

March 2020

The National NOTARY®

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CAREER-ENDING NOTARY MISTAKES

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**The National
NOTARY**
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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 the highest ethical standards of conduct and sound notarial practice.

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The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when they assume their responsibilities of the office and perform their official notarial acts.

Our Core Values of Membership promote:

- **Compliance** with state laws and regulations
- **Liability Protection** for Notaries, signers and employers
- **Risk Management** to reduce fraud and identity crimes
- **Professionalism** with reliability, competence and integrity
- **Opportunities** to increase earning potential

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Kelly Rush

Many Notaries mistakenly assume that they have nothing to worry about when notarizing, even if they make mistakes. But certain mistakes are grave enough to cost a Notary's career. The bad news is that sometimes it's the most harmless-seeming errors that carry the harshest consequences, as seen in these real-life stories. The good news is that it only takes a few simple preventative steps to stay out of trouble.

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Understanding Notary Technology: Electronic Seals, eSignatures And Digital Certificates

David Thun

Notaries in many states are now authorized to perform their duties electronically or even through remote online communication. But to do so, they often require new and unfamiliar technology tools such as electronic seals, electronic signatures and digital certificates. In this article, we'll explain the difference between eSeals, eSignatures and digital certificates and show how Notaries obtain and use them for paperless notarizations.

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Notary Moonlighting: Meeting The Challenges

Kelly Rush

Full-time office jobs come with perks such as steady paychecks, set hours and consistent expectations. But many people want or need to add a side gig to bring in extra income. Office Notaries are uniquely positioned to do that, because they can use their commissions to get notarization assignments outside work.

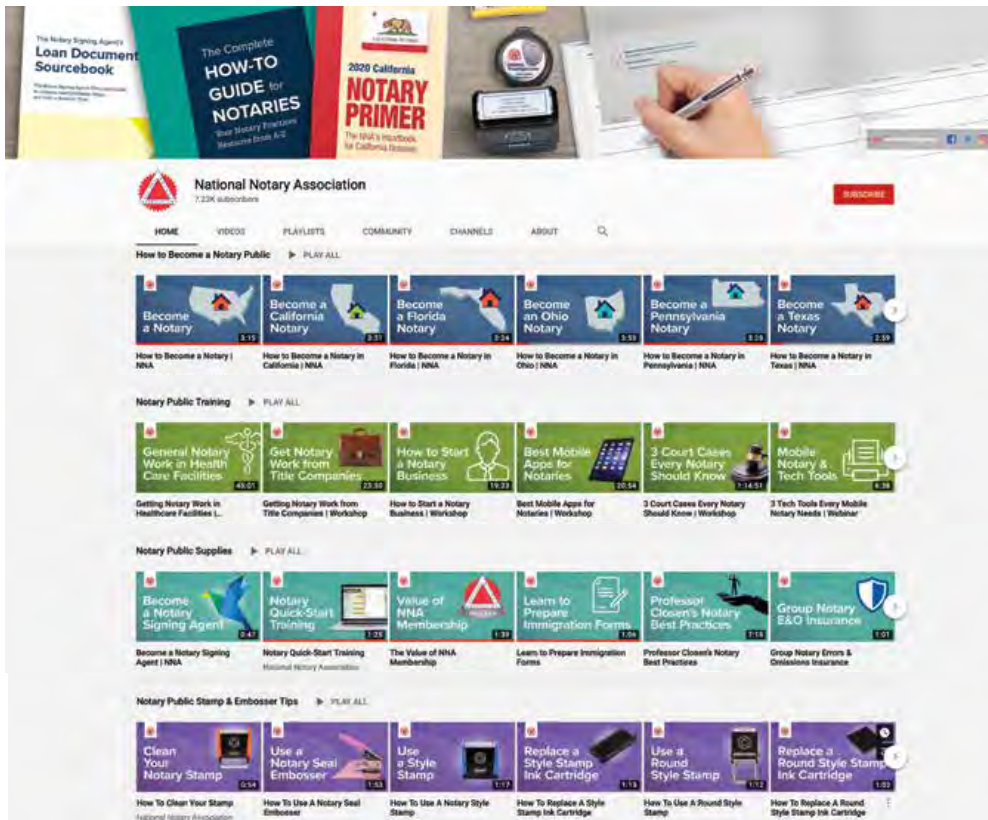
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Things To Check Before The Signer Leaves

David Thun

When you complete a notarization, checking to make sure all necessary steps have been completed before the signer leaves your presence is a wise precaution. This infographic lists 5 important things you should verify before parting ways with the signer.

Welcome Back To Our Channel



WE REVAMPED AND ADDED new content to our YouTube channel and Notaries have shared their positive feedback and video suggestions. Share your video ideas with us.

“So glad to have found these videos. Makes me feel more confident that I can become a Notary!”

Kenya, Fort Worth, TX

“I would like to see videos on online notarizations and digital closings. I hear many companies are steering in that direction now.”

LaToya Campbell-Davis, Texas City, TX

“I’d like to see a mock loan signing, from beginning to end.”

Miranda Davis, Clinton Township, MI

Trending Community Read – Sign And Thrive



SIGN AND THRIVE, WRITTEN BY BILL Soroka, has been well received by the Notary community. Many Notaries even mentioned reading it twice since it was published. Here’s what your peers are saying:

“Great book and highly recommend!”
Den Penamo, San Antonio, TX

“Just started reading it. After 32 years as a mobile Notary and Signing Agent, I thought that I could always learn something new or correct what I’ve been doing incorrectly. Louisiana Civil Law is a lot different than all the other states.”

Rebecca Adams, Morgan City, LA

“I highly recommend this read if you are not already a Sign & Thrive student! It’s a solid intro to the world of loan signing and a great tool for those who are looking to take it up a level (or two).”

Joe Lopez, Detroit, MI

“Bill Soroka, thank you for providing for us, this great read!! He really means it, if you can’t afford to pay for the online course, then purchase this book.”

Miranda Davis, Clinton Township, MI

“I got myself Kindle Unlimited for Christmas and this is the first book that I bought!!”

Sammi Kay, Colorado Springs, CO

Beware Of Impostors

HAVE YOU EVER CAUGHT A SIGNER using a fake ID? Although the situation may not arise often, Notaries shared their encounters with fake IDs. Has this ever happened to you at the signing table?

"The front of the DL looked like a normal TX State ID, but when I flipped it over it was blank. He told me the back, including the magnet strip, peeled off."

Clyde Heppner, Kansas City, MO

"I had a re-fi assignment at 11:30 p.m. with the owner of a restaurant, at the restaurant. His wife was the 'non-borrowing spouse.' When directed to a table to begin the closing, I told the borrower I would need photo IDs for both. He reached into his pocket and took out two DLs; his and his wife's. I asked where his wife was and he said 'in the kitchen cleaning up.' I asked him to call her to the table. Upon arrival, she looked nothing like her picture. I asked her what her DOB was: wrong answer. I asked her current address: wrong answer. I packed up and left."

Robert Colapietro, Westport, CT

"The license number did not have enough digits, so I knew it was fake. I refused to notarize the document. The guy was really upset and walked down the hall to his



lawyer who immediately walked into the room and berated me about not providing service to a client. I still refused. Months later I read in the news that the guy and a relative had been arrested for fraud and other crimes. Thank goodness I held strong. I did get a sincere apology from the lawyer, which was nice (though at the time he had me shaking in my boots because he was a powerful partner and I was a junior paralegal / Notary)."

Susan Dworak, San Jose, CA

Serving Your Community



WE WANT TO SHOWCASE you during the 2020 Conference. We're looking for Notaries who are shining in their communities through everyday Notary work or volunteering!

Please send your photos to social@nationalnotary.org with the subject line "Serving My Community" to be featured.

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



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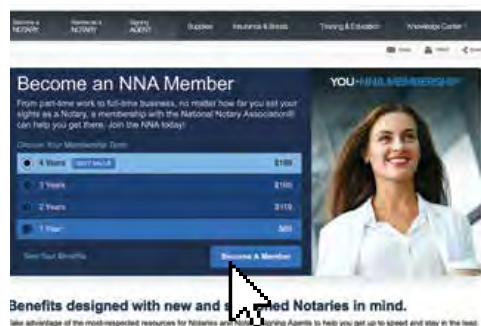
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Membership Benefits At A Glance



THE REDESIGNED NNA MEMBERSHIP WEB PAGE makes it easier than ever for you to understand all of your member benefits. **NNA membership provides expert support, professional privileges and advantages exclusive to Notaries and Notary Signing Agents — all designed to help you stay informed, save time and money, promote your services and remain lawfully compliant. When you aim to be the best Notary there can be, these tools will help get you there:**

Members-only savings

- Downloadable Notary Certificate Forms
- Member-Exclusive Discounts up to 20%
- Instant Savings with Partner Program
- NNA Conference Discount

Expert support

- NNA Hotline, answers via phone or email
- The National Notary magazine
- Monthly Member Newsletter
- The Notary Bulletin

Professional privileges

- New Law Alert Emails
- NNA Member Badge
- U.S. Notary Reference Manual
- How-To Guides

View your benefits information at NationalNotary.org/membership.

Workshops Set For NNA 2020

NEW NOTARIES AND veteran Notaries alike are looking forward to attending the NNA's annual Conference, "Shine," in Scottsdale, Arizona this June. The four-day event brings Notaries together from coast to coast for an engaging educational experience. More than 40 workshops are scheduled, and the presenters include Notaries, business owners, Department of Homeland Security officials and other professionals. You won't want to miss these sessions:

- The Complete How-to Guide for Notaries
- Life as a Remote Online Notary: Tips from a Pro 2.0
- Behind the Scenes Tips for Form I-9 Compliance
- Notary Horror Stories
- Preventing Fraud as a Remote Online Notary
- Additional Income Opportunities: Field Inspection Work for Notaries

Attending Conference is your best opportunity to network with other Notaries and get the latest information on the topics that impact you, like Remote Online Notarization (RON) technology. Join 500 of your fellow Notaries to learn more about RON, building your business and much more.

Workshop information and other Conference offerings are available at National-Notary.org/NNA2020.

NSA Success And Growth Book Bundles

WHETHER YOU'RE A NEW NSA OR A seasoned pro, reaching new clients and marketing your services can be a challenge. We frequently get questions asking for advice about getting started, building or expanding your business, and how to market your services without breaking the bank. To answer these questions, and many more, we're offering a trio of business books that directly address the various challenges NSAs often encounter along the way.

The Q & A Success Handbook for Notary Signing Agents includes more than 100 questions asked by actual NSAs via thousands of phone calls, webinars and conversations at NNA conferences. The *Handbook* is organized into four sections: Starting Out, Preparing for the Signing, Carrying Out the Signing, and Closing Out the Signing. *The Signing Agents' Code of Professional Conduct*

is also included so you'll know the professional standards expected when you're hired for a loan signing.

The Notary Signing Agent's Loan Documents Sourcebook is a must-have resource for every NSA. The 572-page *Sourcebook* contains sample loan packages for the most common real estate transactions: purchases, sales, refinances, reverse mortgages, home equity lines of credit, and commercial deals. Each sample has a detailed explanation of the loan type and highlights each document that requires notarization.

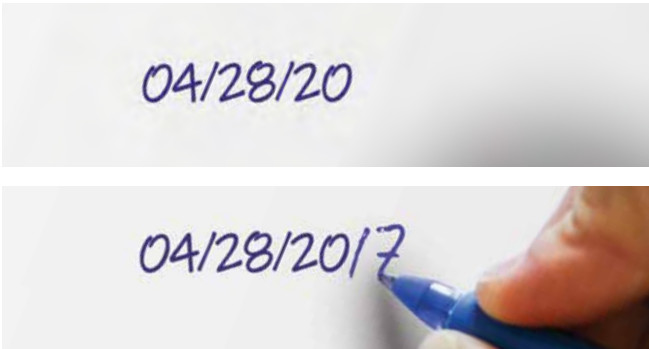
Sign & Thrive: How to Make Six-Figures As a Mobile Notary and Loan Signing Agent takes you on the author's journey transitioning from a Notary making a limited income into a successful mobile Notary and loan signing agent.

Be Careful Writing ‘2020’ When Notarizing

REMEMBERING TO WRITE the correct date when a new year starts is challenging. This year, Notaries must take additional care because writing the short form of “2020” on certificate dates could potentially leave a document vulnerable to backdating.

Many people typically shorten the year when writing out dates, such as abbreviating “February 12, 2019” as “2-12-19.” Notaries contacted the NNA this month to point out that if the year 2020 is shortened to just “20” when dating Notary certificate wording, an unscrupulous person could write in additional numbers later to alter the date of notarization. For example, the date “4-28-20” could be backdated by adding the number 17 at the end, changing the date to “4-28-2017.”

To avoid potential tampering, the safest course is to write out the full year as “2020” when completing Notary certificates or any other important records such as your journal entries.



A Frozen Body And A Notarized Note

IT ISN'T OFTEN THAT A decade old notarization makes headlines. But that's just what happened when police in Toole, Utah, found the body of an elderly man in a freezer late last year.

Police were called to the home of a 75-year-old woman who passed away of natural causes, according to media reports. When they looked through the house, they found the body of the woman's husband in a freezer along with a notarized note written by the husband in December 2008 saying that his wife was not responsible for his death.

Investigators believe the man died a few months later. He had been diagnosed with a terminal illness, and detectives are investigating whether government benefits continued after his death.

Detectives tracked down the Notary, who explained that she merely stamped and signed the note without reading it.

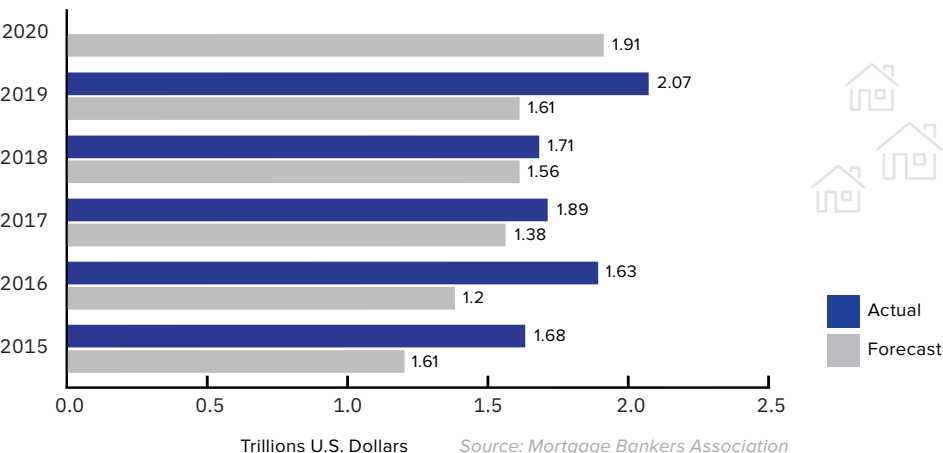


2019 A Boom Year For Mortgage Industry

2019 WAS A BOOM YEAR FOR THE MORTGAGE industry, with the lenders tallying more than \$2 trillion in total residential loan volume (see chart below), according to the Mortgage Bankers Association. This is the best performance since 2006 — good news for Notary Signing Agents.

A big reason for the strong performance was a robust refinance segment. The MBA estimates that refi activity totaled nearly \$800 billion.

While the forecast for 2020 is slightly less rosy, the market has been outperforming the industry association's forecasts for years.





CAREER-ENDING NOTARY MISTAKES

By Kelly Rush

NOTARY CAREERS ARE A LOT LIKE RELATIONSHIPS — THEY NEED CARE and consideration to thrive, and basic rules must be followed to avoid serious complications, or even failure. Whether self-employed or working for someone else, many Notaries mistakenly assume that they have nothing to worry about when performing their duties. But certain mistakes are grave enough that they can cost a Notary their career.

As impartial, trusted public servants, you are expected to perform your duties with care, respond to all lawful requests without discrimination, take care to protect your seal and journal, and never overstep your bounds by offering advice or counsel you are not qualified to dispense. You are expected to be honest, keep private matters private while disclosing what's public, and always be conscientious and diligent.

This is true whether you perform notarizations occasionally, or every day. Even a seemingly inconsequential mistake, such as a favor for a friend, can be devastating.

To illustrate the point, here are four real-life cases where Notaries faced serious consequences, such as facing jail time, losing careers and being named in six-figure lawsuits due to easily avoidable mistakes.

In some cases, Notaries made what seemed at first to be very small errors — such as accepting a photo of an ID instead of the real ID, but they all resulted in significant fallout. In other cases, Notaries were accused of fraud and knowingly participating in schemes that were illegal.

It doesn't take that much effort to stay on the right side of the law. Notaries who follow protocol, keep up to date on new laws and regulations, avoid shortcuts and refrain from offering improper advice will live in territory that's about as safe as one could reasonably expect.

Don't Give In To Pressure

A Cincinnati, Ohio, mobile Notary got a call one day from a couple needing some documents notarized. The appointment turned out to be in a parking lot. The couple brought deeds transferring ownership of four area homes to them, and they wanted the signature of the current homeowners notarized. There was just one problem: none of the homeowners were present.

The Notary later admitted to a local reporter that the couple "convinced" her to notarize the deeds despite the absent signers. If the Notary thought that was it, she was mistaken.

With the notarized deeds in hand, the couple filed them with the Hamilton County Auditor's Office. Because they were notarized, the auditor's office accepted them at face value, and the properties were transferred to the couple, according to local media reports. It turned out that none of the homeowners had signed the deeds transferring their property. It was all a scam to steal their homes.

When the scam was discovered, the police came knocking on the Notary's door. The couple were eventually

convicted and sentenced to prison terms, but the authorities were not done.

The Notary was instrumental in helping a couple fraudulently steal four homes out from under their true owners, according to news reports. As a result, the Notary was indicted on four counts of tampering with records, according to the Hamilton County Clerk of Courts. Her case was still pending when *The National Notary* went to press.

Besides facing criminal charges and the embarrassment of public censure and news reports, she no longer is a Notary. According to the Ohio Secretary of State's office, the commission, which was valid through 2023, is listed as inactive/resigned. So a woman who started a mobile Notary business has now lost that business and is facing possible criminal penalties.

Failing to require signers to be present at the notarization is the number one claim of misconduct against Notaries. This case demonstrates why such a transgression is so serious. Had the Notary not allowed herself to be "convinced" to do something she knew was not right, she'd still be in business, and the deed fraud scheme potentially may have been thwarted.

The case also underscores how much power rests in any notarization. Notarized signatures on a

deed is proof to a county recorder's office that the forged signatures are real.

Dishonesty Never Pays

While the Cincinnati Notary landed in trouble for one bad act, a North Carolina attorney committed a series of misdeeds, including two involving Notary misconduct.

In one instance, according to a North Carolina State Bar Association disciplinary order, the attorney, who also was a Notary, served as the administrator of a deceased man's estate. As part of her duties, she submitted a document to the local court purportedly signed by all three heirs to the estate granting permission to sell property. All the signatures were notarized by the attorney. However, one of the heirs did not sign the document, and therefore had not agreed to the sale.

In another instance, the attorney was preparing an estate plan for a client that required a title transfer of property held jointly by the client and her husband. The attorney notarized the signatures on the relevant documents without the client and her husband being present.

The attorney was disbarred, ordered to relinquish her law license and required to pay the costs of her own

"Tiny little things can come back and not only end the Notary's career but ... put them into bankruptcy,"

— Kim McPartland, claims examiner for Merchants Bonding Company

disciplinary hearing, according to the state bar association's disciplinary order. She also was convicted of two misdemeanor charges of performing a notarial act without the principal appearing. (In a statement to local media, the attorney claimed her mistakes were innocent, and said she was appealing the disbarment.)

demonstrate that she prioritized her own convenience and expediency over the integrity of the judicial process.

"When an attorney knowingly submits a forged and falsely notarized document to the court, it causes significant harm to the profession and the administration of justice," the order added. "Here, Defendant's know-

Whatever reason the attorney had for breaking the rules, she lost her license to practice law and earned herself a criminal record.

Protect Yourself Against Impostors

The next case involves one of a Notary's most essential duties: verifying the identity of signers.

In this instance, a California Notary was asked to notarize the signature on a deed of trust. The signer didn't have an actual ID, but instead presented a grainy photocopy of an ID card. The Notary accepted it and completed the notarization, only to discover later that the signer was an impostor, said Kim McPartland, claims examiner for Merchants Bonding Company, which provides bond and E&O services for the National Notary Association.

The title company sued the Notary for \$180,000, McPartland said, and he was held partly liable because he relied on a photocopy of an ID card instead of requiring the actual ID.

The Notary's attorney ended up settling for just \$25,000, but even that amount could have done serious

A Notary can't know which mistakes will be harmless and which will result in serious harm.

The disciplinary order specifically calls out her refusal to take responsibility for her actions, her refusal to explain who she is and who she represents, and her lack of care in following basic procedure, which all undermine trust.

"Defendant has engaged in a pattern of intentionally dishonest conduct across numerous different contexts," the order noted, adding later, "Defendant's acts of notary fraud

ing submission of the falsely notarized Petition and Consent Judgment caused significant potential harm... by causing the court to order the sale of the land when there was no legal or factual basis upon which to do so."

The essence of a Notary's role is to "serve all of the public in an honest, fair and impartial manner," notes the first Guiding Principle of *The Notary Public Code of Professional Responsibility*.

3 Important Ways To Protect Your Notary Commission



1. **Say 'no' to improper requests.** You have a duty to refuse improper or potentially illegal notarization requests. If someone asks you to break the rules, such as forgoing requiring the signer to personally appear before you or ignoring proper identification requirements, stand firm and say "no."



2. **Be cautious of friends and family members.** Many Notaries have been tricked into enabling document fraud by a friend or family member. It's all too common, for example, for a close friend to ask a Notary to notarize an absent spouse's signature on financial documents because the spouse was "busy." Only later does the Notary find out the friend is divorcing the spouse and needed the notarized document to steal the spouse's money or property. Never agree to an improper or illegal act no matter what kind of relationship you have with the person making the request.



3. **If something seems wrong or suspicious, stop the notarization and contact someone for help immediately — not afterward.** The worst possible time to ask if something is wrong is after you've completed the notarization. By then, it's too late because the damage has already been done. If something seems suspicious about a notarization request, stop the notarization immediately and contact a trusted source of guidance such as your state Notary agency or the NNA Notary Hotline. ■

damage to the Notary's business and his career. "Had the Notary not had an errors and omissions policy, we couldn't have helped with attorney's fees or the settlement amount; the Notary would have been responsible for bearing significant costs on his own," McPartland said.

Don't Ignore The Details

This last case is an example of how even the missing a small detail could lead to serious consequences.

It involves another California Notary who was handling a signing for a real estate transaction. Under California law, Notaries are required to obtain a thumbprint from signers for any real estate-related document. Only the Notary failed to get a thumbprint for this signer, who was an impostor and pulling a scam.

The title company sued the Notary claiming that if she had obtained the thumbprint, the title company would have been able to trace the imposter's true identity. The lawsuit sought \$250,000 in damages, McPartland said. Merchants settled with the title company on the Notary's behalf for \$50,000. If the Notary

hadn't had errors and omissions insurance, she would have been on the hook for the settlement amount and attorneys' fees.

"Tiny little things can come back and not only end the Notary's career but potentially put them into bankruptcy," McPartland said. "Ninety percent of these cases come down to the fact that the Notary did not do the job correctly or did not have a journal to help with their defense."

Sometimes small mistakes are just that — mistakes no one notices or cares about and which have no consequences, but in the real world, a Notary can't know which mistakes will be harmless and which will result in serious harm to signers, financial institutions and others.

If you follow all the basic requirements of your office, consistently maintain high standards, remain impartial and never cut corners, you'll stay on the right side of the law and hang on to your commission.

Going the extra step might seem unnecessary, but it sure beats prison terms, public censure and a loss of a career. ■

Where To Go For Guidance

If you encounter a suspicious notarization and aren't sure if you should proceed, there are resources available to help you:

Your State Notary Agency

Many state Notary regulating agencies can answer questions from Notaries, including whether a notarization can be performed or not. A list of state Notary websites is available at bitly.com/statenotarysites.

The NNA Notary Hotline

NNA members with notarization questions can contact the NNA Notary Hotline for help. If you aren't an NNA member, you can contact the Hotline and have one complementary question answered. Please see this page for Hotline information: nationalnotary.org/membership/Hotline.

The 'U.S. Notary Reference Manual'

The *U.S. Notary Reference Manual* is available to NNA members as a membership benefit. It can be downloaded by logging into your member account.

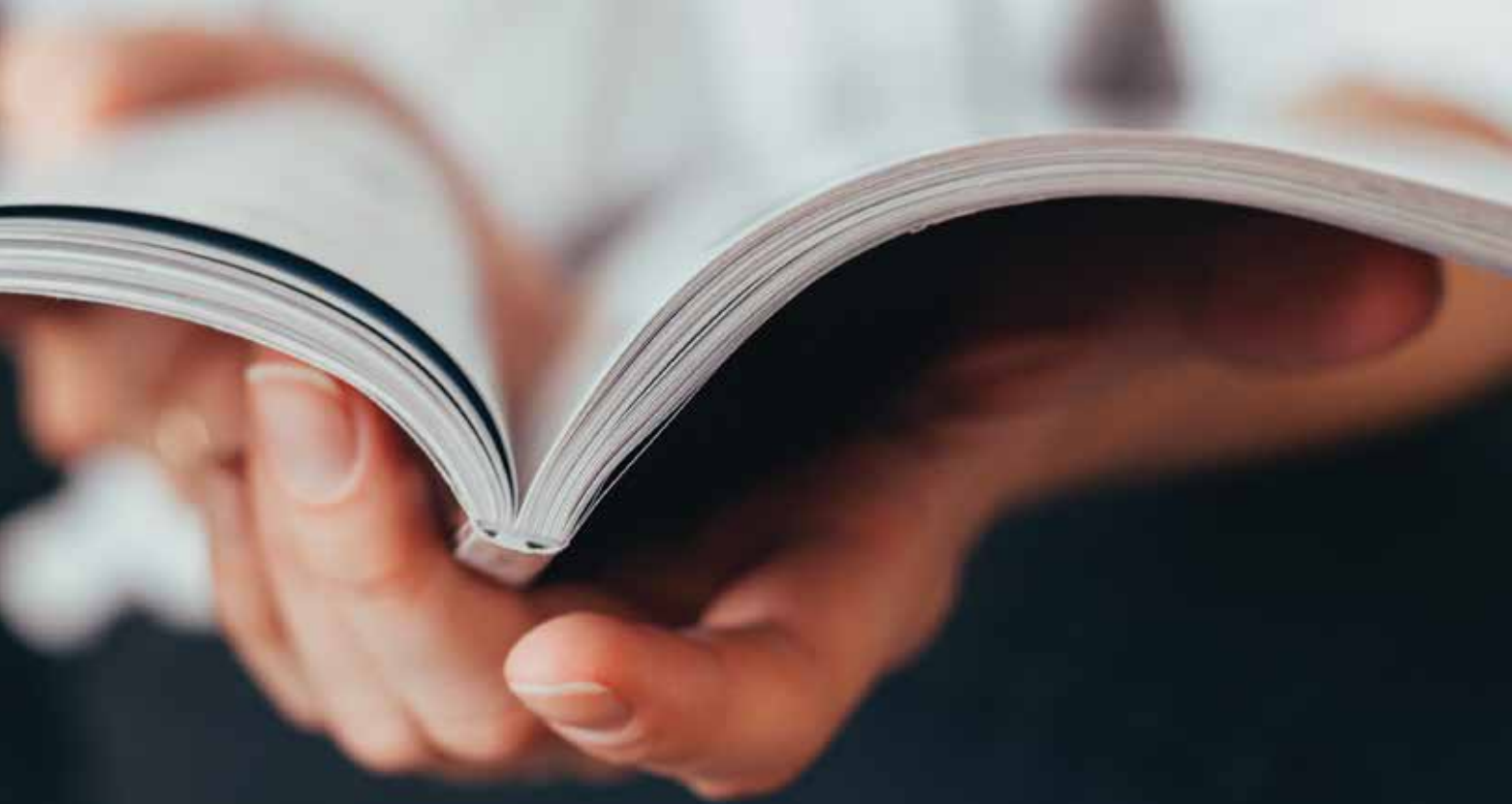
'The Notary Public Code Of Professional Responsibility'

If you encounter a situation that isn't directly addressed by your state laws, *The Notary Public Code Of Professional Responsibility* provides ethical guidelines to help you find the best response. The *Code* is available for download as a PDF at bitly.com/notarypubliccode. ■

How Keeping A Notary Journal Protects You

A well-kept Notary journal is one of the best ways to protect yourself against disciplinary action or lawsuits. Here's why:

- A detailed journal entry provides valuable information about the particulars of a notarization after the event. If a claim is made involving a notarization you performed, it is almost impossible to provide details from memory alone. A good journal entry ensures you will have that information ready if you need it.
- If you are accused of improperly performing a notarization, such as failing to properly identify a signer, information in a journal can be used as evidence in your favor. For example, if a journal entry includes details about the type of identification used by the signer, it contradicts any claim that the Notary failed to correctly verify the signer's identity.
- Legal experts recommend maintaining a detailed Notary journal because doing so demonstrates in court that a Notary is meticulous and professional. A judge or jury is not likely to be impressed by a Notary who fails to keep a journal or keeps sloppy records. ■



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UNDERSTANDING NOTARY TECHNOLOGY: ELECTRONIC SEALS, ESIGNATURES AND DIGITAL CERTIFICATES

By David Thun



NOTARIZATION USED TO BE SIMPLE: THE SIGNER APPEARS BEFORE the Notary with a signed paper document; the Notary identifies the signer; the Notary completes the notarization, signs with an ink pen and affixes a physical seal impression.

It's not that simple anymore.

Today, Notaries in many states are authorized to notarize electronic documents, sign with a signature pad or by clicking a button on a computer screen. Notarizations can not only be done without paper (aka "In Person Electronic Notarizations" or "iPEN"), but states permitting remote online notarization (aka "RON") even authorize the Notary

and signer to interact remotely while hundreds or even thousands of miles apart.

As technology plays an increasingly important role in notarizations, many states are requiring Notaries to obtain and use electronic signatures, electronic seals and digital certificates in order to perform iPENs or RONS. But if you aren't deeply versed in tech-speak, understanding what

these different tools do, how to use them and how to make sure they comply with your state's Notary laws can be extremely confusing. In this article, we'll look at three tools used for paperless notarizations — electronic seals, electronic signatures, and digital certificates — explain what they do and answer some of the most confusing questions they raise for Notaries.

Electronic Seals

Of these three types of electronic tools, an electronic seal is perhaps the easiest to understand. Basically, an electronic seal serves the same purpose for electronic documents that an ink seal or embosser does for paper — it shows the document was notarized and provides information about the Notary who did it.

A digital certificate verifies the identity of the Notary and makes the document tamper-evident.

Depending on individual state laws, an electronic seal could take different forms. It might be an electronic image such as a JPEG, PDF or other file format. But in general, the seal must include similar information to a physical seal. When a notarized electronic document is opened, information about the Notary contained in the electronic seal should be readily visible to the person viewing the document.

"What we specify is that the electronic seal must look virtually the same as a tangible, physical seal when viewing an electronic document," said Lori Hamm, Notary Program Specialist with the Montana Secretary of State's office. Hamm added that Montana lawmakers wanted to make sure that anyone viewing a notarized electronic document could easily see that the document has been notarized.

Just as with traditional seals, a Notary must take steps to make sure no one else can access and use the electronic seal without the Notary's knowledge. Some Notaries keep their eSeal stored on an approved technology platform's server accessible only with the correct password. Others might choose to store the seal on their personal computer's hard drive. However the eSeal is stored, it needs to be protected. "Electronic seals follow the same rules and guidelines as physical seals in terms of issuing and securing them," Hamm said.

Electronic Signatures

Just as an electronic seal is the equivalent of a physical ink stamp or embosser, an electronic signature serves the

same function as the Notary's handwritten signature. An electronic signature can take many forms — an image of a handwritten signature affixed to the document, a signature created by writing on an electronic signing pad or even just clicking an "Accept" button on a computer screen.

"It's easiest if you think about what Notaries do in the paper world first. The same logic applies to the electronic means for performing a notarization," said Tim Reiniger, an expert on information governance law and policy and the director of Timothy Reiniger LLC in Cape Elizabeth, Maine. Just as a handwritten signature and physical seal indicate that a traditional pen and paper notarization was completed and legally establish the genuineness of the underlying document, when an electronic document is opened, the recipient sees the Notary's electronic signature and seal information attached to the document and knows it can be legally relied upon in court or for government filing purposes.

However, a significant difference between paper documents and electronic documents is that it is much easier for someone to alter an electronic document undetected. An eDocument's text can be changed in seconds, and many people even have the capability to alter, add or remove images from an eDocument easily using software widely available to the public. So how can someone know if a notarized electronic document has been tampered with? That's where digital certificates come in.

Digital Certificates

Digital certificates are perhaps the most important — and most confusing — tool used for electronic notarizations. A digital certificate doesn't have a true equivalent in the traditional world of paper notarizations.

Despite the name, a digital certificate has nothing to do with Notary certificate wording. Though digital certificates are sometimes called "digital signatures" they are different from the electronic signatures described above.

A digital certificate performs two key functions — it verifies the identity of the Notary who affixed the electronic signature and seal on the notarized document, and it makes the document "tamper-evident." Once a digital certificate is applied, if anyone attempts to alter the document's contents, the Notary's electronic signature, or the Notary's electronic seal, the document will clearly indicate to anyone that opens it that changes have been made since the notarization was completed. A digital certificate is normally the last tool used when notarizing an electronic document, after the Notary's electronic seal and signature are applied.

"People often think everything related to a document is visual, but a digital certificate is not," said Darcy Mayer,

chief technology officer for DocVerify, a remote online notarization technology provider. "It's the cryptographic portion of a document that's there, but not visible."

Digital certificates are normally issued by a trusted issuing authority for a limited period of time and must be periodically renewed over a period ranging from 1 to 5 years. For example, digital certificates sold by the NNA are renewed either after 1 year or 3 years, which is standard for the ID technology industry, and meets the requirements for all states that authorize RON.

If a Notary needs a digital certificate to perform iPEN or RON notarizations, the Notary can obtain a digital certificate directly from the trusted issuing authority. Notaries can also obtain digital certificates through authorized vendors such as the NNA or through remote notarization technology providers such as DocVerify, which provides and maintains digital certificates for Notaries who use their platform to perform remote online notarizations.

"In our case, we (DocVerify) take on the onus and maintain the digital certificate securely with password protected

access for the Notary," Mayer said. "Our employees can't access or decrypt the files. We take on the responsibility to secure it for the Notary."

While it's possible for a Notary to obtain more than one digital certificate, Mayer said a single digital certificate can be used across multiple notarization technology platforms, so it's simpler and more secure for a Notary to use only one. Also, some states, such as Texas, require Notaries to upload their digital certificate to a state web portal so officials can verify it, and only one digital certificate can be associated with each remote Notary commission application, said Robert Sumners, director of Government Filings with the Texas Secretary of State's office.

Remote online notarization is still evolving in many states, and therefore the requirements for using digital certificates and other technology for iPEN or RON may change in the future. But for now, if Notaries have questions they can contact the NNA, their state Notary agency or a technology provider they are signed up with for assistance. ■



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NOTARY MOONLIGHTING: MEETING THE CHALLENGES

By Kelly Rush



FULL-TIME OFFICE JOBS COME WITH A LOT OF PERKS SUCH AS STEADY paychecks, set hours and consistent expectations. But many people want or need to add a side gig to bring in extra income and help make ends meet. Office Notaries are uniquely positioned to do that because they can use their commissions to get notarization assignments outside work.

In fact, more than 60 percent of office Notaries who responded to a recent National Notary Association survey said they were interested in working as mobile Notaries on the side. However, becoming an independent contractor outside of regular work hours comes with its own challenges and pitfalls — how do you get started? How do you balance your day job with your side job? How do you stay out of trouble?

Questions and uncertainty can hold people back from jumping into a potentially positive, lucrative and inspiring new direction, but the fear of the unknown doesn't have to stop you, said Richard Alderson, founder of CareerShifters, a London-based organization dedicated to helping people find work they love.

"When you're looking to change, it's often you that's your biggest obstacle," he said. "People make assumptions as to what's possible for them; some people say, 'I'm too old, or too young.' Some people think they don't have enough experience." But these self-imposed barriers are often not tested. "Fear and assumptions make up big reasons why people get in their own way," he said.

If you're willing to challenge your assumptions about what new job options and resources are available, you could create a thriving side business. You never know — it could become your new full-time gig.

Side-Gig Basics

One common assumption full-time workers make is that their current employer wouldn't be OK with them starting a

business on the side. This one is easy to test, and better done at the outset, rather than starting something and just hoping things will work out.

Jill Santopietro Panall, founder and chief consultant at 21Oak HR Consulting based in Boston, said workers should dig out the employee handbook and find out if there's a moonlighting or non-compete clause which bans employees from doing the same work for someone else.

She worked as a Notary at one time for a company that paid for her seal and to take a class, but they put no boundaries on her using it elsewhere because notarizations weren't their core business. "Anytime you're competing with a core business, it's a problem," she said. If money is going into your pocket, it's not going into theirs.

She also warned Notaries to be careful about using company resources to run the other business. "I see people getting busted on this all the time," she said. Don't use company email (IT can check this and prove you conducted outside business); use your own phone on your breaks or personal time; and don't use company computers or printers (which is a big one for loan signings that may be hundreds of pages).

If you're reasonably sure your new gig isn't going to compete, it's also a good idea to run things past your boss and then reaffirm their approval in writing via email, she said.

Marketing And Mentoring

Once you've determined it's okay to be working as a mobile Notary outside business hours, Santopietro Panall encouraged Notaries to begin marketing by articulating their value statement — what unique value do they bring to the business? Particularly in saturated fields, a value statement can help you show reasons a client should choose you over a competitor.

When she first started out, Santopietro Panall had a friend and business coach

who had set up and run small companies successfully. The friend encouraged her to do things that would show potential clients her expertise, such as speaking at chamber of commerce events or teaching classes.

Santopietro Panall also connected with people who could send business her way. A lawyer will have the legal end of things handled, but they may need a document courier, which is where the mobile Notary could come in. Santopietro Panall works with an employment lawyer, and that person has clients who still need HR consulting, which is where she steps in.

One of the best ways to develop an entrepreneurial mindset is to be around other people who are already successfully operating in this field, Alderson said. "You could learn through trial and error, but you'll get there a lot faster if you have really good people around you."

"When you're looking to change, you are often your biggest obstacle."

— Richard Alderson, founder of CareerShifters

Balancing Work And Work

Anyone who is trying to integrate a new venture into their lives is going to need to open up space and create boundaries, Alderson said.

Before starting his business, he had a conversation with his employer where he pitched his request to reconfigure his schedule as a positive for the company. You could offer to work the same number of hours, but in four days instead of five. "If you can negotiate with work, pitch it as a win-win. Make the argument that you'll be more energized, will do a better job, and have extra time to do more."

You could also agree to fewer hours and a reduction in pay; whatever works best for you and which you can turn into a positive for the company.

Santopietro Panall said you need to make sure you keep up your performance at your current gig. "If a side hustle leaks into your ability to do a good job, that's going to show. You don't want to be rushing out of meetings."

If your office culture already lacks boundaries, it may be a more difficult sell to ask for more personal time, but then again, if your company doesn't respect your personal time, it may be time for a job change anyway, Santopietro Panall said.

Several Notaries who responded to an NNA Facebook query on moonlighting said one of the biggest impediments to doing side work is finding the time to print documents before an assignment. Others mentioned going home early or doing the side work on days

when they don't have to be at work, such as weekends.

The Notaries who experienced the most success with side work had only a part-time job, instead of full time. One Notary who is an insurance and lender inspector works as an independent contractor, so she's in control of her schedule and can fit signings into her calendar.

Another Notary who works at a law firm during regular business hours does notarizations in the evenings and on weekends. "It's a balancing act, but it can be worthwhile," he wrote. ■

5 THINGS NOTARIES SHOULD ALWAYS CHECK BEFORE THE SIGNER LEAVES



THERE'S NOTHING AS AWKWARD as finishing a notarization, watching the signer walk out the door and then realizing you forgot something.

This checklist can help you make sure you have done everything needed to properly complete a notarization before the signer departs.

1. Is the main body of the document complete with no blank spaces?

During the notarization, take a quick glance at the document to confirm there are no blank spaces. To respect the signer's privacy, you don't need to read through the document in detail, just make sure all necessary information is filled in before finishing.

INVESTMENT AGREEMENT

INVESTMENT AGREEMENT (the "Agreement," entered into as of July 5, 20XX by and between BIC Enterprises, a California corporation, herein referred to as the "Company," and National Bank 8300 De Soto Avenue, Chatsworth, CA 91314, the "Trustee")

WHEREAS, the Company has decided to develop a trust fund to provide for the benefit of its employees and their families herein identified;

WHEREAS, the Company, acting through its duly authorized officers, has entered the Trustee as the Trustee under the Agreement, and the Trustee is willing to act as Trustee;

NOW, THEREFORE, the Company and the Trustee agree as follows:

Section 1. Definitions:

(i) As used in this Agreement, the term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee, etc.

DATE: 7/5/20XX Signature: Tanya Simmons
YOUR FULL LEGAL NAME SIGNED

2. Is the Notary certificate complete with no blank spaces?

One of the most common causes of document rejection is an incomplete Notary certificate. Before finishing the notarization, review the Notary certificate to make sure you have written in all required information and there are no missing sections.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California
County of Los Angeles

On 7/5/20XX, I, Franklin R. Notary, personally appeared Tanya Simmons, who proved to me on the basis of satisfactory evidence to be the person whose name(s) were subscribed to this instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I am a Notary Public in and for the State of California and am duly commissioned and qualified to perform notary public duties in and for said State.

My commission expires on 7/5/20XX

Signature: Franklin R. Notary

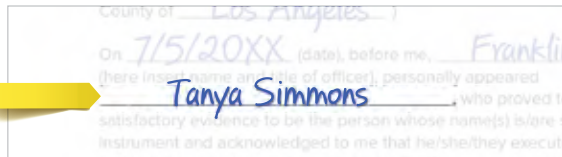
FRANKLIN R. NOTARY
Notary Public - California
Commission # 111111111
My Comm. Expires on 7/5/20XX

CHUCK

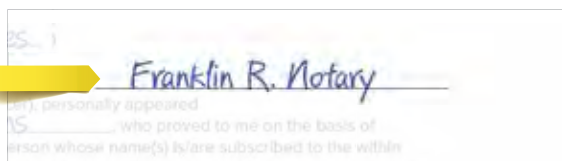
3. Have you proofread the Notary certificate to make sure it is correct?

If the certificate includes misspelled or incorrect information, the notarization's validity could be questioned or outright rejected. Take a few additional moments to proofread the certificate to confirm:

- The signer's name is spelled correctly and entered in the correct section of the certificate.



- Your name is spelled correctly and entered in the correct section of the certificate.



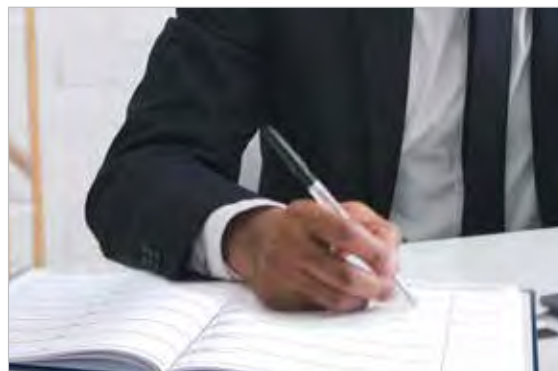
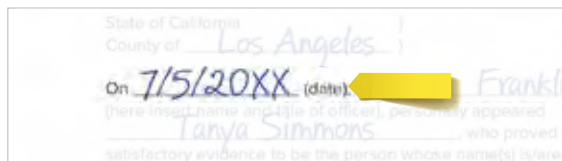
- Your name is written the way it is spelled on your Notary commission — don't use nicknames or abbreviations that don't match the commission name!



- The venue (the location where the notarization takes place) is correctly listed.

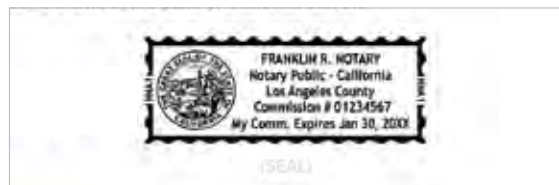


- The date of the notarization is correct.



4. Are your signature, seal and commission information correctly affixed and legible?

Make sure that your signature and Notary seal are affixed in the proper section of the Notary certificate, and your seal image is not blurry, smeared or covering any document text. If you are in a state that requires you to add your name and commission information to the certificate, confirm they are correct and that your name matches your Notary commission as described in #3 above.



5. Do you have all required information or signatures from the signer for your journal entry?

Be sure that the signer provides you with any information and signatures required for your Notary journal entry. If they leave without providing you with needed details, you will be left with an incomplete journal entry and little or no chance of fixing it once they leave.

To prevent this situation from happening, the NNA suggests filling out the journal entry and obtaining any required journal signatures at the start of the appointment. This will ensure the signer doesn't leave before providing the necessary information. ■



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SPM00000000

Three Things You Can't Do As A Notary



While a Notary's role in identifying document signers and preventing fraud is important, you are not allowed to use your commission to perform certain services. Here are three examples of things you cannot do as a Notary:

Don't Endorse Advertisements

Notaries are sometimes asked to use their seal or official title to endorse a product, contest or individual in advertising. For example, you might be approached by someone who's running a sweepstakes. The person wants to include your seal and signature in the ad, along with the message "This contest is guaranteed by a Notary Public." Don't do it.



Not only do many states prohibit using a Notary seal and commission except for authorized notarizations, but people seeing the ad may falsely assume that the ad is government-approved because a Notary is involved — and that's just not true.

Only use your Notary commission to perform authorized acts. In 1977, a New York Notary certified that blood from the rock band KISS was mixed in the ink of their promotional comic book — an act that New York Notaries aren't normally allowed to perform. While Notaries in Washington are authorized to certify that an event took place or an act was performed, Washington Notaries may only confirm that the occurrence or performance actually took place — not promote or endorse it in advertising.

Don't Offer Unauthorized Legal Advice

Many people mistakenly assume that Notaries have legal know-how and can answer their questions

about the legal effect of their documents, explain how to complete a document, or choose the type of notarization a signer needs for a document. While it may seem harmless to help a signer with these questions, under the law only a qualified attorney or other authorized legal professional is permitted to provide this information — Notaries cannot. If a nonattorney accidentally gave a signer wrong information that caused the signer's document to be rejected, the person giving the information could be held liable for any damages that resulted, along with other penalties. For example, California Notaries can have their commissions suspended or revoked by the Secretary of State for the unauthorized practice of law.

Don't Use Your Seal To Make A Document Appear 'Legal'

Occasionally, individuals have asked Notaries to fulfill improper requests in order to "legalize" a

document and make its contents binding in a court of law — for example, asking a Notary to affix a seal to a document without performing a notarization or completing any certificate wording.

These demands are often based on the mistaken belief that a Notary's seal or signature by itself will automatically make a document legal in a court of law regardless of its content — but that's not true. Notaries simply verify the identity of the signer — a receiving agency is not required to accept the validity or legality of the contents of a document solely based on whether it is notarized or includes a Notary seal. The mere presence of a Notary seal without a certificate is not a proper notarization. A Notary should never stamp, sign or use their commission for any request except notarizations permitted under state law. If you are asked to "legalize" a document by performing an improper or unlawful notarization, you should always refuse.



Journal Entries, Document Dates, Split Closings, E&O Insurance

NOTARIES NATIONWIDE rely on the NNA's Notary Hotline to answer their most challenging questions. The following are among the thousands our Information Services Team receives each month.

Q When entering the address of the signer in my Notary journal, do I use the home address of the signer, or the business address?

C.H., California

A Since the signer's address is not a required journal entry in California, you may enter the address on the signer's ID or whichever address the signer chooses to provide.

Q Does the date of the document have to be the same date as the notarization?

M.C., New York

A It depends. "Date of the document" can mean many things. It can mean the date a document is drafted. It can mean the date a document is signed. It can even mean the future date a document is effective. Generally speaking, the date a document is drafted or a future date a document is effective do not have to be the same as the date of notarization. However, a

date of signing must be the same as the date of notarization if the notarial act being performed is a jurat or verification on oath or affirmation because these acts require the signature to be made in the presence of the Notary.

Q How do you handle a split closing? Do I have to cross out the absent person's name on the documents or leave them be?

C.C., Michigan

A A "split" signing is one in which one or more borrowers signing documents are not present at the same loan signing appointment. The answer to your question is it depends. Leave the absent signers' signature lines blank on all of the documents; do not cross off their name because they will be signing the documents at a later time or date before you or another Notary. If the name of all borrowers are preprinted in the notarial certificates (affidavits, mortgage, power of attorney, deed of trust, etc.), you will need to cross out the names of the signers who are not present before you. Later, when the absent borrowers sign

documents, you or another Notary will add a separate notarial certificate with their names and the date the documents were notarized.

Q If I purchase errors and omissions insurance, will it cover me as a Notary Public and a Signing Agent?

D. R., California

A It depends on the policy language. If you have a Notary E&O insurance policy, it will cover errors and/or omissions performed when you are acting as a Notary. Since most documents in a loan package are not notarized,

Notary E&O insurance will not cover errors and/or omissions made on them because they don't involve notarial acts. But it will cover a mistake you make in notarizing a mortgage, deed of trust, or any other notarized documents in the loan package. A Notary E&O insurance policy will not cover a loss if you fail to drop off loan documents on time because that duty is performed by you as a Signing Agent, not a Notary. However, if you have a Signing Agent E&O insurance policy, it will have broader coverage for all of the activities



and duties Signing Agents perform.

Q The certificate wording on the document is fine, but there is no line on the certificate for my signature. How do I proceed?

D.S., Minnesota

A Sometimes that happens. You can simply sign at the bottom of the certificate wording near where you affix your Notary seal. No actual signature line is necessary, but your signature is necessary.

Q Am I able to verify a signer's identity using the Mexican consular ID card?

A.R., Arizona

A No, you may not because the Mexican matricula consular card does not qualify as an identification card an Arizona Notary can accept. An Arizona Notary may accept the following identification:

- An unexpired driver license that is issued by a state or territory of the United States;
- An unexpired passport that is issued by the United States Department of State;
- An unexpired identification card that is issued by any branch

of the United States armed forces;

Any other unexpired identification card that is issued by the United States government or a state or tribal government, that contains the individual's photograph, signature and physical description containing the individual's height, weight, color of hair and color of eyes. For real estate conveyance or financing transactions, you also may accept a valid, unexpired passport issued by the United States or another national government as long as it is accompanied by a valid unexpired

visa or other documentation that is issued by the U.S. government and that is necessary to establish an individual's legal presence in the U.S.

Q What is the preferred method to attach a separate certificate to a document that will deter its fraudulent removal and reattachment to another document?

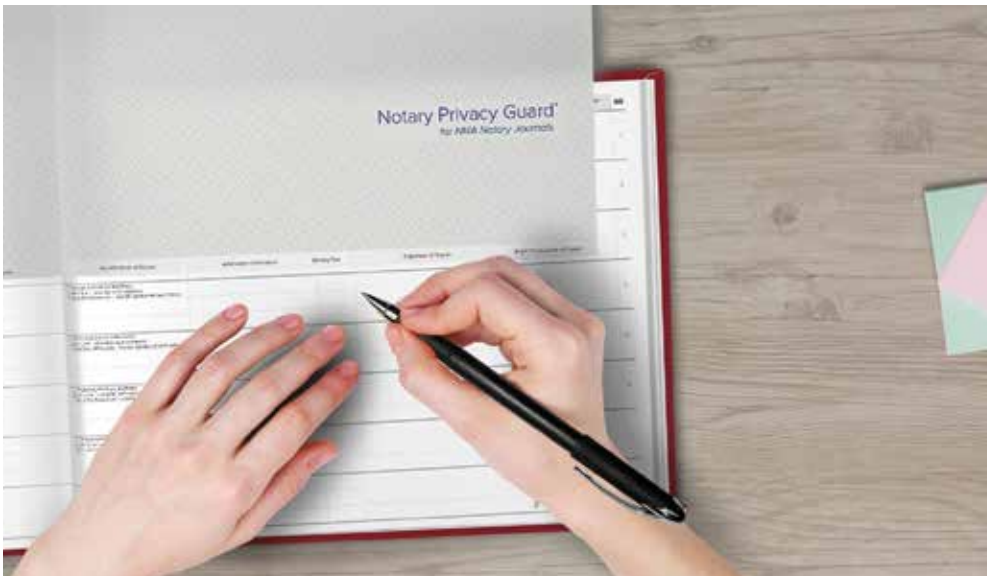
S.B., Washington

A The preferred method is stapling the certificate to the document. You may also add a description of the document you are notarizing below the certificate. An example would be, "This certificate is attached to (title of document), dated _____, number of pages _____."

Q Can a Texas Notary notarize documents from Louisiana?

S.A., Texas

A Yes, and not just from Louisiana, but from any U.S. state or jurisdiction, provided you follow Texas law when notarizing the document.





A Notary Certificate In Four Simple Parts

Completing Notary certificate wording is an essential part of your duties, but it's easy to get confused and make mistakes when doing so. Here is a guide to the four main parts of a Notary certificate and what information goes in each of them.

Part 1: The Venue

The venue refers to where the notarization takes place. The venue establishes the qualifications and authority of the Notary or notarizing officer performing the notarial act. Usually, the Notary is asked to write the name of the county and state in the appropriate blanks.

1 VENUE

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Wyoming

County of Laramie

On this the 18th day of July

Pat R. Jones
Name of Notary Public

personally appeared Mary T. Richards

However, some venue forms require the Notary to write in different location

information, for example the city and state.

You may occasionally encounter documents that have the venue already filled in. Make sure it reflects the true location. If it does not, you'll need to correct the certificate.

Part 2: The Body

The body includes the main information about the notarial act, including the name of the signer, the date of notarization, and important details about the notarial act itself.

2 BODY

18th day of July

Day Month

Pat R. Jones
Name of Notary Public

appeared Mary T. Richards
Name(s) of Signer

☒ personally appeared to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

☐ proved to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

These details describe the facts the Notary is certifying in the particular notarization. An example of acknowledgment wording in the body might read: "...On (today's date),

(signer name) personally appeared before me and acknowledged executing the document."

Part 3: The Notary's Signature

3 SIGNATURE

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.

Pat R. Jones
Signature of Notary Public

Pat R. Jones
Any Other Required Information (Printed Name of Notary, Expiration Date, etc.)

There is always a space for you to sign. You should sign your name exactly as it appears on your Notary commission.

Part 4: The Notary's Seal

While not all states require Notaries to have a seal or

stamp, most do. Placing the seal on a notarial certificate "authenticates" or establishes the genuineness of the notarial act. Typically, you will affix your seal next to your signature. Make sure it is clear and legible.

4 NOTARY'S SEAL

PAT R. JONES
Notary Public - Wyoming
Laramie County
My Commission Expires Jan 30, 20XX

Place Notary Seal/Stamp Above

The wording on Notary certificates varies from state to state. Some states prescribe the exact wording while others require you to use a certificate that substantially complies with the statutory form. Whatever the requirements, you'll see these elements.

Learn more about best practices and procedures in the NNA's Notary Essentials course:
NationalNotary.org/Notary-Essentials



Expand Your Services and Grow Your Business

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