why Coolidge Matters \$29.95**

Hardcover with dust jacket, 204 glossy pages.  
Coffee table or library shelf book. Collector’s item value.  
8½” x 11¼”. Item #7105



### **Also available:**

#### **‘The Autobiography of Calvin Coolidge’**

A fascinating and moving memoir of our 30th President, a man of principles and character whose humble origins and essential decency influenced every step of his extraordinary career in politics. Softcover, 5½” x 8½”, 255 pages.

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we use our resources to benefit members.

Another area we need to significantly improve is to create more value and services for our members, while at the same time being more efficient in the way we manage our resources. Stronger stewardship of our finances and resources is critical because, in our economy, every penny of member dues has to be used as wisely as possible, and must be put back into essential programs to support and serve our membership.

**Q: How will your experience help lead the NNA to further its mission of serving and supporting America's Notaries?**

A: Fortunately, I have a lot of experience serving member-based communities. I spent 14 years representing a particular segment in the financial services industry, and I created products and services that met the collective needs in their area. I also served as a thought leader and promoter of best practices, which directly benefited our participants. And I have had considerable experience building and managing diverse teams. I have already begun to apply this experience at the NNA.

**Q: What types of tangible changes can Notaries expect to see from the NNA in coming months?**

A: Times are tough for Notaries in this economy. The industries that employ most of them are struggling. But we can only be successful as an Association if those we serve are successful. That's why in the coming months I plan to realign the Association to provide improved services to our members.

The most immediate and exciting change to look forward to is our new Web site, which we will launch very soon. Our Web site is a crucial vehicle that will enable America's Notaries to gather as a community. The site's new design will offer simple navigation, clear communication and easy access to our library of information. We have planned many improvements,

and I am confident that Notaries will be pleased with the additional information and tools they will have at their fingertips.

**Q: How can the NNA better engage and communicate with our members? How does upgrading our technology initiatives fit into your vision?**

A: We will implement new programs and initiatives that will ensure we reach Notaries effectively and completely. Notaries are segmented in different fields, and in different geographic regions, with different needs and we are addressing these needs in part with the introduction of our new Sections Program. We will ensure that we reach out to Notaries in all of these areas with information and services that are relevant to them.

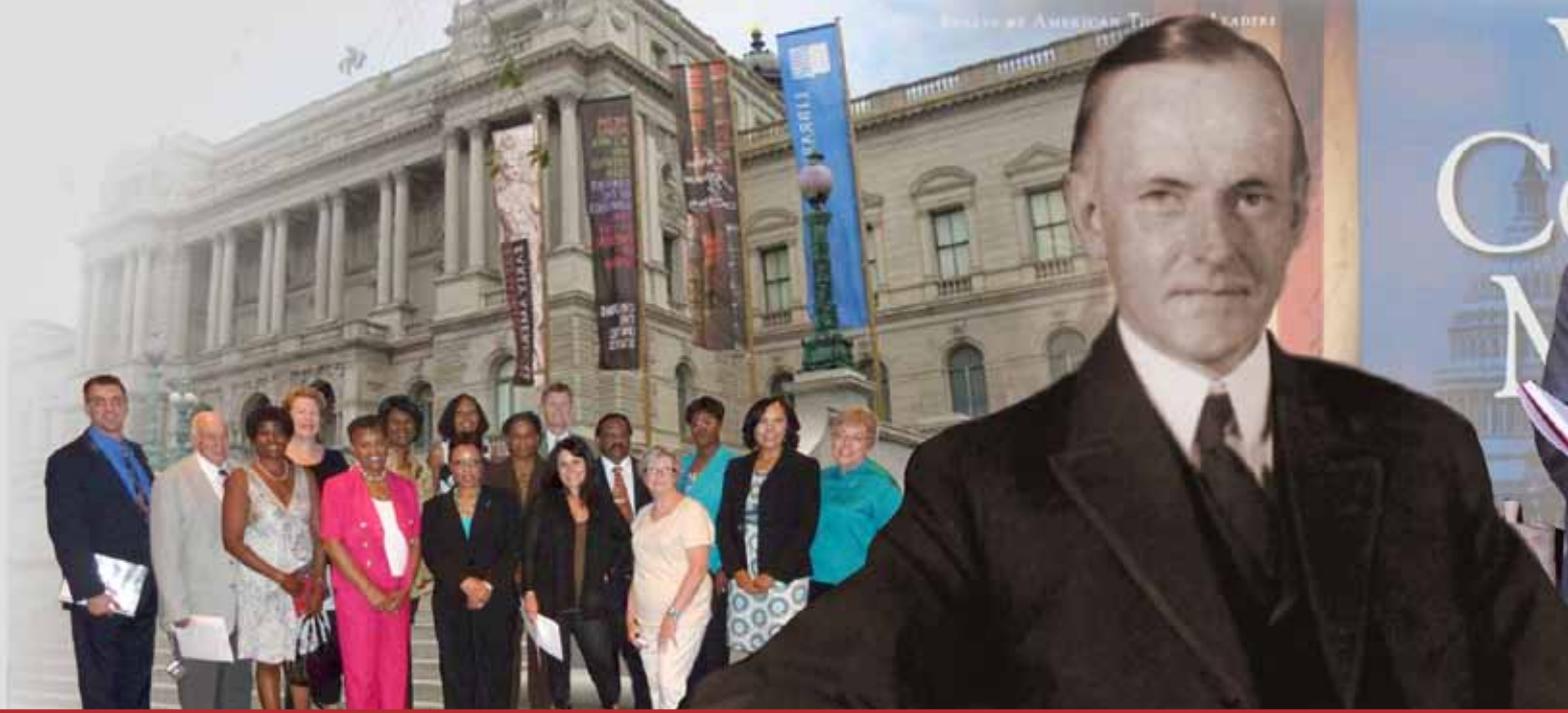
**Q: How do you see our educational and training programs evolving under your stewardship?**

A: The NNA will continue to be the thought leader in terms of existing and new legislation, and as we have done over the years, we will constantly update and improve our educational materials and training programs. I'd like to see more Notaries taking advantage of our programs, and it will be up to us to communicate this important benefit.

I am also taking a hard look at using technology — especially in the areas of eLearning and virtual training — to make it easier for Notaries to participate in our educational programs.

**Q: Finally, what do you most want our members to know about you?**

A: My priority is to continue to provide our members with what they need, when they need it. I am prepared and excited to carry on the tradition of the NNA while ever improving the services and support that we provide. 



*Some of the Notary volunteers who helped distribute copies of "Why Coolidge Matters" to members of Congress on August 3, 2010.*

## Calvin Coolidge 'Matters' To Notaries

### The NNA's New Book Reintroduces America To The Legacy Of And His Close Ties To America's Notaries

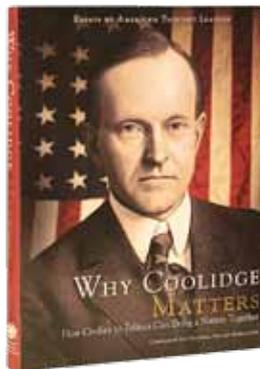
It all began as an effort to explore the life and legacy of President Calvin Coolidge, and examine why his approach to public service still matters today. But amid the release of "Why Coolidge Matters: How Civility in Politics Can Bring a Nation Together," the book has received national recognition for its urgent call for civility in American life and politics, and for reintroducing the public to the importance of Notaries.

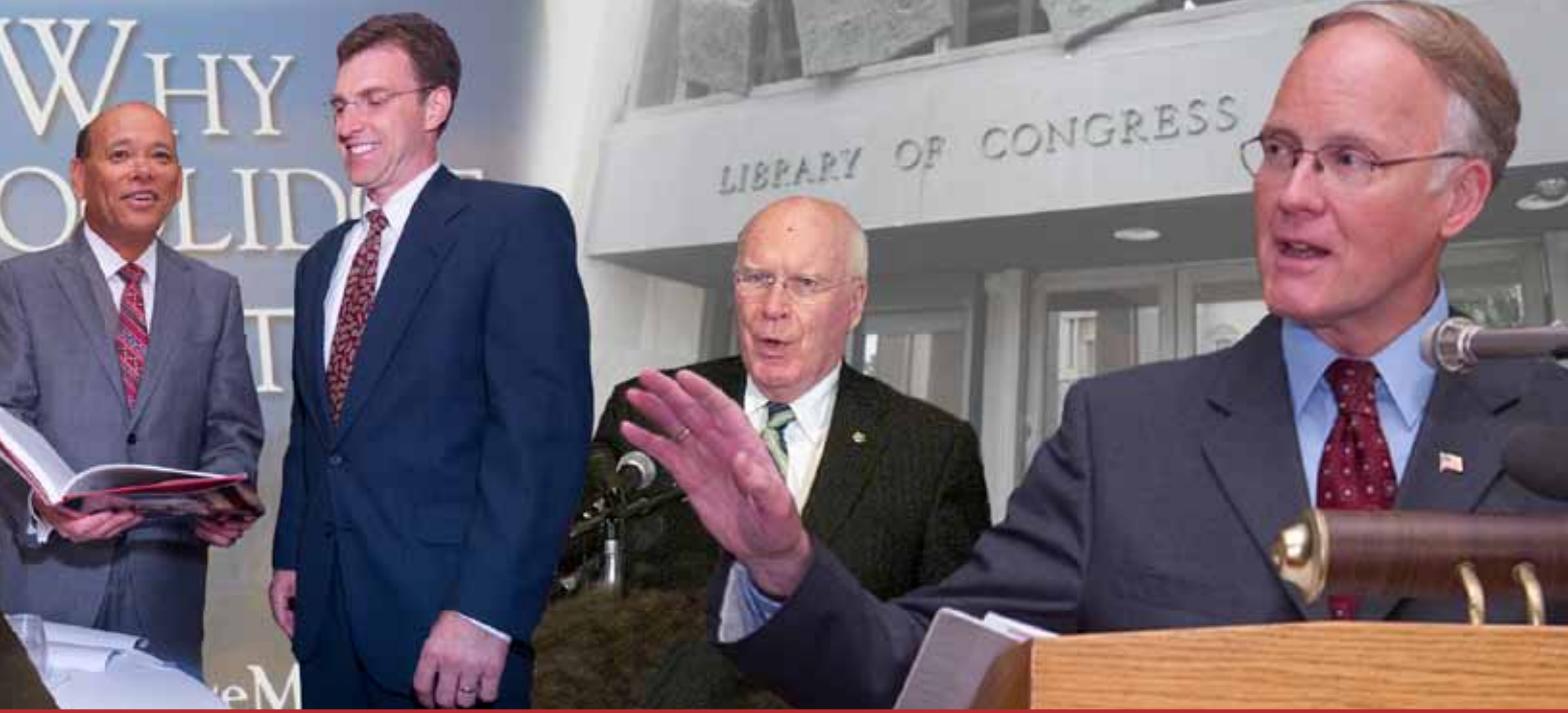
Since the book's release, it has struck a deep chord with Americans of all ages and classes, and its call for civility is being heard loudly. Notaries from 10 states converged upon Washington, D.C. on August 3 — the book's official release date — to

deliver copies to Congressional leaders, and on that same day the NNA officially presented "Why Coolidge Matters" to the Library of Congress. Joining NNA President Milt Valera and Executive Director Michael Robinson were Christopher Coolidge

Jeter, the great grandson of the 30th President; Vermont Governor Jim Douglas; Vermont Senator Patrick Leahy; and Coolidge Foundation President Robert Kirby among many other dignitaries.

From there, TV, radio, print and online media chronicled the launch to millions of viewers and readers, and national media personalities and outlets including Fox News' Glenn Beck Program, *The Huffington Post* and the *Chicago Tribune* echoed our call to rise above party lines and collectively work





*NNA President Milt Valera and President Coolidge's great grandson, Christopher Coolidge Jeter.*

*Senator Patrick Leahy of Vermont, a longtime leader in the United States Congress.*

*Governor James Douglas, one of the most popular state leaders to serve in Vermont.*

## And The Nation

Our 30th President,

for the common good. Our country seeks strong, trustworthy leadership to reverse today's divisive political climate, and a return to the values of integrity, civility and impartiality espoused by Coolidge and those with direct ties to his legacy — the Notaries of America.

On the surface, today's daily rancor preoccupying our leaders, our commentators, and ourselves, makes it difficult to fathom an atmosphere in which we can cooperatively strengthen our nation. But "Why Coolidge Matters" demonstrates that atmosphere has existed and can exist again if we carefully examine — and emulate — his approach to leadership and public service. 

[www.WhyCoolidgeMatters.com](http://www.WhyCoolidgeMatters.com)

### In Their Words... Excerpts From 'Why Coolidge Matters'

*"Calvin Coolidge is the inspiration for the young who yearn to be President someday. He is gone now, but he is still here, as an idea."*

— **The Honorable James H. Douglas**, Governor of Vermont

*"This was a man, regardless of his political affiliation and conservative philosophy, who was guided first by what he thought was right for Americans. That was also a reflection of his unquestioned integrity and morality."*

— **The Honorable Michael Dukakis**, Governor of Massachusetts

*"For him the line between public and private was solid. It may be one of his most enduring political legacies."*

— **Melanie Gustafson**, Historian and Author

*"America needs a Calvin Coolidge today to restore our faith in the office of the Presidency and in politics more generally."*

— **The Honorable John F. Kerry**, United States Senator, Massachusetts

*"We all need to step back and understand what it means to serve the public, and on what we desire from our elected officials: leadership and ideas."*

— **The Honorable M. Jodi Rell**, Governor of Connecticut

*"The values of Calvin Coolidge should be rediscovered by all those who would seek to return the United States to the ideals of its founding and greatness."*

— **J.R. Greene**, Author

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## B. HAND-HELD NOTARY SEAL EMOSSER

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Not available for MO and WA.

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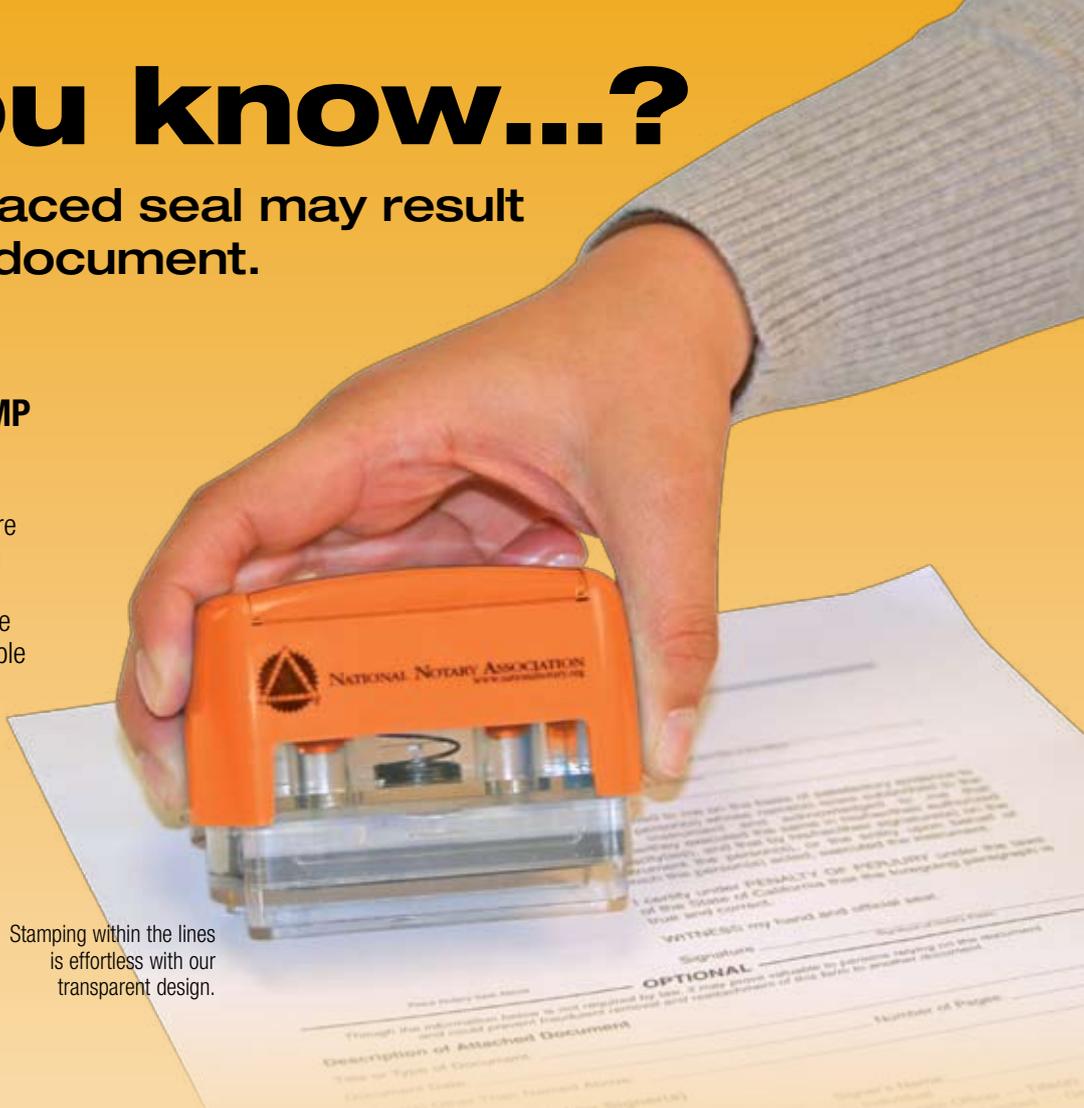
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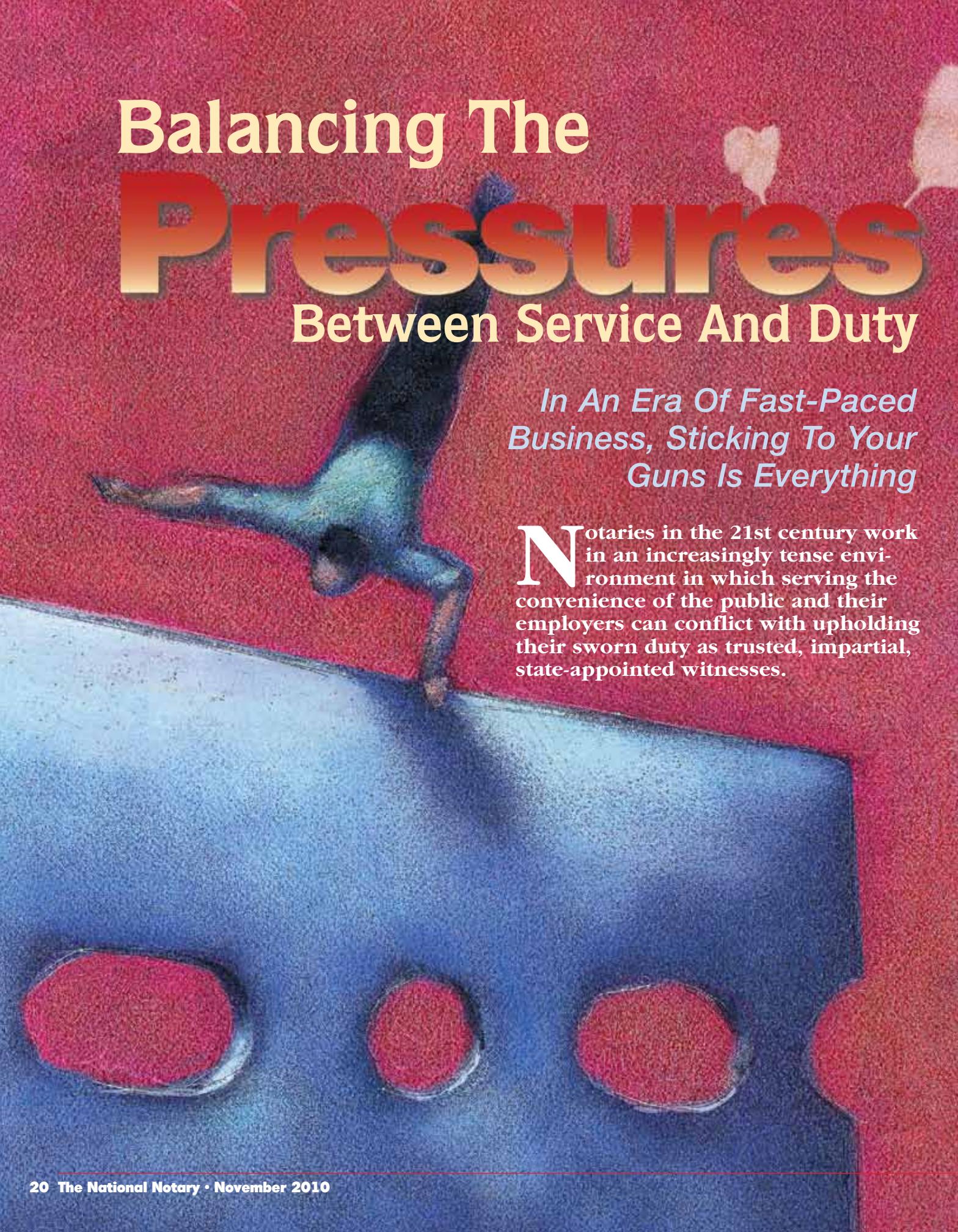
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A person in a blue suit is balancing on a blue surface with red circular patterns. The background is red. The person is in a precarious position, leaning forward with one hand on the surface. The overall scene suggests a delicate balance between two contrasting elements.

# Balancing The Pressures Between Service And Duty

*In An Era Of Fast-Paced  
Business, Sticking To Your  
Guns Is Everything*

**N**otaries in the 21st century work in an increasingly tense environment in which serving the convenience of the public and their employers can conflict with upholding their sworn duty as trusted, impartial, state-appointed witnesses.

On one side are Notary regulators, business leaders and the general public, all expecting Notaries to perform their duties with the highest level of professionalism and integrity. On the other is pressure from employers, friends, family members and other constituents to cut corners in the rush to conduct business.

This becomes a real life dilemma when Notaries are faced with illegal requests like ignoring personal appearance requirements and satisfactory evidence of identity standards; or are pressured to back-date notarizations or to pre-notarize blank documents.

Compounding the perils in this environment are the personal stakes: worries of losing your job at a time when Americans face a 10-percent unemployment rate and concerns about losing income and repeat business from regulars who insist you do something you just cannot, or should not, do.

But while you may feel compelled to acquiesce to the unethical — or even illegal — requests of that boss, family member or other valued signer, there is a simple truth: Knowledge and confidence are your greatest allies in balancing these pressures, and every Notary can defuse, or even safely avoid these situations altogether.

### **Claiming Responsibility**

Notaries play a key role in upholding the public trust. In their official capacity, they are accountable to the authority that granted their commission and, ultimately, the public they have taken an oath to serve.

These realities can get muddled when a superior asks you notarize a power of attorney for a client who isn't present, or when a signer lacking proper ID breaks down because he or she must have insurance documents notarized before a 4:30 p.m. deadline.

Under these circumstances, maintaining your integrity becomes more difficult as pressures and the desire to accommodate others weighs in. But you can avoid these situations by anticipating them and taking action.

Most Notaries work for employers in the mortgage, real estate, banking and financial services industries — fast-paced environments where every lost minute could affect the bottom line.

And in many cases, bosses and co-workers have little or no knowledge of a Notary's ministerial function, or the laws and sound practices they are duty-bound to uphold.

That means you must be proactive. Before you perform your first notarization for an employer, you might provide them with copies of your state's Notary law handbook and *The Notary Public Code Of Professional Responsibility*. Have a low-key discussion about your official duties; tactfully explain why you must always follow the law and employ best practices.

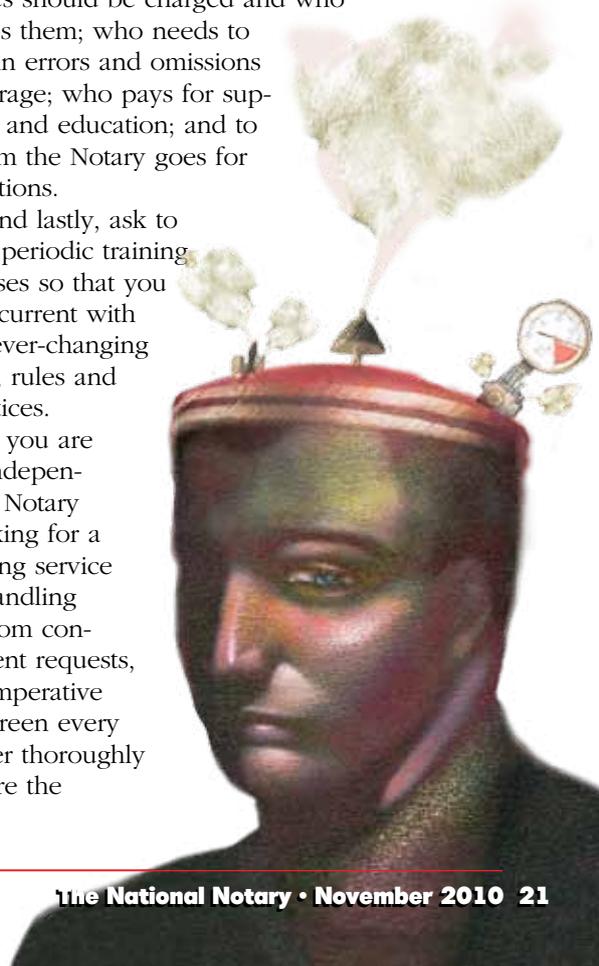
Also talk about your dedication to ethics — a quality that employers today increasingly value. And if you bring up risk management issues, protecting the public from fraud and avoiding legal exposure by acting ethically, most employers will get the message.

You could also volunteer to help establish an office policy requiring Notaries to follow best practices. A formal policy is also a good way to avoid conflicts over whether notarizations can be performed for the public during business hours; if fees should be charged and who keeps them; who needs to obtain errors and omissions coverage; who pays for supplies and education; and to whom the Notary goes for questions.

And lastly, ask to take periodic training courses so that you stay current with the ever-changing laws, rules and practices.

If you are an independent Notary working for a signing service or handling random constituent requests, it's imperative to screen every signer thoroughly before the

**“No matter what anyone else says, you're the Notary.”**





## Resources You Can Turn To For Guidance

- **WHEN YOU'VE GOT A NOTARY QUESTION:** Counselors for the NNA's Notary Hotline are available by phone at (888) 876-0827 5 a.m. to 5 p.m. Pacific Time Monday through Friday. Questions can also be eMailed to [hotline@nationalnotary.org](mailto:hotline@nationalnotary.org) and eMailed questions are usually answered within 24 hours.
- **ETHICAL GUIDELINES:** If you have an ethical question that isn't directly addressed by state law, *The Notary Public Code of Professional Responsibility* is an excellent resource to help you. *The Code* is available for download at no cost at [NationalNotary.org/code](http://NationalNotary.org/code).
- **CHANGES TO NOTARIAL LAWS AND REGULATIONS:** The NNA's online news publication, the *Notary Bulletin* ([NationalNotary.org/Bulletin](http://NationalNotary.org/Bulletin)) provides regular updates on state-by-state new law changes.
- **PROTECTING YOURSELF WITH ERRORS & OMISSIONS INSURANCE:** Unlike your Notary bond, which protect the public, Errors & Omissions Insurance protects you. Find out more at [NationalNotary.org/insurance](http://NationalNotary.org/insurance)

notarization takes place. Inform them beforehand that they must have identity documents that meet satisfactory evidence requirements, that their documents must be complete and that you cannot answer questions or provide counsel about the document.

Put these same requirements on your Web site or official documentation so there can be no questions about these necessities. Also make them aware that you are a member of the National Notary Association and that you will be making an official record of the transaction, which requires their signature.

Having confidence, sticking to your guns and setting the boundaries up front make it far less likely that you will be pressured or persuaded to compromise your integrity and duty.

### The Art Of Saying 'No'

No matter how well you define the parameters of your responsibility, there will undoubtedly be cases where it's all ignored by a signer or boss who wants what they want. That's the time to get tough.

Washington, D.C., Notary Susan Dunn opted to make the ultimate choice: She quit her job after overhearing her boss discuss falsifying a document in order to get out of a contract — a document that he tried to have her notarize.

"No matter what anyone else says, you're the Notary," she said. "I wasn't going to falsify documents for him."

But Dunn — who today works as a personal business and life training coach in the nation's capital — understands that going to this extreme isn't an easy choice for most Notaries, especially in today's tough job market. And some requests asking you to skirt your duty aren't overtly false or fraudulent. Instead, they push you to ignore sound practices for convenience and expediency, forgetting the dangers that lurk in a flawed notarization.

You're not defenseless in these scenarios. The most critical thing is to say "no" to any illegal act, or any request that compromises proper procedures or best practices. If you agree to move forward under the pressure, the responsibility — and penalties — for a faulty notarization will fall on you.

Your first defense is to grab your Notary handbook or state NNA Primer and point to the statute or rule that the request clearly violates. You can also reference the educational resources or materials from your training — which in some cases the employer paid for — to illustrate the danger of their request.

With these tactics you may persuade an employer to forgo the unethical or illegal act. But if that doesn't work, Joan Sampson — a California Notary who was once fired for refusing to perform an unlawful act — suggests pointing out that doing the right thing will shield the boss, and the company, from liability risks.



“Turn things around,” she said. “Rather than make it adversarial, explain that illegal or unethical acts harm them, because they are just as liable for penalties as the Notary, if not more so. You must demonstrate the benefits of being ethical, and make the risks real.”

If the boss still can't be persuaded, carefully document concerns about the notarization so there's a clear record that you opposed the request and why. Include the date, time and who was present for discussions, and the specific laws prohibiting this act, and be sure to keep copies for your personal records. You want to have clear evidence you were asked to do something wrong and refused.

You can also consult with your Human Resources Department or, if your company has one, an ethics department or hotline. The situation may be resolved if upper management learns about the problem and intervenes.

If you're working as a mobile Notary or a Notary Signing Agent, it's usually easier to say no because the only significant risk may be losing your income for that single assignment. The same tactics apply, and signers should be steered to completing their request lawfully, and ethically.

In very rare cases, signers can become belligerent and threaten a Notary with physical harm. If this occurs, do exactly what the signer says and get away as soon as possible. Then report the incident to your local authorities for investigation. If the transaction under duress involved recordable documents — including deeds or conveyances — you can also report the incident to your local county recorder and provide them with your police report number.

### What's At Stake

Notaries operate today in an increasingly litigious society — a reality born out of a tightening economy and determined criminal element finding new ways to target our valuable assets, identities and even lives. It's no wonder that in recent years several states including Arizona, Colorado, Illinois, Montana and Rhode Island have strengthened their Notary rules and statutes.

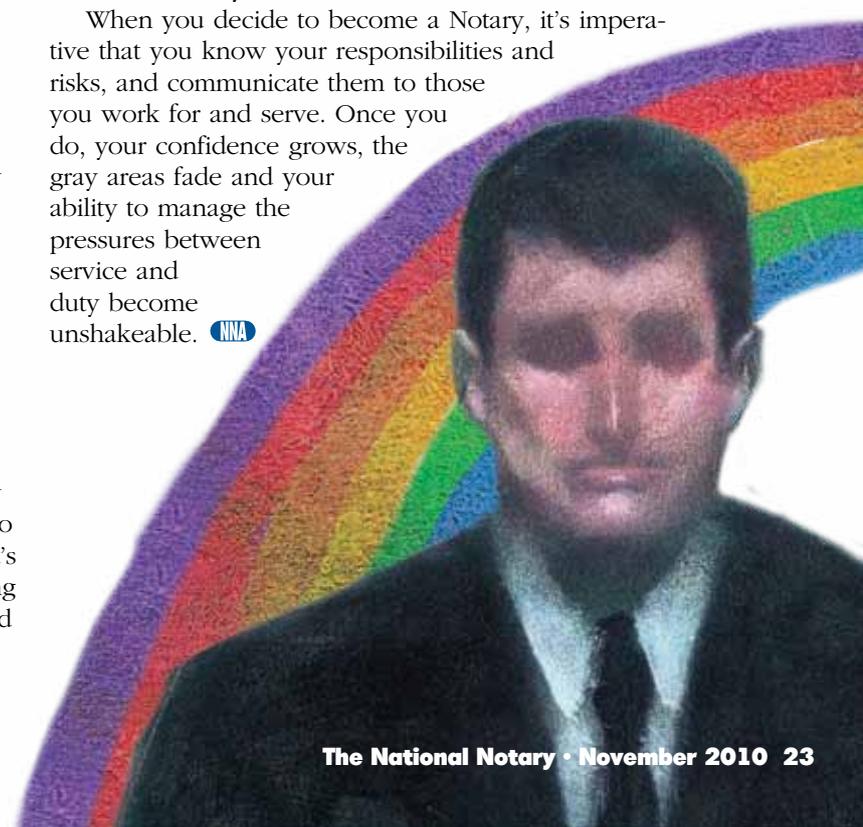
**“You must demonstrate the benefits of being ethical, and make the risks real.”**

Notaries are usually the only impartial person that a signer encounters in a transaction. It's imperative that each and every notarial act is performed in accordance with state laws, and handled using best practices.

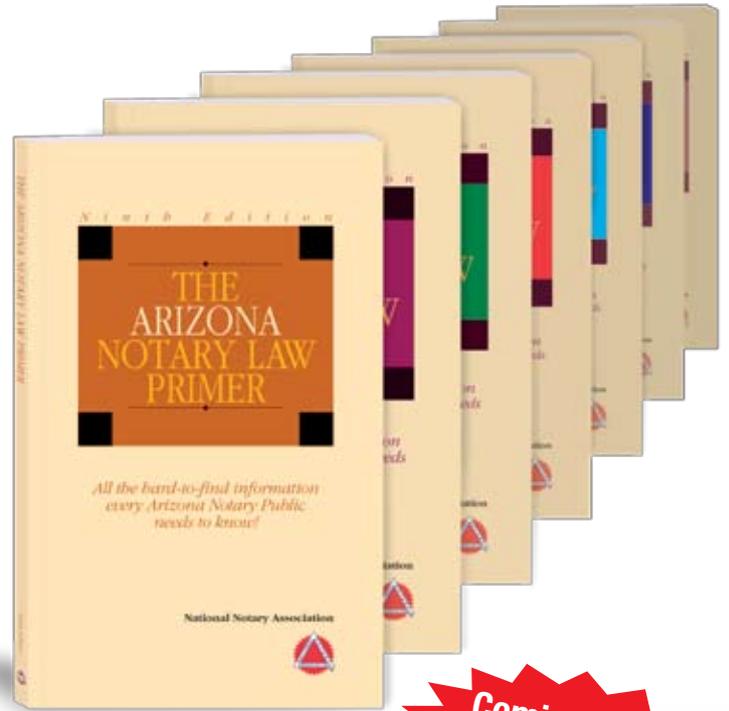
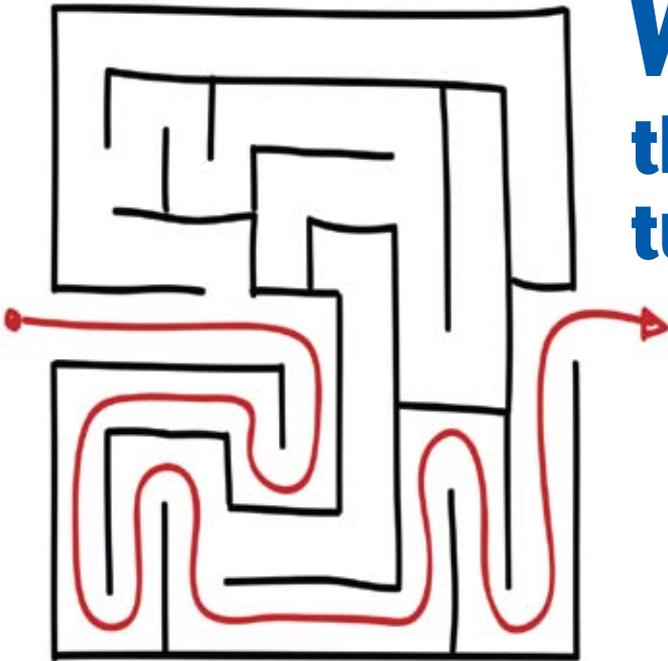
As states have strengthened their laws, they have also increased penalties for Notaries who don't follow them. While every state differs, Notaries can face suspension or revocation of their commission, thousands of dollars in fines, and both administrative and criminal charges for failing to uphold their duty — which includes failing to properly identify a signer, overlooking the responsibility to properly and securely store the seal and journal, and everything in between.

And if your improperly-executed official act comes into question, those problems are just the beginning. You could end up being liable for thousands of dollars in civil damages if a document which bears your official seal turns out to be fraudulent, made possible by a flawed notarization. If you performed this act on behalf of an employer, they will likely share the liability.

When you decide to become a Notary, it's imperative that you know your responsibilities and risks, and communicate them to those you work for and serve. Once you do, your confidence grows, the gray areas fade and your ability to manage the pressures between service and duty become unshakeable. 



# We can help you through the twists and turns of a notarization



Top **5** Must Have

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
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- All laws that regulate Notaries in your state, including text from the official state handbook

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# TRAINING PUTS YOU IN THE DRIVER'S SEAT

LACK OF EDUCATION PUTS THE PUBLIC,  
AND NOTARIES, ON THE ROAD TO DISASTER

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It's a position every Notary wants to avoid: sitting on a witness stand explaining to a jury how your official seal ended up imprinted on a forged power of attorney — a document that was used to transfer control of an infirm man's estate to a criminal.

A situation like this would at least mark a low point in a Notary's professional life, if not result in career-ending consequences. But despite increasing concerns about compliance and liability issues, too many Notaries continue to put themselves at risk by failing to follow state laws and best practice standards. And it's not because they are making a conscious choice to ignore the rules of notarization.

It's simply because they don't know.

When the power of a Notary commission is left to an untrained hand, and their tools of the trade — official seals and recordbooks — are left vulnerable to misuse, you have a recipe for disaster. The official duty to protect the public by wrapping a layer of

integrity and trust around their transactions is lost, and the Notary is exposed to a mountain of legal and liability issues.

That's why training is the key to putting every Notary in the driver's seat of their success and effectiveness. Ironically, in 2009, making education and training a top priority was the number one concern for Notaries across the nation, but most states still don't require even the most basic training programs in order to obtain a commission.

That means most Notaries are on their own and must take control of their own destinies.

## SEIZING THE OPPORTUNITY

There is a nationwide need for Notaries to pursue education and professional development because too many still do not understand basic principles of conduct, like requiring personal appearance, satisfactory evidence of identity, recordkeeping and securing their seals and journals.

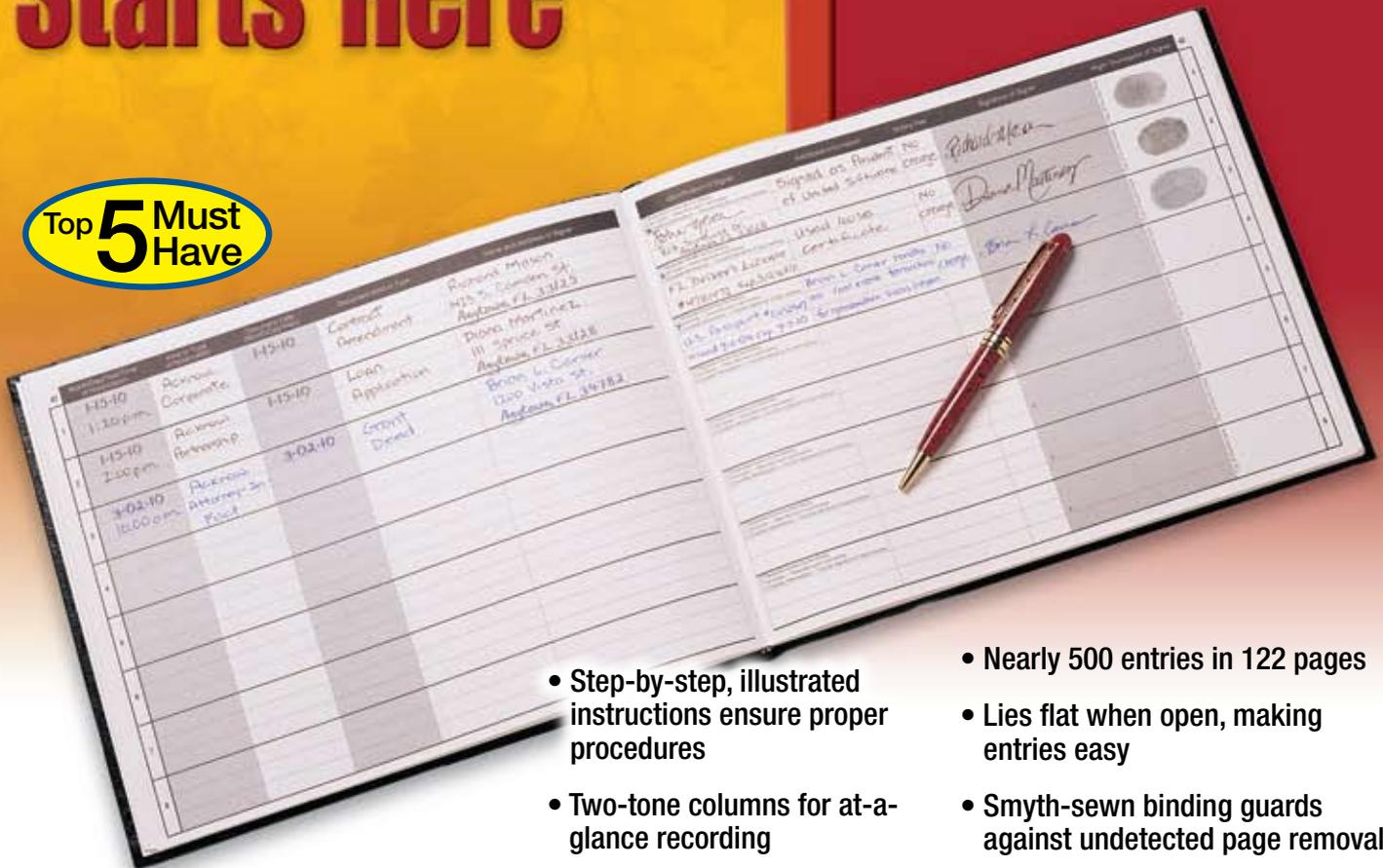
# Sound Recordkeeping Starts Here

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A detailed journal can provide valuable evidence in the event a notarized document is lost or altered, or if certain facts about the transaction are challenged later.

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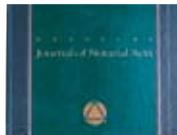
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Official Journal of Notarial Acts, Hardcover

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In many instances, as recent court cases have shown, the biggest challenge for Notaries is that they don't know what they don't learn. Many Notaries go about their tasks believing they are doing everything correctly when they are, in fact, doing things wrong and exposing themselves, their signers and their employers to potential harm and liability.

Many Notaries do not know what it means to obtain satisfactory evidence of a signer's identity. They might think their task is to match signatures or that they can simply take a signer's word as proof of identity.

Another common issue is the failure to keep seals and journals secure and out of unauthorized hands. Many Notaries who work in large offices or busy retail stores think nothing of leaving their seals out in the open where anyone can come along and misuse them.

Many Notaries also think there is nothing wrong with acceding to their bosses' wishes to forgo a client's personal appearance. Still other Notaries do not know the difference between an acknowledgment and a jurat. Or they are confused by certificates from other states or agree to perform unauthorized notarial acts simply because they do not know better.

A number of states require Notaries to keep records of their notarial acts, but many Notaries in those states either are unaware of the requirement or are unclear about what information needs to be recorded.

Notaries often get mixed advice and guidance about how to do their jobs from different sources — bosses, friends, co-workers. That just creates more confusion and uncertainty and was one of the primary reasons both Colorado and Montana recently enacted mandatory education for their Notaries.

The American Notary office has incredible real-world



implications — for both the signer and the Notary — and it's critically important that Notaries understand their duties and practices, and follow them correctly.

A flawed notarization performed by a well-meaning, yet untrained Notary increases the public risk of fraud, and places Notaries squarely in the path of legal problems, which can result in a lost commission, fines and even prosecution.

As is often said: not knowing the law does not excuse you from the consequences.

### PROPER EDUCATION

Lack of training can have a significant ripple effect. Society in general suffers when Notaries do not fully understand or appreciate their responsibilities. Without a strong foundation of proper notarial procedures, responsibilities and ethics, otherwise conscientious Notaries unwittingly may allow innumerable frauds and improprieties to take place.

While most states have laws that define the responsibilities and requirements for being a Notary, too many have overlooked the need to make education mandatory for obtaining a commission. The examples are everywhere.

Texas mandates maintaining a journal and has specific requirements for the information that must be recorded, but it does not require Notaries to undergo training.

Delaware Notaries must use specific notarial wording for their official acts, and the state allows for electronic notarizations, but does not insist that their Notaries be trained in these procedures. Once again, that leaves the responsibility up to the individual Notary.

But there are resources. Notary-regulating officials in most states have handbooks and other materials. Notaries and their employers can turn to resources such as the NNA's educational programs, the *Model Notary Act* and *The Notary Public Code of Professional Responsibility* for guidance in abiding by the highest standards of care when performing notarizations.

Accredited courses, such as those offered by the National Notary Association, are a good way to stay current with the requirements, practices and developments affecting Notaries.

The bottom line is simple: A sound education is essential to protecting the public and steering clear of compliance and liability issues. Taking any other path is like driving your car down a busy freeway with a blindfold on. 

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# Fix Errors Before They Become Big Problems

MOST NOTARY SLIP-UPS CAN BE REMEDIED, BUT MAKE SURE YOU FOLLOW THE PROPER STEPS FOR CORRECTING DIFFERENT NOTARIAL ACTS.

Everyone makes mistakes from time to time — but a mistake in a notarization can have serious financial and legal consequences. The good news is that often these errors can be easily fixed — but it's important that you correct each error the right way. Below are some typical errors, and the proper way to fix them so that problems are avoided.

### MISTAKES IN THE CERTIFICATE WORDING

It's not uncommon for a notarial certificate to contain incorrect information or details — such as the wrong state and county in the venue — whether it is penned by the Notary or improperly inserted on a pre-printed certificate.

In these cases, the Notary simply lines through the incorrect information and writes in the correct details, then initials and dates the changes. It's also a good practice to note the correction in your record book.

Only the Notary is authorized to make corrections to the notarial certificate. Signers and third parties should not correct certificate wording, and Notaries should never provide third parties with loose notarial certificates in order to correct an error post-notarization. Instead, the original notarized document and certificate wording must be returned to the Notary to make any certificate corrections.

### BLANK SPACES OR ERRORS

Notaries often discover blank spaces or errors in the main body of a document and must refuse the notarization because the document is incomplete. Notaries cannot fix those oversights in the main document

because it would constitute an unauthorized practice of law.

If there are any other substantive errors in the document being notarized, the signer should contact the issuing or receiving agency or consult with an attorney to find out if a revised document is necessary.

Only the signer, the document's issuing or receiving agency, or a qualified representative of the signer — such as an attorney — should make these corrections or additions and only then, after they do so, can the notarization be completed.

### ERRORS IN THE RECORD BOOK

Sometimes errors are made when recording details of a notarization in a record book. These slip-ups are handled in the same way as errors in certificate wording: Line through the error, write in the correct information and initial and date the change.

### DON'T USE CORRECTION FLUID

Never use “white out.” This is viewed as a warning sign of document tampering by receiving agencies. Many recording offices will automatically reject a document with corrective fluid on it. Also, if law enforcement ever needs to inspect your record book and sees correction fluid, it may lead them to suspect entries have been altered.

Whenever you make a mistake, make sure you use the right method to correct it. Don't try to improvise corrections — it's likely to result in document problems and difficulties for the Notary in the future.

# Before You Sign & Seal, Identify with Confidence

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Source Code  
**A39892**

## Statement Of Ownership

United States Postal Service Statement of Ownership, Management and Circulation 1. Publication Title **The National Notary** 2. Publication Number **0894 - 7872** 3. Filing Date **10/1/10** 4. Issue Frequency **Bimonthly** 5. Number of Issues Published Annually **6** 6. Annual Subscription Price **\$3.00** 7. Complete Mailing Address of Known Office of Publication (Not printer) **9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Telephone **(818) 739-4040** Contact Person **Mike Valera** 8. Complete Mailing Address of Headquarters or General Business Office of the Publisher **Same as above** 9. Full Names and Complete Mailing Addresses of Publisher, Editor and Managing Editor (Do not leave blank) Publisher **Milt Valera, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Editor-At-Large **Charles Faerber, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Managing Editor **Phillip Browne, 9350 De Soto Ave., P.O. 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Paid Circulation (By Mail and Outside the Mail) (1) Mailed Outside-County Paid Subscriptions Stated on Form 3541. (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) (Avg. No. Copies Each Issue During Preceding 12 Months) **228,804** (No. Copies of Single Issue Published Nearest to Filing Date) **219,762** (2) Mailed In-County Paid Subscriptions Stated on PS Form 3541. (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** (3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales and Other Paid Distribution Outside USPS® (Avg. 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Copies not Distributed (See Instructions to Publishers #4 (page #3)) (Avg. No. Copies Each Issue During Preceding 12 Months) **5,842** (No. Copies of Single Issue Published Nearest to Filing Date) **6,780** h. Total (Sum of 15f and g) (Avg. No. Copies Each Issue During Preceding 12 Months) **238,935** (No. Copies of Single Issue Published Nearest to Filing Date) **231,275** i. Percent Paid (15c divided by 15f times 100) (Avg. No. Copies Each Issue During Preceding 12 Months) **98.1%** (No. Copies of Single Issue Published Nearest to Filing Date) **97.9%** 16. Publication of Statement of Ownership  If the publication is a general publication, publication of this statement is required. Will be printed in the **November 2010** issue of this publication. 17. Signature and Title of Editor, Publisher, Business Manager or Owner Date **10/1/10** I certify that all information furnished on this form is true and complete. 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*Milt Valera*

# 'Notario' Conundrum Creates Difficulties For Honest Notary

By Terilynn Garrett  
NNA Hotline Counselor  
tgarrett@nationalnotary.org



Notaries serving the immigrant community — especially newcomers from Hispanic countries — often encounter confusion over the term “*Notario Publico*”. *Notarios* in Latin nations

generally are legal professionals able to perform duties akin to an attorney, and many immigrants to the United States are susceptible to being victimized by unscrupulous individuals seeking to take advantage of the confusion. Many states have strict laws governing how Notaries may advertise themselves. But even the most scrupulous Notaries can sometimes encounter problems, as **L.M. of Anderson Valley, California** discovered.

**I advertise in a local phone book, and the recent edition listed me as a “Notaria” without my knowledge or permission. I was told that the ad violates state law regarding the use of the Spanish word Notaria. When I called the Secretary of State’s office, they told me how to print out a complaint form, but the form was to file a complaint against the Notary — me. This hardly seems to be the direction I should go. I do not know what to do.**

First, make sure you have all the information about the phone book publisher, call the Secretary of State’s office back and ask for a supervisor. This is a very serious matter and they need to have a record that this was done without your knowledge or permission. Then call the publisher and advise them that this is a serious violation of notarial law.

Since the book is already out, there isn’t a lot that can be done. But you do want to be able to show that you reported this and that you are not responsible for the ad wording. You should describe what happened in writing and send it to the Secretary of State.

**I am commissioned in the Parish of Lafayette and can also notarize in Acadia and Vermilion Parishes. Louisiana now has a statewide exam. If I pass the exam, will I be allowed to notarize documents anywhere in my state?**

**M.M., Scott, Louisiana**

Yes, applicants who take and pass a statewide Notary examination may also exercise their notarial authority statewide. (RS 35:191:1)

Formerly, only attorney-Notaries had statewide jurisdiction. Validly appointed Notaries do not need to take the exam, but their commissions would then only have parishwide authority.

**Someone wants me to notarize an Illinois Property Tax Exemption form that verifies their income. Do I have to follow all the new rules regarding property documents, such as keeping a log, getting a fingerprint, etc.?**

**D.D., Rolling Meadows, Illinois**

The state of Illinois does require a thumbprint and “Notarial Record” for all documents that transfer title of real property. The document that you are asking about, however, is not that type of document. The National Notary Association and many Notary-regulating officials across the nation strongly recommend that every Notary keep a detailed, accurate and sequential journal of *all* notarial acts, although it is not required by law in Illinois.

You can reach Terilynn 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



## When The ID's In Doubt, Double-Check It Out

Verifying a signer's identity is at the heart of every Notary's duty. This task is usually simple because most signers present acceptable, valid identification documents.

There are other times when suspicions should be raised. You might notice slight differences in the typeface. The signer's photo might be raised slightly, suggesting that it might have been added. Or your signer might act nervous or anxious to rush through the notarization. So what should you do if something is amiss?

### Ask Questions

If you have doubts about a signer's identity, start by asking questions. Ask about his or her hometown, birth date and address. If the ID is genuine, your signer should be able to answer the questions without hesitation. People using fake or doctored IDs might not have memorized that information. If someone has difficulty answering your questions, your doubts are likely correct and the notarization should be refused.

### Ask For A Second ID

Another way to double-check a signer's identity is to ask for a second form of ID. Your signer's primary ID — such as a driver's license — should contain several key elements, including a photograph, physical description, signature, expiration date and some type of serial or ID number. A second or supplemental ID does not have to meet all of those standards.

A supplemental ID could be a Social Security card, credit card, student ID or other similar identifying document. Individuals using bogus IDs often do not have credit cards or other ID in the fake name. In the end, a supplemental ID provides additional

information that supports the validity of the primary ID, and such supplemental ID should be noted in your official records.

### Thumbprints Don't Lie

Currently, only California and Illinois require Notaries to record signers' thumbprints, and then only for certain notarizations related to real estate transactions. But it's valuable to record every signer's thumbprint or fingerprint for every notarization, because it deters impostors who are reluctant to leave behind unequivocal evidence of their true identities.

The value of a thumbprint record was demonstrated in a recent California case in which a group of con artists were accused of killing a 74-year-old Palm Springs man and trying to sell his home. While the case has not come to trial yet, the evidence includes a thumbprint that one of the accused men left in a Notary's journal.

Because thumbprints are not required in most states, signers might object if asked to leave theirs. The best way to overcome such objections is to simply make it your standard practice to record thumbprints for every notarization.

### Just Say 'No'

If you still have doubts after doing everything you reasonably can to verify a signer's identity, you should refuse to perform the notarization. Use your common sense and experience. And always proceed the way you would want another Notary to handle a document involving your home or livelihood.



# ***The Notary Public Code of Professional Responsibility***

Best practices, risk management, liability protection and true professionalism must begin with *The Notary Public Code of Professional Responsibility*. If you are serious about being a Notary and protecting yourself against personal liability risks — and providing your employer with professional value and your constituents with trust and confidence — *The Notary Public Code of Professional Responsibility* will empower you to perform your official duties ethically and lawfully every time.

[NationalNotary.org/NotaryCode](http://NationalNotary.org/NotaryCode)



**NATIONAL  
NOTARY  
ASSOCIATION**

*The Nation's Professional Notary Organization*®

**1-800-US NOTARY (1-800-876-6827)**

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