

April 2017

# The National NOTARY®

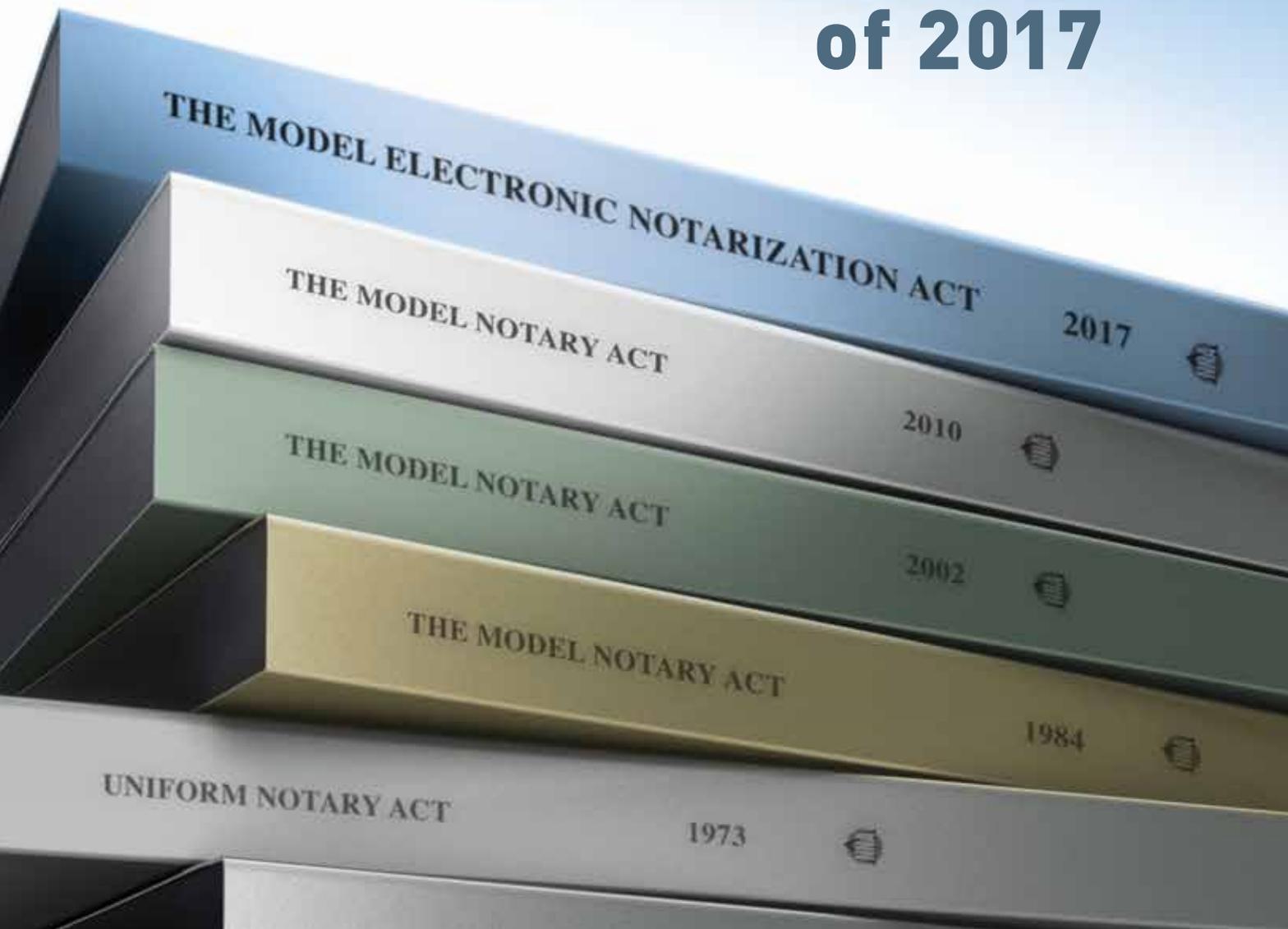
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## IN THIS ISSUE

- 14 Five Strategies for Getting General Notary Work
- 18 Notaries and Immigrants
- 20 Meet the 2017 Notary of the Year Honorees

INTRODUCING

# The Model Electronic Notarization Act of 2017





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# NATIONAL NOTARY ASSOCIATION

# The National NOTARY

Vol. LVII, No. 2, April 2017 Magazine

Published by the National Notary Association

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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 the highest ethical standards of conduct and sound notarial practice.

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The National Notary (ISSN 0894-7872), April 2017 Vol. LVII, No. 2, is published bimonthly by the National Notary Association, 9350 De Soto Ave., Chatsworth, CA 91311, a non-profit organization, to educate Notaries about the legal, ethical and technical facets of performing notarial acts and to instill in them a sense of self-respect and professional pride in their important role of public servant. • ALL RIGHTS RESERVED. Reproduction in whole or in part without the express written permission of the publisher is prohibited. • SUBSCRIPTION to all NNA members in the United States and its possessions comes out of their \$59 annual dues. International subscriptions are \$76 annually. Six dollars of membership dues are designated for a one-year subscription to the publications. • For address changes, send new and old addresses including ZIP code, suite or apartment number, and mailing label, if possible, to the NNA. PERIODICALS POSTAGE paid at Chatsworth, CA, and at additional mailing offices. • POSTMASTERS: Please send address changes to Customer Service, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.

## TABLE OF CONTENTS



### COVER STORY

# 10

## Introducing The Model Electronic Notarization Act

*David Thun*

Rapid advances in online communication and electronic document and signing technology are playing an ever greater role in notarization. But many states lag behind in creating a sound framework of laws and rules to make sure technology maintains the integrity of the notarial act. The National Notary Association recognized the need to provide support and guidance to policymakers addressing this issue while preserving the integrity and security of notarial acts. To answer that need, the NNA has published the Model Electronic Notarization Act of 2017.

## 12 The Model Notary Act Across the United States

## 13 A Guide to RULONA, MENA and the Model Notary Act

### DEPARTMENTS

YOUR COMMUNITY	6
ASSOCIATION NEWS	8
YOUR WORLD	9
BEYOND THE BASICS	23
HOTLINE	24
NOTARY ESSENTIALS	26

### FEATURES

# 14

## Five Strategies for Getting General Notary Work

*Daniel Lewis*

Trying to make a living on loan signings alone can be very difficult, if not impossible over the long haul. At some point, every mobile Notary needs to branch out to take on general Notary work. This article provides five proven strategies from veteran entrepreneur Daniel Lewis that a Notary anywhere can use to build up a strong, diverse slate of business offerings.

# 18

## Notaries and Immigrants

*NNA Staff*

While most Notaries never get immigration-related notarization requests, it's increasingly likely that they will encounter signers from other countries who may bring any number of issues to the signing table, including language barriers, identification challenges and the risk of the unauthorized practice of law.

# 20

## Meet the 2017 Notary of the Year Honorees

*Phillip Browne*

Each year the NNA celebrates the accomplishments of a select group of Notaries who rise above and beyond the call of their duties as public officials. We'd like to proudly introduce our four Notary of the Year Honorees for 2017.



## What is the Strangest Form of ID You've Been Offered?

**NOTARIES ACROSS THE COUNTRY** have encountered an array of unusual identification cards. From homemade ID cards to business cards to debit cards, Notaries have seen it all. Share with us the weirdest ID you've encountered on the job: [bitly.com/StrangeID](https://bitly.com/StrangeID).

A homemade ID card. He took a selfie on the couch.  
*Aadarinei, Ridgeland, MS*

Well, it wasn't valid for ID use, but a guy tried to show me his medical marijuana card.

*Catherine James, Jamestown, VA*

An ID from 1979 before NV had expiration dates.

*Ericka Davis, Las Vegas, NV*

I once had a client present me with a copy of a California Driver's license. I explained to him that I needed to see the actual license.

*Verne Gordon, Anaheim, CA*



## Community Sound-Off: Safe Signing Locations

**A MICHIGAN NOTARY** reached out to the NSA group on LinkedIn asking for advice on what is the best and safest way to meet up with signers. Notaries provided many different scenarios.

I have been a Notary for 25+ years. I do many different jobs as a Notary Public. I always meet the people where they choose. Most people want to meet at their home. Some people want to meet at the library, a restaurant, coffee house, a diner or wherever they are comfortable.

*Marion McGrath, Bayville, NJ*

It is now and has been for many, many years a standard practice for

the Notary Public, as an extension of the settlement agent or sender's superior customer service program, to meet the signing parties at a place convenient to them. I do not see this changing anytime soon. I do understand your concern for personal safety and this is a topic that many signing agents do not take seriously enough.

*David Shean, Pasadena, CA*

I meet my clients in a public place. A bit safer.

*Rhonda Cox, Bessemer, AL*

All mine are at borrowers' homes. My husband normally is in my car a few minutes from the house (Starbucks or parked on

street). If not, he knows the address where I am and time of appointment so he knows I will call him when I am finished also.

*Kristina Darling, Tracy, CA*

I usually sign in people's homes and call my husband before I go in and again when I return to my car. Since the escrow company and lender have all the personal information of the clients, I feel pretty safe. Keep in mind, no matter where you are, you still need to be aware of your surroundings and trust your gut. Always stay safe!

*Linda Spain, Hansville, WA*



## Stamp! in the Name of Love

**NOTARIES ON FACE-BOOK** expressed their love, gratitude, and humor this Valentine's Day.

Before you break my...seal?  
*Gil Sery, San Diego, CA*

I wish all my Notary Public friends and colleagues a wonderful and fantastic Valentine's day today! Thank you all so much for

your service in providing the best Notary services we offer to the public! Represent well.  
*Luvia Zepeda, Riverside, CA*

Happy Valentine's Day, NNA! Thanks for all the services and education you provide for Notaries. Truly invaluable!!  
*Cathy A. Elledge, Gulfport, MS*

## Signing Agents Are Ready for Tax Season

**WE ASKED NOTARIES** to share their best tax advice for a new Notary business owner. Here's what the community said.

Ask your CPA what you can and can't write off

then set up an accordion file system to separate stuff, so when it comes time to get ready for tax filing you have everything together.  
*Lori M. Hein, Bridgeton, NY*



## NNA 2017 is Fast Approaching!

**START NETWORKING EARLY** with other Conference attendees. Whether you're looking to share a room at the Hyatt Regency Dallas or meet your peers, visit the Facebook event page: [bitly.com/NNA2017FB](http://bitly.com/NNA2017FB).

Wow! This makes my 14th consecutive attendance at the NNA Conference. Can't wait to see everyone in Dallas, TX.

*Elaine Wright, Bowie, MD*  
Looking forward to Conference this year.  
*Jackquelyne Hall, Los Angeles, CA*



Maintain your Notary journal and mileage log.  
*David M. Helmic, Olive Branch, MS*

I always keep my receipts in a separate file cabinet where I can find all business documents in case of an audit or request.

*Mary Sabillena, Gainesville, FL*  
From the first receipt to the last, keep detailed records.  
*Charles Miller, East Meadow, NY*

To view more tax tips, please visit: [bitly.com/NotaryTaxTip](http://bitly.com/NotaryTaxTip).

**Join our online communities and interact with the NNA and Notaries everywhere!**



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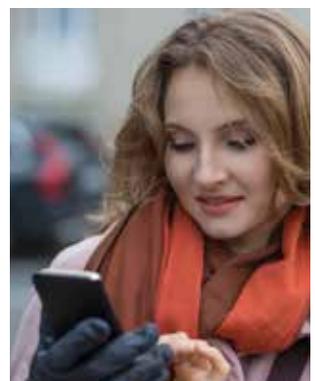
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### Coolidge Presidential Foundation Honors NNA, Chairman Milt Valera for His Leadership

**THE NATIONAL NOTARY ASSOCIATION** and Chairman Milt Valera were honored recently by the Calvin Coolidge Presidential Foundation for the work of the NNA and its service to the nation's four million Notaries. The NNA and Valera were honored in New York at the Coolidge Foundation's annual gala last December.

Coolidge Foundation Chair Amity Shlaes spoke elegantly of Valera. "President Coolidge once said, 'I want you to know that I feel you are making good citizens.' When we read that phrase, we instantly think of Milt," Shlaes said at the event attended by state and federal officials, corporate leaders and other dignitaries from across the nation. "Milt helped turn the Coolidge Foundation's eyes to the national stage. In six



Milt Valera and Amity Shlaes

years we will celebrate the centennial of the Coolidge Presidency, and if we are in any way prepared it will be because of Milt.

"I think it is fair to say that most of our staff would not be here without Milt," Shlaes said. "I think President Coolidge would have liked Milt very much."

Valera has served as a Foundation Trustee for more than a decade, and his commitment and

leadership helped drive the Foundation's growth and stature. He was attracted to the Foundation because of President Coolidge's legacy of public service, integrity, impartiality and the rule of law — ideals that Notaries embrace. "The Notary Public is the ultimate citizens' institution," Shlaes said. "The Notary is involved at every stage of our lives, and is particularly important for the immigration process."

### Saluting Veterans at NNA 2017

**FOR THE FIFTH CONSECUTIVE YEAR, the National Notary Foundation salutes veterans by offering a full-day of educational workshops to honorably discharged U.S. veterans during the NNA's annual Conference. The complementary program includes:**

- The Opening General Session keynote address: "Being Successful by Putting the WOW in Service"
- "Starting a Successful Notary Business"
- "Performing the 5 Steps of Notarization with Confidence"
- A choice of one of the following recommended workshops:

- "Growing Beyond Small: 9 Tenets of Small Business Growth"
- "Growing Your Business by Building a Notary Presence in Your Community"
- "Create More Opportunities with a Diverse-Business Certification"

- The Industry Panel Discussion

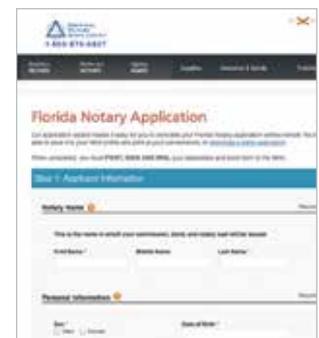
Breakfast and parking are included for the program participants. Please contact [veterans@nationalnotary.org](mailto:veterans@nationalnotary.org) for information. Or if you're ready to register, please call 844-4NNA-CONF.

### The Wizarding World of Notary Applications

**RENEWING YOUR COMMISSION** in Florida and Texas is easier than ever before. We've created an application wizard for both states that will help you fill out the application and bond form in an easy-to-use format. The wizard provides hints, information and validation along the way as you complete the forms. You'll save time and ensure your application is error free.

You also have the option to save your work in your NNA profile for access at a later date. This is an important feature because you'll be able to fill it out at your leisure or make changes to your application by simply logging into your My NNA account.

Whether you're ready to renew your commission or if you're mentoring anyone who is interested in becoming a Florida or Texas Notary, please check out the application wizard and let us know your thoughts.



## 40 States Considering New Notary Laws

**2017 IS SHAPING UP** to be a busy year for new Notary laws with 40 state legislatures considering at least one bill and some a dozen or more. The two major trends include remote “webcam” notarization measures and broad updates to existing statutes.

Kentucky, Maryland, Minnesota, Nebraska, Oklahoma and Texas are currently all considering bills that would permit Notaries to use audio-visual technology to communicate remotely with signers under certain conditions. Remote communication during notarization — also known as “webcam notarizations” — is a process that provides greater convenience for signers but has also



been strongly questioned due to potential risk of identity fraud. Currently, only Virginia, Montana and Florida permit use of remote communication technology by Notaries.

Meanwhile, lawmakers in several other states, including Colorado, Georgia, Idaho, Indiana, Minnesota,

and New Jersey, have proposed updating their Notary laws with provisions from RULONA — the Revised Uniform Law On Notarial Acts developed by the Uniform Law Commission — to help modernize their statutes. Learn more at: [www.bitly.com/NotaryLaw](http://www.bitly.com/NotaryLaw).

## NSA Tips for Getting More Assignments

**WHAT CAN SIGNING AGENTS** do to boost their reputation and motivate companies to offer them more assignments? Aaron King, CEO of Snapdocs, offers these five tips:

1. *Arrive on time* — or, better yet, show up to the closing a few minutes early. If you are running late, be sure to communicate that to the borrower.
2. *Help keep the borrower informed*, as appropriate. If you are called upon to act as a messenger between the borrower and the lender, title company, or

signing service, clearly communicate all information that needs to be relayed. And, if there is a change to the signing, alert the borrower immediately (if you provide the borrower with an update before their mortgage company does, even better).

3. *Dress professionally*. Your first impression is your only impression with mobile closings, and presenting yourself well helps to earn borrowers' trust and confidence in you.

4. *Come prepared* and organized with all of the loan

paperwork. Be knowledgeable about the forms the buyer will be signing so you can competently answer any questions during the closing, easing the anxiety of uncertainty.

5. *Be friendly, courteous and patient*. Borrowers don't want to feel rushed, and each borrower will move through the closing at their own pace — some may have more questions than others. Also, have patience with less-than-ideal situations, such as locations with lots of distractions (pets, kids, etc.).

## How Do Your State's Notary Fees Compare to Other Regions?

**LAST YEAR, NOTARIES** in California, Kentucky and Washington, D.C. were allowed to charge more for their services thanks to new laws. But the fee limits for Notaries vary greatly across the country — some states limit Notaries to charging less than \$1, some \$10, and some don't set limits at all. How do your state's fee limits compare with those in other regions? You can find out by taking a look at the NNA's chart of Notary fees in different states and territories at [www.bitly.com/notaryfeechart](http://www.bitly.com/notaryfeechart).

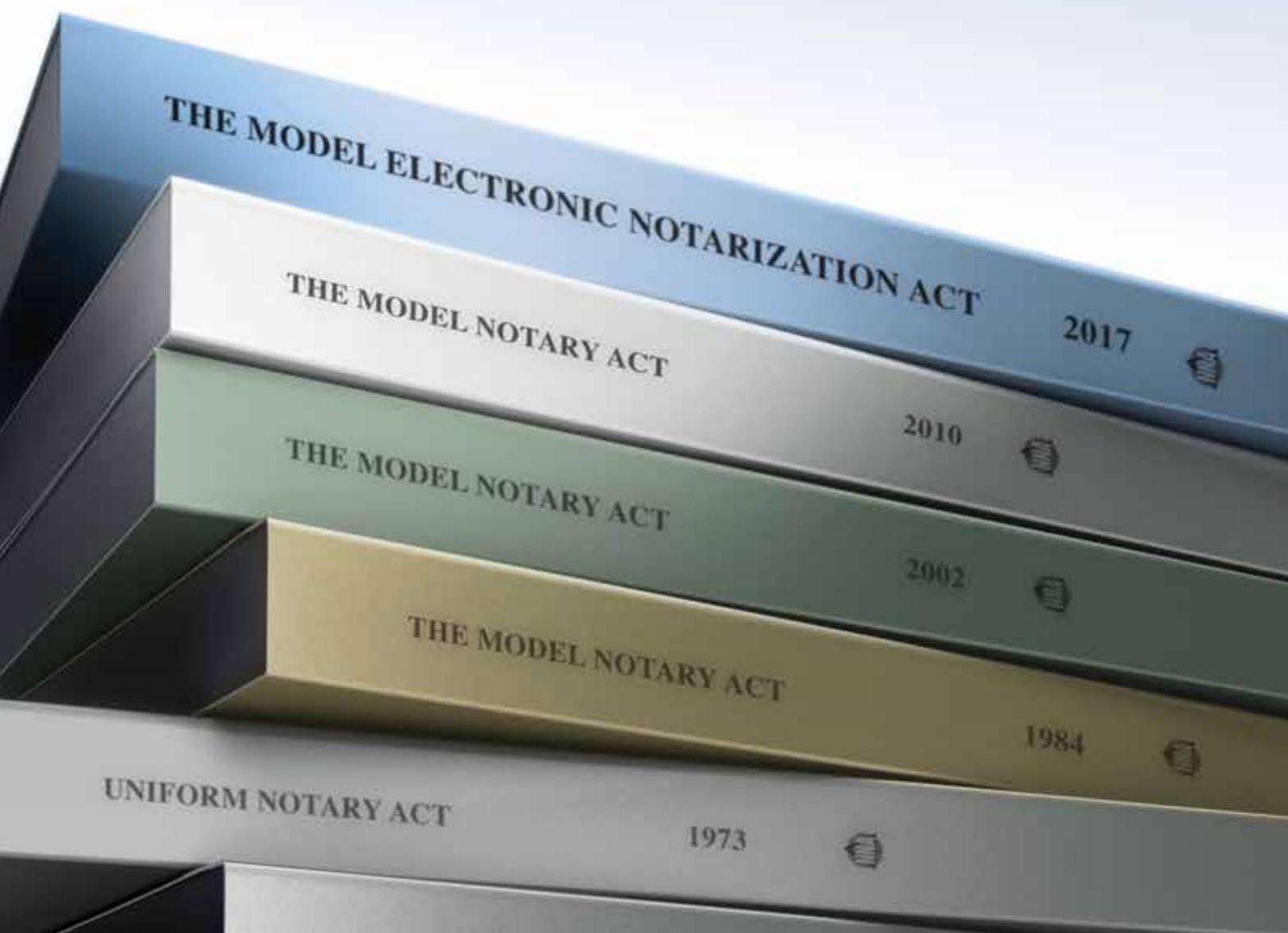


INTRODUCING

# The Model Electronic Notarization Act of 2017

By David Thun

**R**APID ADVANCES IN ONLINE COMMUNICATION and electronic signing technology are changing the way notarizations are performed. These changes have sparked a spirited discussion among trade associations, business leaders, Notary regulators, legal experts, technologists and policymakers across the country on how to regulate notarial acts that use this new technology.



As a leading education and support provider for Notaries, the National Notary Association recognized that it was crucial to provide clear support and guidance to policymakers addressing this issue while preserving the integrity and security of notarial acts.

Consequently, the NNA has published a resource to guide and inform lawmakers trying to integrate new technologies into the notarization process. The result is the Model Electronic Notarization Act of 2017.

## What is the Model Electronic Notarization Act?

The Model Electronic Notarization Act (MENA) is a comprehensive standard and guide for public officials looking to draft new laws or administrative rules governing the notarization of electronic records. It is the fifth model act published and contributed to the public domain by the NNA, but the first one devoted exclusively to electronic notarization.

The primary intended purpose of the MENA is to allow a U.S. state or jurisdiction to enact progressive electronic notarization provisions alongside its existing paper-based Notary statutes to form an integrated, single system for both electronic and paper-based notarial acts.

Drafted by the NNA, the MENA was reviewed by a diverse panel of state officials, legal scholars, law enforcement professionals, technology providers, industry leaders and Notaries. The Act includes a wealth of information to support the Act's policy goals. It includes a detailed legal commentary, written by Malcolm L. Morris, Dean of John Marshall Law School in Atlanta, Georgia, explaining each of the Act's positions. In addition, several appendices provide background on verifying identity online, a detailed history of electronic notarization laws dating back to the mid-1990s and model rules to implement the Act's provisions in an administrative rule framework.

"The MENA is the go-to resource for electronic notarization laws and rules," said Bill Anderson, MENA Drafting Co-Coordinator and NNA Vice President of Government Affairs. "Every policymaker considering eNotarization should consult the MENA to review all policy options."

The MENA itself is not a binding law. To become law, it must be introduced and enacted in state legislatures, adopted by a Notary commissioning official as administrative rules or put into effect by gubernatorial executive order. In fact, prior versions of the NNA's model acts have become law in all these ways.

As with all the NNA's prior model acts, lawmakers may choose to include all or part of the MENA when enacting laws or adopting administrative rules.

## How Does the MENA Help Notaries?

At the most basic level, the MENA was drafted with a firm conviction that the involvement of a Notary in electronic transactions is necessary to make those transactions more secure and trustworthy.

One of MENA's primary goals is ensuring that any new laws incorporating technology into the notarial process are clearly worded and understandable by the Notaries who must read and abide by them.

The Act's provisions are designed to ensure that Notaries can fulfill their traditional role regardless of the technology being used, be it an ink pen and physical Notary seal or an electronic signature and webcam.

"The MENA provides state lawmakers with a well-conceived model for remote electronic notarization that protects all involved parties — document signers, persons relying on a remotely notarized document, and Notaries themselves," said Charles N. Faerber, MENA Drafting Committee Co-Coordinator.

The Act contains several provisions specifically designed to protect Notaries. Notaries may refuse a request for an electronic notarization for several reasons, one being the poor quality of the audio-video transmission in a remote electronic notarization.

In addition, the Act created a new protection absolving the Notary of any liability in using an electronic notarization system if the system fails to comply with the requirements of the Act.

Both the model statute and recommended rules are written in such a way as to be flexible enough to apply to future technologies. That is a crucial element of the MENA because it is intended to make sure Notaries and the notarial act remain relevant and vital to our daily transactions.

So many state laws and Notary rules are embedded in the practices of past centuries. But the advances of technology are rendering those practices less effective and more obsolete. And a growing number of states are recognizing the need to update their laws.

Given that more than two dozen states and U.S. territories have adopted provisions from the NNA's previous model acts, the MENA could help shape how Notaries will use technology to protect 21st century commerce.

## MENA and Webcam Notarization

One of the most significant discussions among the

"The MENA is the go-to resource for electronic notarization laws and rules."

— Bill Anderson, MENA Drafting Coordinator

drafting committee and reviewers involved webcam notarization.

“The greatest challenge faced by the MENA drafting committee was deciding whether the Act should ignore, outlaw, legitimize or strictly condition so-called remote electronic notarizations,” Faerber said. The committee decided that such notarizations are advisable and in the

One of the most significant discussions involved webcam notarization.

public interest — but only when they are governed by rigorous rules.

In view of the growing interest in webcam notarization, it became clear that the MENA had to address it with provisions to protect both Notaries and members of the public who rely on the integrity of audio-visual electronic notarizations.

This is particularly true given that half a dozen states — including Texas and Maryland — are considering webcam notarization bills during their current legislative sessions.

Consequently, Chapter 5 of the MENA allows the use of audio-video technology to communicate with a signer, including the following requirements:

- Remote audio-video communication should only be used for electronic notarizations, not for notarization of paper documents. (It should be noted that this recommended requirement is included in established webcam notarization laws in Virginia, but not in Montana).
- The Notary must archive and protect a recording of the notarization and provide access to the recording to the public, state officials or law enforcement.
- The Notary must still verify the identity of the signer and any required witnesses through appropriate proof of identity.
- The Notary, principal signer and any required witnesses must access the audio-video system through an authentication procedure that is reasonably protected from unauthorized access.

- The notarization must provide reasonable certainty that the Notary and all participants are viewing the same electronic document and any changes or signatures are made in real time.
- Any Notary who performs a notarization using audio-visual communication must have a minimum surety bond of \$25,000 to protect signers from financial damages in addition to any Notary bond they have for their Notary commission.

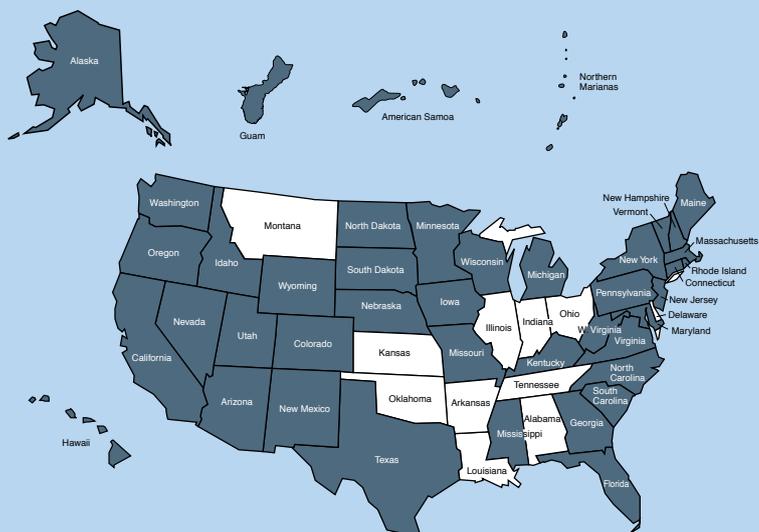
### eNotarization and Electronic Journals

The MENA also updates model language for electronic notarization to address standards for computer systems and software used to perform electronic notarizations, or “eNotarizations.” Some states, such as North Carolina, require vendors of eNotarization systems to apply for state approval and have their systems approved by the state Notary regulating agency.

The MENA proposes an alternate approach in its model language. Instead of vendors having systems reviewed and approved individually by a state agency, MENA suggests a list of standardized requirements that any eNotarization system can be required to meet. This would simplify

## The Model Notary Act Across the United States

For nearly four decades, model Notary acts published by the NNA (Uniform Notary Act of 1973, Model Notary Act of 1984, 2002 and 2010, and Model Electronic Notarization Act of 2017) have been used by state officials in creating and updating Notary laws. The map at right shows the U.S. states and territories (shown in blue) that have adopted provisions of the Model Notary Act in their statutes and administrative rules:



and streamline the process of ensuring eNotarization technology meets minimum standards of security and privacy.

The MENA also updates standards for electronic journals. Notaries have often asked if they can use an electronic journal in lieu of a traditional, permanently-bound paper journal. The MENA answers in the affirmative and provides the following requirements:

- The electronic journal must be accessed through a password or other secure means of authentication;
- The electronic journal must be tamper-evident (that is, display evidence of any change to a journal entry);
- The Notary must create a duplicate record as backup, in the event of the original electronic journal being lost, damaged or destroyed;
- The electronic journal must be capable of saving an electronic signature or other biometric identifier such as a retina scan, fingerprint or voiceprint; and
- The electronic journal must be capable of providing tangible or electronic copies of any entry made in the journal.

Though under the MENA a Notary may use an electronic journal for both electronic or paper-based notarizations, or both, the current legislative trend has been to limit electronic journals to electronic notarizations.

“There aren’t many states enacting electronic journal laws for traditional pen and paper notarizations,” Anderson said. “Some states have wanted a journal requirement for paper-based notarizations, but when the bills are introduced, there is pushback from people who oppose journals. A common compromise has been to require journals only for electronic notarizations.”

### Working with the MENA

U.S. states and jurisdictions have a variety of ways to use the MENA. First, the Act can be enacted either as a “plug-in” update or complete replacement of a state’s electronic notarization statutes.

Second, lawmakers can choose to enact select portions of the MENA and leave out sections (such as the chapter on webcam electronic notarizations) that they are not ready to integrate or that they prefer not to include.

Finally, for those states that prefer to enact the Revised Uniform Law on Notarial Acts (RULONA) (see article, right) instead of the MENA, an appendix in the MENA provides a model for using the MENA provisions as the source for administrative rules to implement the RULONA provisions on electronic notarization.

The MENA provides something for every U.S. state and jurisdiction that seeks to modernize their Notary laws while ensure the integrity of the notarial process. ■

## A Guide to RULONA, MNA and MENA

Notaries may be confused by references to acronyms such as “RULONA” and “MENA” and terms such as “Uniform Laws” and “Model Acts” and when talking about new Notary statutes. Below is a quick reference guide on uniform and model legislation used by many states when creating Notary statutes.

*RULONA:* RULONA stands for the “Revised Uniform Law on Notarial Acts.” RULONA was created by the Uniform Law Commission (ULC), a non-governmental body originally formed to promote standardized laws for business and commerce in different states. It is a uniform act, which means it is intended to promote uniformity in the Notary laws and administrative rules of different states. RULONA addresses electronic notarization in general terms. It has been adopted in Iowa, Montana, Nevada, North Dakota, Pennsylvania and West Virginia.

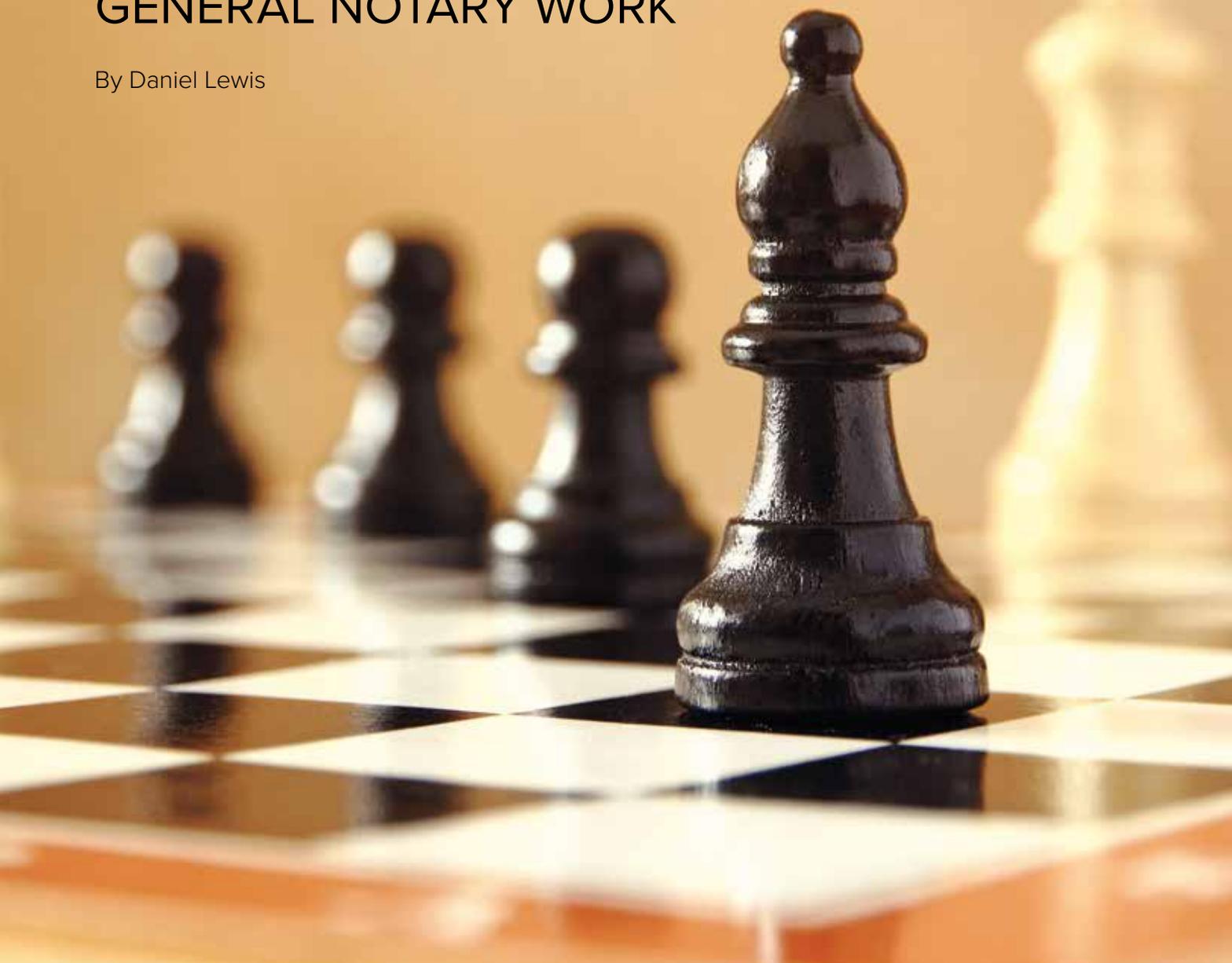
*MNA:* MNA stands for the “Model Notary Act.” It was drafted by the NNA as a model statute to replace the NNA’s Uniform Notary Act of 1973 that was produced in collaboration with the Yale Law School. Unlike a uniform act (RULONA), the scope of the MNA is much larger. The MNA has served legislators and Notary regulating officials for nearly four decades beginning in 1984. It was revised in 2002 and 2010. 2002 was the first version of the MNA to include provisions on electronic notarization, and those initial provisions were revised and expanded in 2010.

*MENA:* MENA stands for the “Model Electronic Notarization Act.” It was created by the National Notary Association as a model act to provide specific rules for electronic notarization and Notary-related technology. The MENA provides guidance and model language on several technology topics such as webcam notarization, electronic document notarization and electronic journals. The MENA may be enacted as a “plug in” to supplement a state or jurisdiction’s existing Notary laws, or used as the source for administrative rules.

The RULONA, MNA and MENA are not laws in and of themselves. They must be introduced and enacted in individual state legislatures before becoming law.

# 5 WINNING STRATEGIES FOR SECURING GENERAL NOTARY WORK

By Daniel Lewis



**O**VER THE YEARS, THE NOTARY SIGNING AGENT INDUSTRY has changed tremendously. We have seen lender and title company requirements increase the frequency of background screening and training. We have seen major fluctuations in the market that prompt NSAs to diversify their offerings. And some states have added more regulations such as requiring Notaries to obtain a Title Producer's license to conduct real estate closings.

These constant changes are a burden but necessary, so it makes sense for you to change as well and expand your business to include general Notary work. General Notary work is often overlooked by NSAs, but many are now returning to their bread-and-butter roots to keep the revenue flowing. The advantages include:

- Building a deeper relationship with your clients
- Diversifying your business
- Filling a growing need in the community
- Increasing profits by lowering overhead costs
- Getting paid right away

Journalist and author George H. Lorimer once said, “You’ve got to wake up every morning with determination if you’re going to go to bed with satisfaction.” In that spirit, I’ve found five quick and easy strategies that get me more general Notary work:

### Supercharge Your Notary Profile on Sites Like SigningAgent.com

If you are actively looking for general Notary work, you must put yourself in the shoes of your potential clients and ask yourself, “Would I hire me?” Review your various profile listings and check:

- Have you updated your profile in the last 90 days?
- Do you have a professional picture on the site?
- Is your full suite of Notary services current?
- Are all your professional memberships and affiliations listed?
- Do you list all recent conferences, trainings, or workshops you’ve attended?

### Develop a Winning Marketing Plan

To develop your plan, seek out trends in your industry, look for “gaps” where your services might be in demand, and examine your messaging and business presence to identify any changes you need to make to increase general assignments. Your plan should clearly define several specific goals and strategies including your:

- **Target Market** (Who is going to buy from you?)
- **Positioning Statement/Messaging** (The statement that differentiates you from the competition)
- **Offerings** (What products, services, or combined service packages will you offer customers?)
- **Price Strategy** (What will you charge considering the quality of your customer service and the competition?)
- **Sales Strategy** (How much business do you want to do?)

- **Promotion Strategy** (What campaigns will you implement to reach your potential customers? [i.e. website, social media, business cards, pamphlets, personal appearances])

Notary businesses with a holistic and dynamic marketing plan can dramatically increase their rate of success.

### Develop a Professional Presence

Opportunity is everywhere, and just about everyone you encounter or pass on the street can be a potential customer. It’s essential to maintain a professional presence and appearance all the time and in all your business and personal transactions. That can translate directly into thousands of dollars a year in business. And when you do a good job for those customers, you’ll get even more new business through word of mouth referrals and Yelp! reviews.

Establishing and maintaining a professional presence manifests itself in two specific forms: Physical and digital. The physical “you” directly interacts with potential clients and customers. The digital “you” is the presence potential

You’ve got to wake up every morning with determination if you’re going to go to bed with satisfaction.

clients and customers find online, through search engines, websites, social media and professional listings. The first impression you make usually will be digital, as most people use the internet when looking to solve a problem, or find a quality product or service.

In preparing your personal and digital presence, answer the following questions and take action:

- What would a potential client find if they were to do a search on my name or my business?
- Would they want to invite me to handle transactions?
- Would that client feel safe with me coming to their home or office?
- Do I portray a sense of efficiency and professionalism?

### Make Money Where You Spend It

This is a strategy that many Notaries underestimate. It means that wherever you spend your money (i.e. restaurants, post offices, banks, office supply stores, etc.), be sure to leave your business cards or other marketing materials for other customers to see. Restaurants and post offices

especially like receiving pens with your company's name and contact information. I have personally received hundreds of referrals from marketing materials I left

I have personally received hundreds of referrals from marketing materials I left with businesses.

with businesses. Other questions you should address:

- What can I do to provide my services to this business where we both can benefit?

- How can I develop a deeper relationship with people I spend my money with and create a customer out of them?
- Am I leveraging my community relationships properly?

### Develop a Social Media Presence

A social media presence is essential to gaining

general Notary work. Sites such as Facebook, LinkedIn, Twitter, and a well-designed website can pay significant dividends. A well-developed social media campaign can increase brand recognition and improve

customer loyalty. Having a social media presence also increases traffic to your website while cutting your overall marketing cost. According to HubSpot, 95 percent of marketers who use social media at least six hours per week indicated their social media efforts increased exposure for their business. This time spent on social media campaigns will lead to an increase in general Notary assignments which equates to a more profitable Notary business.

Being a Notary entrepreneur in today's competitive environment is challenging. So when building your own strategy to increase your general Notary work, do not fall into the trap of being overly complicated. Just start with a solid, yet simple and achievable plan. Then work your plan. The results will surprise you. ■

## It Wasn't Me



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Credit, and Good Name  
with LifeLock.

**30 Day FREE Trial\***  
+ 10% Off LifeLock  
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PROMO CODE: NNA30

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**1-800-LifeLock**  
(543-3562)

**TAX FRAUD**

### POLICE REPORT

Victim: Stanley Bupkis

Crime: Tax-Related Identity Theft

Status: Married, Home Owner,  
Two Kids, Never Shreds  
Personal Documents.

### Perpetrated Crime:

- Stanley's Social Security number stolen from documents tossed into home garbage.
- False tax return submitted in Stanley's name claiming a \$4,800 refund.

### Resulting Impact:

- Spending months trying to resolve his stolen identity claim with the IRS.
- Stanley is not \$4,800 richer.
- Mother won't return calls because he has disgraced the family name.

\*Event and character represent a fictitious portrayal.

 **LifeLock**  
Relentlessly Protecting Your Identity

No one can prevent all forms of identity theft.

<sup>†</sup>Network does not cover all transactions.

<sup>‡</sup>The benefits under the Service Guarantee are provided under a Master Insurance Policy underwritten by State National Insurance Company. Under the Service Guarantee LifeLock will spend up to \$1 million to hire experts to help your recovery. As this is only a summary please see the actual policy for applicable terms and restrictions at [LifeLock.com/legal](http://LifeLock.com/legal)

\*At the end of the no-cost 30-day trial period, your card will be billed automatically (\$8.99mo/\$98.90yr for LifeLock Standard™ service or \$17.99mo/\$197.70yr for LifeLock Advantage™ service or \$26.99mo/\$296.90yr for LifeLock Ultimate Plus™ service. All pricing excludes applicable sales tax.) You can cancel any time without penalty by calling 1-800-LifeLock. Offer is for new LifeLock members only.

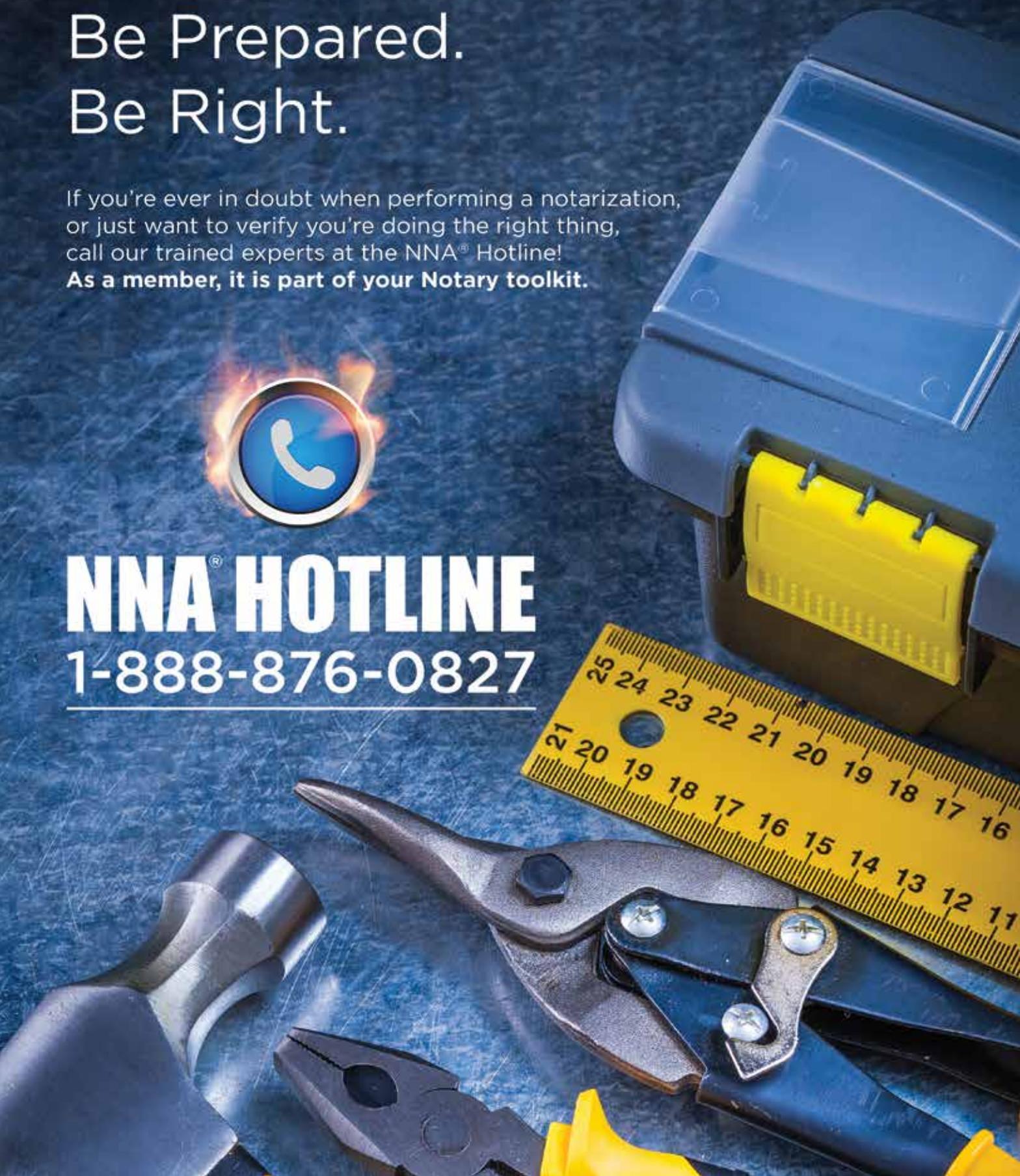
Be Confident.  
Be Prepared.  
Be Right.

If you're ever in doubt when performing a notarization,  
or just want to verify you're doing the right thing,  
call our trained experts at the NNA<sup>®</sup> Hotline!  
**As a member, it is part of your Notary toolkit.**



**NNA<sup>®</sup> HOTLINE**  
**1-888-876-0827**

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# SERVING THE IMMIGRANT COMMUNITY THE RIGHT WAY

By NNA Staff

**IMMIGRATION ISSUES HAVE BECOME A HOT-BUTTON TOPIC** in the U.S. While most Notaries never are asked to notarize immigration documents, it's increasingly likely that at some point you will. When you do, you'll realize signers from other countries bring a number of issues to the table, including language barriers, identification challenges and the temptation to engage in the unauthorized practice of law.

Like native-born Americans, immigrants need to have documents notarized when they purchase homes, take out mortgages, transfer vehicle ownership, fill out school permission slips for their children, and more. So it's important to understand how to provide notarial services to immigrants while avoiding common but potentially harmful mistakes.

## Verifying Identity

Immigrants often lack the traditional forms of identification needed to establish satisfactory evidence of identity for a notarization.

Many only possess IDs issued in their home countries, which may be unacceptable under state law to present to a Notary. But that doesn't mean you always have to turn these individuals away empty-handed. Here are some options:

*Foreign passports.* Many states permit you to accept foreign passports. But make sure you understand any requirements that your state may have. Some jurisdictions, for example, require the passport to be stamped by the U.S. Citizenship and Immigration Services. Others, like Arizona and Texas, only allow foreign passports for transactions conveying or financing real property.

*Personal knowledge.* Every state but California permits Notaries to rely on their personal knowledge of signers to verify their identity. If you personally know the immigrant, you can perform the notarization without ID. If not, you can ask the immigrant if they know a Notary personally and refer them to that Notary.

*Credible identifying witnesses.* Most states allow signers

without ID to be identified by credible witnesses — either one or two, depending on the state and the rules. In general, when using one credible witness, the immigrant-signer and you must know the witness. When using two credible witnesses, the witness must present acceptable ID and know the signer. Credible witnesses must be willing to take an oath swearing that they personally know the signer.

**Consular IDs.** Many immigrants present an identification card that is obtained from their embassies or consulates. However, consular identification cards, known in Spanish as *matricula consular* cards, have been criticized by law enforcement agencies as being vulnerable to fraud, and they aren't universally acceptable for notarization. California, Illinois and Nevada are three states that recently have changed their laws to allow Notaries to accept consular IDs, but not all are acceptable.

**Special state-issued IDs.** A number of states also have started issuing driver's licenses and non-driver's IDs to immigrants who lack proof of identity required of native-born residents. But again, whether Notaries can accept these IDs depends on their state's laws.

### Breaking Language Barriers

Many immigrant signers speak little or no English. If you speak the signer's language, you'll be able to help them. However, if you cannot communicate directly with the signer, refer them to a reputable Notary who is fluent in the language.

Almost every state prohibits the use of a third-party interpreter to communicate with a signer because of the risk of misinterpretation and fraud. Arizona is an exception, allowing Notaries and signers to communicate through a translator.

Then there are foreign-language documents. If your client presents a document written in a language you cannot read, be sure to follow state law or the recommendations of your Notary-regulating agency. For example, North Dakota requires a foreign-language document to include a permanently affixed, accurate English translation in order to be notarized. And Arizona law requires documents to be signed in characters the Notary can read and understand. California and North Carolina require the notarial certificate on the foreign-language document to be in English.

### Sticking to Your Role

One of the common issues that arise with immigrants is their misunderstanding of your role. Immigrants may have utilized the services of a Notary in their home country and then expect you to do what Notaries back home can do.

One common example is for a citizen of another country to present a "proof of life" certificate to a Notary. Many countries require citizens to have this document notarized

and submitted yearly in order to collect a pension. Most U.S. states, however, do not authorize Notaries to notarize these "proof of life" certificates because state law doesn't allow a Notary to certify that an individual is alive. This often confuses signers who have been directed by the foreign agency to have a U.S. Notary complete the "proof of life" certificate.

An alternative that may be acceptable is to have the individual sign and swear to a written statement that they are alive. You can let the signer know you can notarize their signature on such a written statement if they check with the receiving agency back home to confirm they will accept it instead of the "proof of life" certificate.

### Avoiding the Unauthorized Practice of Law

Arguably the most publicized pitfall for nonattorney Notaries is providing legal assistance to foreign-born clients. Many well-intentioned Notaries in immigrant communities want to help their clients, but rendering any legal assistance — such as suggesting what form an immigrant signer needs or helping them answer questions on a form — is a serious breach of law unless you are an attorney.

As long as you take care to stay within your duties as a Notary, you can effectively help immigrant signers. ■

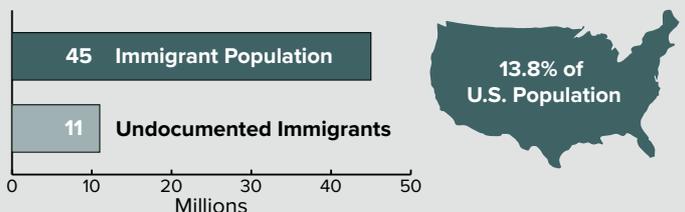
## Who Can Provide Immigration Help

**Immigration attorneys:** The American Immigration Lawyers Association (AILA) has approximately 13,500 active members.

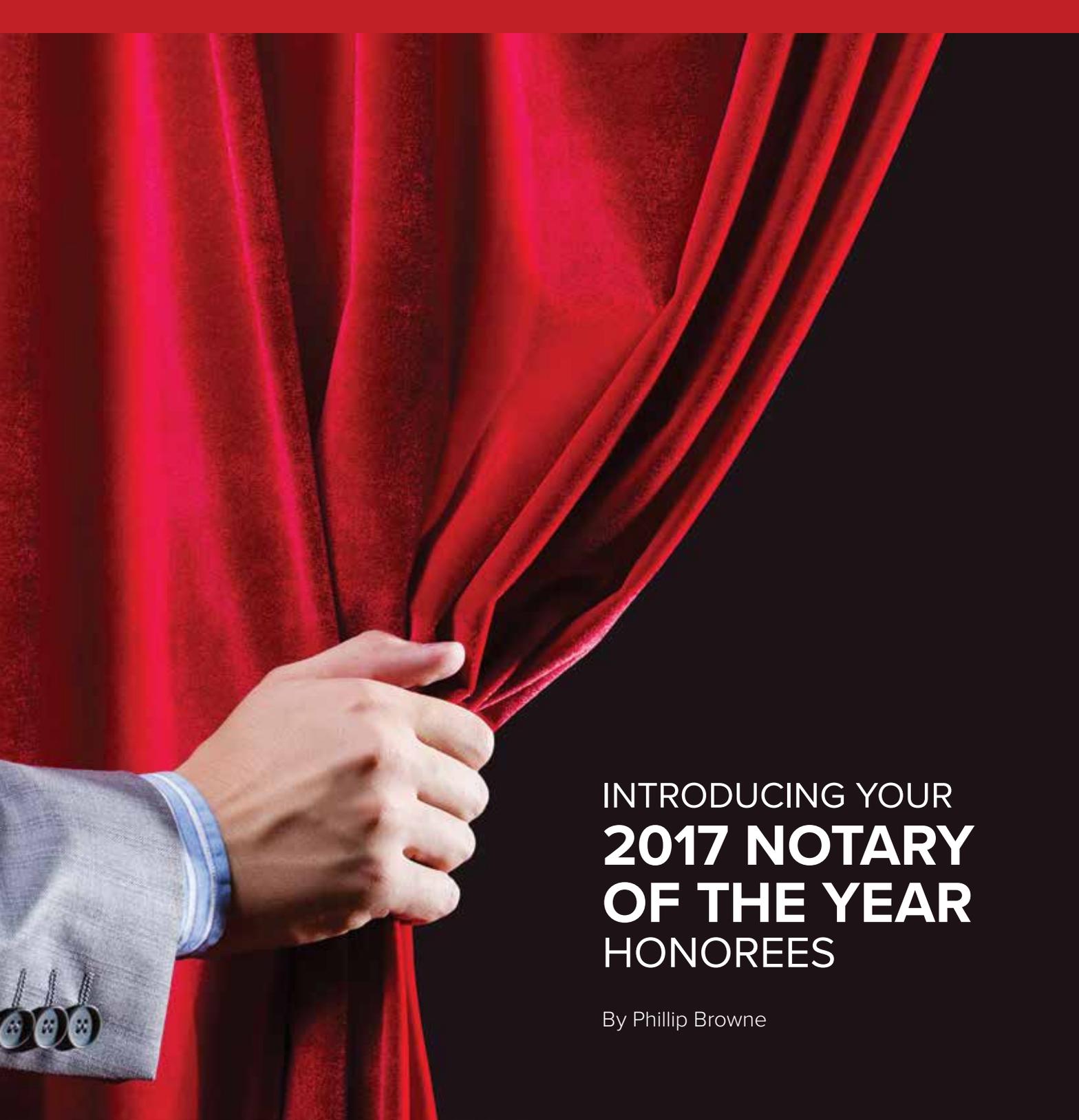
**Accredited representatives:** Accredited representatives are specially qualified nonattorneys authorized by the U.S. Department of Justice to represent noncitizens in immigration matters. The Executive Office for Immigration Review maintains an active list of representatives.

**Immigration Consultants:** A handful of states allow nonattorneys to provide limited non-legal immigration assistance — such as translating or transcribing a client's answers on USCIS forms, obtaining copies of supporting documents and clerical tasks. Depending on the state, they can be called immigration consultants, immigration assistance providers or immigration forms specialists.

## Immigrants by the Numbers



Source: U.S. Census Bureau & USCIS



## INTRODUCING YOUR **2017 NOTARY OF THE YEAR** HONOREES

By Phillip Browne

**E**VERY YEAR WE HONOR an extraordinary group of Notaries who go above and beyond their duties as public officials. They demonstrate a profound commitment to serving their communities. Join us at the **NNA 2017 Conference in Dallas, Texas**, this June to honor these dedicated individuals and find out who will be named Notary of the Year.



## Alisha Allen

**Home:** Wingate, North Carolina

**Occupation:** Mobile Notary, Notary Law Instructor

**Years She Has Been a Notary:** 8



## Brenda Charles-Edwards

**Home:** Seattle, Washington

**Occupation:** Founder and CEO, Black Orchid Notary

**Years She Has Been a Notary:** 25

It's one thing to become a Notary because you have a passion for community service and consumer protection. But when you take that skill and use it to train, enlighten and inspire other prospective Notaries, you've reached a whole new level.

That's the journey Alisha Allen embarked upon eight years ago when she first became a Notary. Her motivation at the time was to give back to her community by helping

### A Champion for Notary Knowledge

of the Notary Signing Agent business as demand for trained, certified and background screened professionals increased in her county.

But along the way she became so intrigued by Notary law and practice that she took the initiative to become a Notary Law Instructor, certified by the North Carolina Secretary of State.

Today Allen teaches mandatory education classes for North Carolina Notary applicants at Richmond County Community College, and is working on making her curriculum available at two other colleges.

"What's most rewarding for me is that I teach people to not just be a Notary, but to be a Notary professional," Allen said. "I make sure they understand they must be fair, unbiased and have integrity. Doing anything else goes against what a Notary stands for."

Allen continues to operate as a mobile Notary, offering 24-hour service and waiving notarization fees for all members of the public.

She is also a member of the North Carolina Notary Association where she serves on various committees to promote Notary legislation.

people get their documents notarized at no charge. She also waded into the waters

When you've been a Notary for a quarter-century, you learn a great deal about the people in your community, the issues they face, and the hurdles they encounter handling their important personal matters.

Brenda Charles-Edwards, founder and CEO of Black Orchid Notary in Seattle, Washington, has just about seen it all. But one issue has always affected her deeply: financial abuse of the elderly. So as Notary who built her career on the cornerstones of public service and advocacy, and as a businesswoman with a reputation for action, Charles-Edwards did what she does best: she got involved.

She travels to senior centers, nursing homes, hospitals and other venues throughout the greater Seattle area to speak to seniors about the importance of preparing their estates (powers of attorney, advance directives, living trusts, etc.) and maintaining valid identification.

"I speak to a lot of different elder groups because they don't know how to protect themselves, especially since a lot of the danger they face comes from their own family," Charles-Edwards said.

Charles-Edwards is particularly interested in helping the elderly maintain valid identification documents. Many seniors are denied Notary services because they lack

### A Passion for Protecting the Elderly

acceptable ID, raising their stress level and vulnerability. So she's also advocating for changes to the state's Notary code to allow for loosened satisfactory evidence standards for seniors.

She is no stranger to legislative victories. In 2006 Charles-Edwards testified before the Washington legislature on Notary fee issues, which led to the state doubling the minimum fees for notarization to \$10.

An expert in general Notary and Notary Signing Agent work, Charles-Edwards is also a mentor for new Notaries in her state, an NNA Notary Ambassador, and is training to be an AARP tax counselor. She will also be a featured presenter at the NNA 2017 Conference this June.



## Lorraine Gabryelski

**Home:** San Diego, California

**Occupation:** Lead Notary, Qualcomm, Inc.

**Years She Has Been a Notary:** 15

Just about the last place you'd expect to find a Notary is at the corporate headquarters of a global mobile technology company. But if you look a little deeper at Qualcomm — the San Diego-based mobile innovations firm — you'll find scores of Notaries across several states handling a wide variety of corporate and employee notarizations.

At the core of this team is Lorraine Gabryelski, the company's lead Notary. She recruits, trains and mentors Notaries for the company's offices in California, Texas and North Carolina; and she is the "go to" person for all Qualcomm Notaries who need mentor-

## A Dedication to Notary Compliance

ship, advice on handling employees or guidance on how to handle tricky notarizations.

To boot, Gabryelski's own workload is fierce. In 2016 she personally performed more than 1,000 corporate notarizations, many of which required multiple signatures and other special handling.

"Most notarizations we handle are for international documents, passport renewals, relocation paperwork and other immigration-related documents used to maintain a person's ability to work in the U.S.," Gabryelski said. "We also handle a lot of patent-related notarizations for processor technology and chipsets. It's a lot of hard work, but it's very rewarding to perform a vital function that helps keep our company moving."

A big part of Gabryelski's job is ensuring that Qualcomm's Notaries are properly commissioned, trained, insured and maintain an NNA membership. She runs quarterly meetings with the Notary team across states, and ensures that the company's Notary practices and policies are compliant with state and federal regulations.

In her other activities, she participates in fundraising for the American Cancer Society, is a regular volunteer at American Red Cross blood drives, and is getting involved with the Wounded Warrior Project with hopes of being able to provide notarizations for vets at no cost. She also volunteered to be a docent for the Qualcomm museum.



## Tracee Jordan

**Home:** Houston, Texas

**Occupation:** Founder, 24 Hour Notary Houston

**Years She Has Been a Notary:** 9

A fiery freeway crash. A hero 5-year-old boy who rescued his 2-year-old brother from the burning wreckage. A deceased stepfather, a devastated mother and a frantic grandmother who desperately needed to gain temporary custody of the boys.

This harrowing tale of tragedy and survival is not Tracee Jordan's story. But the Houston, Texas, mobile Notary went above-and-beyond for the family, becoming their "angel" as they continue their slow, but steady recovery.

"When this family came to me for a notarization, I knew I was going to do everything I could to help. They had been through so much it absolutely broke my heart," said, Jordan, founder of 24 Hour Notary Houston. "

The family was moving cross-country from Michigan to Galveston, Texas, when the moving truck, driven by the boys' stepfather, crashed on a Houston-area freeway. 5-year-old Isiah Church, who was thrown from the truck when it rolled over, pulled his severely burned 2-year-old brother, Jeremiah, to safety. The stepfather perished in the wreck.

The boys' grandmother, Sandi Watkins, immediately traveled from Michigan to Houston to get temporary custody of the boys. She needed a Notary to file the paperwork, and found Jordan.

"We received the most amazing support from Tracee," Watkins told ABC-7 in Houston. "She was a total stranger, but now we're friends for life."

Jordan started a GoFundMe account and began community fundraising drives at businesses and churches to help the family recover.

Jordan has a history of doing things for people in need. She makes herself available 24 hours so people can find a Notary when they need one. She closes her business once a year to host a "Will-A-Thon" where she performs no-cost notarizations for vets, seniors and low income people. And she routinely visits local hospitals to perform no-cost notarizations for patients, employees and social workers. ■

## Gods Angel on Earth with a Notary Stamp

# When to Say No... And When You Can't



As a Notary Public, you are required to provide your services to any signer who makes a lawful request. However, you're also responsible for following all laws, rules and best practices when performing a notarization in order to protect the public from fraud. Therefore, it's critical to know when you can — and cannot — refuse a notarization.

Start by checking your state's Notary handbook or other reference source for the requirements you need to follow. Here are some (but not all) of the main reasons you might be required to refuse a notarization.

### 1. Signer Disqualifications

You must refuse to notarize if the signer does not meet certain qualifications for the notarization. These may include:

- The signer is not present before you (as defined by your state)
- The signer cannot be properly identified
- The signer does not speak the same language as you

- You have reason to believe the signer is confused, disoriented, or lacks the mental capacity to sign documents
- You have reason to believe that the signer is not signing of their own free will

### 2. Document Disqualifications

You should refuse the notarization if the document:

- Contains blank spaces or missing pages
- Does not contain a notarial certificate, and the signer cannot or will not instruct the Notary which type of notarial certificate is required

### 3. Notary Disqualifications

You should refuse to notarize if the notarization presents a conflict of interest that impairs the Notary's impartiality. These may include:

- The signer is your spouse, parent, or child
- You are named as a party to the underlying transaction or have a financial or beneficial interest in the transaction

- You are a signer of the document

### 4. Other Disqualifying Situations

- You know or suspect the transaction is false, illegal, or deceptive
- The requested act is not an authorized notarial act

### When You Shouldn't Say 'No'

Generally, if a requested notarization is lawful, you should not refuse to perform it. As a public servant, you should not refuse a notarization based on personal feelings you may have about the signer's nationality, religion, race, age, lifestyle, gender, or disabilities.

The same holds true if you are asked to notarize documents that contain controversial content, such as same-sex marriage, assisted suicide, use of medical marijuana or abortion that may violate your personal beliefs. Notarizing a document does not mean you endorse or agree with its contents; you are simply acting as an impartial, third party witness and verifying the identity of signer.

Finally, remember that there is a difference between a legal requirement and best practice. For example, when it comes to taking signer's thumbprints, you must not refuse a notarization based solely on the signer's refusal to leave a thumbprint — unless you are commissioned in a state that requires collecting journal thumbprints for certain transactions (namely, California and Illinois). The same would apply to signers who are opposed to signing a journal in a state where a journal signature is not required.

### How to Say No

- **Be Tactful:** Speak to clients in a calm, respectful manner. Always maintain your professionalism, and avoid getting drawn into a debate.
- **Explain Yourself:** Clearly explain how the requested action violates the law and could get the signer and you in trouble.
- **Document the Refusal:** Make a note in your journal detailing the exact reason for the refusal, in case it is questioned later.





the past five years. Check the issuance date on the passport to determine if you can accept it. If you can't, your last identification option is to use credible witnesses.

**Q** Does Arkansas allow signing by proxy?

*E.P., Arkansas*

**A** Currently, Arkansas law does not address signing by proxy. Arkansas only references a person signing as attorney in fact. (ACA 16-47-107(c)). The signer should contact the receiving agency to ask about acceptable options. At the time of publication, HB 1450

passed both chambers of the General Assembly and is awaiting the Governor's signature. It allows a third party to sign for a person who cannot sign his or her name and a Notary to notarize the proxy signature.

**Q** In Florida, are we required to record the thumbprint in our Notary journal?

*G.B., Florida*

**A** No. Florida does not require you to record thumbprints. Because thumbprints aren't required, you can't refuse to notarize for a signer that declines to leave one.

**Q** Can I notarize a probate document that includes handwritten paragraphs?

*S.F., Georgia*

**A** Yes, you may notarize a document that has handwritten paragraphs included. Make a note in your journal that the document included handwritten information.

**What are New York state's requirements for recording identification in the Notary journal?**

*J.G., New York*

**A** It's a sound Notary practice to record the type of ID presented (i.e.,

driver's license, passport, etc.) along with the issue or expiration date. New York law does not have any requirements for recording ID information in your journal.

**Q** Am I allowed to notarize a copy of a marriage certificate?

*A.A., Pennsylvania*

**A** No. While Pennsylvania Notaries are authorized to certify that a document is an accurate copy of an original document, you may not certify certain Federal, State or County records. This would include the following types of documents: birth, death, marriage records and corporate records.

**Q** Does California have a requirement for the paper size of a jurat form?

*A.J., California*

**A** Yes, if it is presented for recording to a county recorder. It must be 8 ½ inches by 11 inches to avoid incurring an additional fee of \$3 per page for recording the document. (Government Code § 27361.5).





### How Do You Handle Out-Of-State Notary Certificates?

One of the more perplexing challenges Notaries face is dealing with certificates from other states. While most Notaries are familiar with the certificate wording of their states, requirements regarding that wording vary greatly from state to state, and out-of-state certificates often include unfamiliar, even confusing wording.

Some states prescribe the exact wording that certificates must use. Other states offer general guidelines. In some cases, it is left entirely up to the Notary to determine if the wording on a particular certificate is acceptable.

So how do you deal with a Notary certificate that comes from another state? It depends on the requirements of your state.

#### Substantial Compliance States

In most states, the general rule is that certificates must comply substantially with the requirements found within their statutes. For example, many states say that an acknowledgment

certificate is sufficient as long as it contains the words “acknowledged before me” or an equivalent of that phrasing, still leaving the exact wording somewhat open.

In these states, a Notary may use a certificate from another jurisdiction as long as the Notary follows all of the requirements for the notarization in the Notary’s state. This typically means the signer must personally appear before the Notary and be properly identified, and sign or acknowledge signing the document. However, the actual certificate wording describing these actions may vary.

#### Stricter Compliance States

Other states have more rigorous requirements. In Florida, for example, every jurat and acknowledgment certificate completed by a Notary — whether issued in or outside of the state — must contain nine specific elements and be substantially in the form prescribed in the statute.

In California, Notaries cannot complete jurat or

proof of execution certificates that come from out of state. Instead, they must use a separate certificate — sometimes called a ‘loose certificate’ — that exactly matches state-required wording. They may, however, complete an out-of-state acknowledgment certificate as long as the document will be filed outside of California and the wording doesn’t require the Notary to certify that the signer holds a representative capacity or make other determinations not allowed by law.

#### Quick Tips

*Tip #1: Determine the type of notarization the document requires.*

Read through the style and wording of the notarial certificate for key, recognizable words and phrases, such as “acknowledged,” “subscribed and sworn to” or “signed and sworn to.”

*Tip #2: Check — and most likely correct — the ‘venue.’*

The ‘venue’ field in a certificate must always reflect the state and county where the notarization was performed. If a pre-printed venue reflects a different location, cross through it and enter the correct information.

*Tip #3: Determine if wording variations are major or minor.*

If you are in a “substantial compliance” state, check the certificate on the document against the statutory form for your state — usually found in your Notary handbook.

*Tip #4: When in doubt, attach a loose certificate.*

If you believe the original certificate wording does not comply with your state laws, play it safe and replace it with wording that does — as long as your signer agrees. If they don’t, refer them to the issuing or receiving agency for guidance.

Learn more about best practices and procedures in the NNA’s Notary Essentials course:

[NationalNotary.org/notary-essentials](http://NationalNotary.org/notary-essentials)

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*Court Costs*



*Loss on Notary Bond*

*Legal Fees*

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