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How
eNotarization
Works

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

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The National NOTARY

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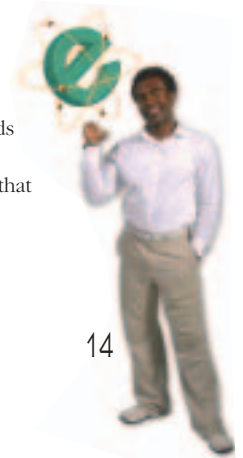
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By Deborah M. Thaw
dmthaw@nationalnotary.org

From The Executive Vice President The 'Hedgehog' Days Are Fast Falling Behind Us

How often have we heard the saying that a little bit of knowledge is a dangerous thing?

It's that infuriating remark that often follows an officious bit of advice from a friend or family member on a subject about which they claim expertise.

Certainly it is easy to overestimate our abilities and knowledge, especially when we spend time and energy subscribing to special-interest magazines, checking out Web sites, or registering for classes in areas we want to master.

Notarization is just such an interest — but much more. Indeed, it's a field so deceptively complex that it's worthy of singular and serious dedication. As Notaries, you may be encouraged by your state to be familiar with its laws, practices and procedures. This Association believes it is your very duty as public officials to do so.

But today, it is not enough simply to be conversant in notarization and its rules and processes.

Instead, we might note the distinction made by one prominent 20th century philosopher who identified writers and thinkers as foxes or hedgehogs. Said Isaiah Berlin: "The fox knows many things, but the

hedgehog knows one big thing."

Whether one is better than the other, I leave that to your own individual sentiments. Yet, in today's world, I would objectively submit that the foxes will likely have the edge, both personally and professionally.

Throughout the past several decades, Notaries could be fairly comfortable in their own limited universe. Understanding and applying relevant state Notary procedures and practices was our primary responsibility, and thereby, we served our community of signers with confidence.

We knew one thing and we knew it well.

My, how things have changed.

Increasingly, states are enacting sweeping revisions of their Notary laws, and the past 10 years have witnessed events that demand we start to supplement our notarial knowledge with expertise in other areas: computer technology, immigration, biometrics, real estate and privacy protection — to name a few.

In each of these areas, we have found ourselves requiring more information and guidance than ever before. In the past, one could get by with just a seal and journal. Notaries in many

fields today find it necessary to possess an arsenal of tools, starting with a laptop computer and supplemented by an understanding of electronic transactions, identity theft and fraud prevention practices, and a command of statute going well beyond the Notary code.

Much as we might remember the good old days with some nostalgia, the more complex and demanding contemporary times have actually been good ones for ambitious Notaries, provided of course we recognize that the simple days of the hedgehog are fast falling behind us.

No matter how modest we believe our knowledge to be, our future depends on our accumulation of as much special expertise as possible. If notarization is about serving the community during life's important moments, to be truly useful in the modern world we must become experts in not just one thing, but many.

For the fox, the quest for knowledge can never truly end.



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OUR MISSION

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

Letters

Praise For Former Secretary Eu

I just read your May 2006 edition of THE NATIONAL NOTARY magazine and on page 26 I saw an article on the March Fong Eu Achievement Award.

You don't know how you brought back fond memories of this wonderful woman to my mind! I have known March Fong Eu since around 1961 or 1962, when my parents purchased our house on Saint Andrews Road in Oakland, California, from her family. Her brother, Willie Lee, was my father's real estate agent for a long

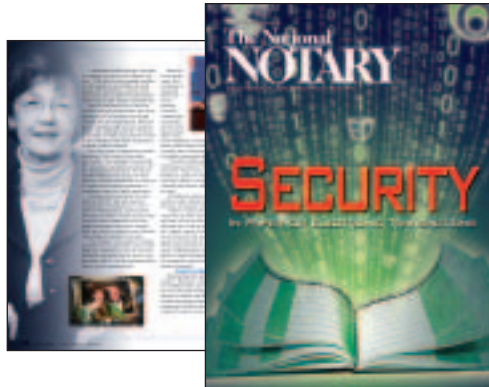
Within a minute, March Fong would be on the phone talking with me. She was never too busy to take time to speak with me, a friend from the past. I know she was busy. She knew she was busy. But she always treated me like I was part of her family.

Thanks for placing her name on this Achievement Award. This is one classy lady I will never forget.

Andrew Eide
Redlands, California

Notary Ready For eNotarization

I am in favor of states adopting eNotarization. I for one can't wait for eNotarization and am keeping a close eye on the situation, and I want to be the first Notary in my county to perform eNotarizations. But as a Notary for 19 years, and a Signing Agent for more than a year, I think that the charge for eNotarization should be based on the initial invest-



ment the Notary makes in equipment and the travel time to the location of the notarization.

time. I grew up and went to school with her children. One of my fondest memories of March Fong Eu was when I was in the United States Navy stationed in San Diego in the early-to-mid-70s. I would get the urge to call Sacramento to the Secretary of State's Office and ask to speak to March Fong. Of course, her staff was trying to be overly protective and would not want to tell her I was on the phone.

After much prodding, I would politely ask them to talk to her and let her know that Andrew (last name pronounced like "Ide") was on the phone.

John Accardo
Niagara Falls, New York

Letters To THE NATIONAL NOTARY

We welcome letters, comments and questions from our readers. You may e-mail us at: publications@nationalnotary.org. We reserve the right to edit for space and/or clarity.

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Staying Ahead Of Identity Theft

County Web Sites: A 'Treasure Trove' For ID Thieves



When it comes to identity theft, it's not just hackers, "phishers," network vulnerabilities and carelessness that keep people at risk.

In fact, some of the most egregious breaches of personal and financial data are occurring in a place you might not expect: County governments.

The Social Security numbers, driver's license information bank account details and personal information of millions of Americans — some of which even contain physical descriptions — are being made available to anyone on the Internet because sensitive information has not been redacted from public records, many of which are being posted on county government Web sites.

This information, viewable to anyone in the world at any time, is a veritable treasure trove for fraudsters, identity thieves and forgers, who caused \$56.6 billion in losses and victimized 8.9 million Americans in 2005, or about four in every 100 adults according to research by Javelin Strategy and Research for the

Better Business Bureau.

As many as 3,600 of the county governments across the nation, most notably in Florida and California, are posting public deeds, property records, court records and scores of other documents as a method of streamlining government and providing easy access to all public records. Unfortunately, only some of these efforts have been mandated by law.

There are so many public documents containing personal information that the Government Accountability Office recently released a 65-page report which revealed that in 41 states and the District of Columbia, Social Security numbers and other vital data are visible on at least one type of public record. In some states, they are visible on 10 or more records.

The revelation of the public records loophole has sparked a national debate that pits privacy advocates against other groups wanting to ensure that government agencies and courts are open to public scrutiny. But no matter which side you land on, the risks are glaringly evident to anyone.

In fact, Virginia-based privacy advocate B.J. Ostergren claims he has been able to harvest more than 17,000 Social Security numbers simply by "messing around" on county Web sites.

These revelations underscore the fact that as technology and communications improve privacy

becomes much more difficult to achieve. Counties and other governments across the nation are looking for ways to redact or block this information, but it's not an easy task. In Orange County, California, officials are sorting through an estimated 30 million documents dating back to the 1970s for Social Security numbers and other personal data.

Personal and financial data exposure has become a fact of life, and it's becoming more evident that as long as he or she exists on paper, even the most careful person can still be made vulnerable.

This is all the more reason to take ID theft prevention measures seriously, to monitor your credit reports and to keep tabs on areas in which your data may be exposed. Notaries must remain vigilant in positively identifying signers and keeping accurate journal records, including thumbprints. And if you think your county might be posting your deeds and land titles online, contact your local officials and request that those documents be altered to remove critical data.

For the most recent information on ID theft prevention, go to the Federal Trade Commission's Identity Theft Resource Center at www.consumer.gov/idtheft.

At the end of the day, you may not be able to block out all of your exploitable personal information, but you can certainly make it more difficult for the thieves who wish to profit on your good name.

AssociationNews

Los Angeles Will Host NNA's 50th Anniversary Conference

The National Notary Association will celebrate its much anticipated 50th anniversary in 2007, and President Milt Valera has announced that as part of the yearlong festivities, the Association's 29th annual Conference will be held in one of the biggest and brightest cities in the nation: Los Angeles, California.

Los Angeles is the birthplace of the NNA, and the Conference will be coming home for the first time in a quarter of a century. It is set for May 30-June 2, 2007, at the luxurious Westin Bonaventure Hotel in downtown Los Angeles.

Following the NNA's Conference in Washington, D.C., this past May — an event at which Notaries from across the nation gathered to learn more about the rapid changes, increased recognition and heightened importance of the Notary office — the 2007 Conference will build on that momentum.

Exciting workshops, programs and excursions to celebrate this important NNA milestone are already being planned.

Millions of people visit the "City of Angels" every year to experience its unique culture and glam-



As part of the NNA's 50th Anniversary, L.A. will host the 2007 Conference.

orous celebrity lifestyle, and to explore famous locations such as the Hollywood Walk of Fame, Mann's Chinese Theatre

and Rodeo Drive.

Don't miss out on the Notary event of 2007. Make plans to attend the NNA's Conference in Los Angeles!

Commission To Draft National Best Practices For eNotarization



North Carolina Secretary of State Elaine Marshall

The emerging role of eNotarization in protecting consumers, heightening document security and increasing business productivity is gaining widespread recog-

nition, prompting the recent establishment of a National eNotarization Commission to create electronic notarization standards for government and industry.

Chaired by North Carolina Secretary of State Elaine Marshall, a nationally recognized leader in adapting the Notary office to the electronic needs of the 21st century, the 18-member commission includes Notary-regulating officials, attorneys general and representatives from the federal Department of Justice, FBI, Federal Trade Commission and other agencies from throughout the United States. The commission's goal is the development of best practice standards and statutory models for legally enforceable and secure

eNotarizations that can be adopted nationwide. The National Notary Association is providing support and staff assistance to assist the commission.

The development of electronic standards will speed up the process of authorizing Notaries Public to perform eNotarizations, provide state lawmakers with guidelines to enact secure procedures for eNotarization in their states, and help ensure that notarizations of electronic documents will be acceptable when the documents are sent from one state to another — a vital factor in digital business transactions.

Association News

Ohio Attorney General, NNA Sponsor Identity Theft Conference In Columbus

Concerned law enforcement, business and government leaders met to discuss the current state of identity theft and anti-fraud prevention programs in

April at the "Passport To Identity Theft Solutions" Conference, held in Columbus, Ohio.

Sponsored by Ohio Attorney General Jim Petro and the National Notary Association, the Conference included presentations and workshops by the NNA, U.S. Secret Service, Citigroup, the Identity Theft Resource Center and others on how technology is

changing the face of identity theft in business and how Notaries are playing an integral part in electronic fraud prevention.

Petro was the driving force behind the launch of Ohio's Identity Theft Passport Program, which enables identity theft victims to bypass red tape and restore their damaged credit ratings through an attorney general-issued "passport," which clearly identifies them as victims of fraud. The Passport Program securely designates victims through the use of biometric data utilizing the NNA's Enjoa® system.



Ohio Attorney General Jim Petro

Will You Be The Next Notary Of The Year?



The NNA's 2006 "Notary of the Year" and four "Special Honorees" were recognized at the NNA's annual Conference in Washington, D.C. Next year, you could be one of these honored Notaries Public.

The recipients, selected by the NNA's Notary of the Year Selection Committee, demonstrate exemplary accomplishment in one or more of the following areas: distinguished performance as a

Notary Public; commendable public-spirited projects; dedicated service to the disadvantaged; success in achieving needed statutory changes; introduction of innovative and effective procedures; and any other accomplishments that set an example for Notaries and other public officials.

In addition to being honored at next year's Conference, the Notary of the Year and four Special Honorees will be profiled in *THE NATIONAL NOTARY*.

Nominations are being accepted through July 28. Nomination forms can be downloaded at NationalNotary.org/NOTY.

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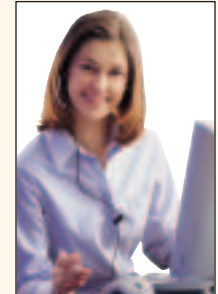
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The Nation's Professional Notary Organization

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How **e**Notarization Works

By Nevin Barich
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Endless Opportunities Await Businesses And Notaries Who Enter The Digital Realm

According to a 2000 report by the United Nations, it took 38 years for radio to be embraced by 50 million people and businesses. With television it required 13 years to achieve a similar public acceptance, while the Internet took just four years.

As technology advances, people, industries and governments have learned to adapt quicker than ever before, especially when such technology speeds communication, increases productivity and security, and opens up new opportunities.

This reality has become readily apparent with the advent of eNotarization. In 2003, the National Notary Association broke new ground with its introduction of Enjoa®, which gave Notaries the capability to maintain journal records on their PC or laptop rather than by pen entry in a bound book. It was an important first step in modernizing the Notary office, and it announced to Notaries, and indeed the world, that the era of eNotarization had arrived.

Just three years later, secure, fully digital notarization is now a reality.

In February, Pennsylvania launched its historic eNotarization Initiative — the first-ever statewide system for eNotarization — based on, and made secure by, the NNA's landmark Electronic Notary Seal (ENS™) Program. The ENS Program's core attribute is that it makes eNotarization secure — a critically important feature.

The unique facets of the ENS Program — including the secure issuance of the Electronic Notary Seal, the fact that it renders electronic documents tamper-evident, and its capability to allow authentication of a Notary's Electronic Seal and authority in real time — thrust the Notary's role as the guardian of personal and property rights firmly into the digital world with full trust and reliability.

Business leaders are increasingly turning to e-documents to streamline their operational processes, and the ENS Program provides secure eNotarizations, which lend trust and integrity to electronically signed documents. The ENS Program brings a level of trust to electronic documents which, for the first time, provides the best-practice Notary standards that have been applied to traditional documents for years. As a result, Notaries now have the real opportunity to take advantage of career avenues that never existed before the "eNotarization revolution."

Now is the time to get on board.

Ensuring A Secure Environment For Businesses

Many businesses, particularly financial institutions and mortgage lenders, have paperless document

'Electronic notarization is here and now. If Notaries don't want to be left behind, they need to get on board.'

- Notary Brenda J. Charles, Seattle, Washington



systems already in place. However, when these businesses interrupt their process to print out e-documents on paper and have them notarized by stamp, pen and ink, the efficiency of their e-document workflow is sacrificed.

The ENS Program, however, bridges the final gap to a fully electronic process — from document creation to signing to notarization to recording — and thereby not only ensures security but also streamlines workflow and saves time and resources. As an integral part of the ENS Program, the National eNotary Registry verifies the credentials of Notaries who have been issued an Electronic Notary Seal, and allows anyone relying on a notarized electronic document to confirm the status of the Notary in real time from any computer.

Additionally, if a document notarized with an Electronic Notary Seal is ever altered, any recipient or viewer of the document is alerted that changes were made, and any attempts at tampering or forgery are immediately revealed. This feature is particularly important, because without it every word of an electronic document is a virtual blank space that could be altered after notarization.

Stewart Title was among the first businesses to realize the advantages of the ENS Program. An international real estate information and transaction management company based in Houston, Texas, Stewart provides title insurance and related services through more than 9,000 policy-issuing offices and agencies around the United States and the world. For nearly two years, the company has been closing its loan packages electronically, and it immediately saw the ENS Program as the way to ensure the security of its documents.

“The ENS Program allows us to better manage the notarization process and improve the security of our transactions from notarization to filing,” said Charlie Epperson,

The Titans Behind eNotarization

The need to establish trusted identities in digital transactions is a major focus not just of the National Notary Association, but of several world-renowned technology companies, including Microsoft and GeoTrust Inc®.

So when it came to developing the Electronic Notary Seal (ENS™) Program, it seemed natural and appropriate that those same two companies chose to partner with the NNA to develop the technology necessary for making secure eNotarization possible, thereby ensuring secure e-documents as well.

GeoTrust, one of the largest digital certificate authorities in the world, issues electronic credentials and then validates them when they're used in e-commerce transactions, network identification verifications and many other applications.

With eNotarization, this technology comes into play after a Notary applies an ENS to a digital document. After the electronic notarization, any document recipient can easily verify the Notary's commission and authority online by confirming the validity of the ENS in real time through the National eNotary Registry.

"We believe that every transaction is going to move to the Internet or a corporate network," said Joan Lockhart, Vice President of Marketing for GeoTrust. "So in order to have trust in an unknown, faceless environment over the network, you need to have someone, whether it be an organization like ours or a Notary, who can help you establish trusted identities. Partnering ourselves with an organization like the NNA — that is extremely trusted and well respected — is a good alliance."

Microsoft's Financial Services Group, which developed the technology by which electronic signatures are gathered and verified through a database, understands that the real estate and banking industries have a major need for state-of-the-art eNotarization technology.

"Our Financial Services Group thought this was a really worthy cause to get behind," said Ted Ladd, Microsoft's AR/PR Manager for that group. "What the NNA stands for, in terms of really trying to add increased security to the process and drive out fraud, is something that's core to Microsoft's values as well. Using technology to facilitate that is something we really strongly support. So we try to align ourselves with organizations like the NNA that we feel support our core values, as well."

eCommerce Architect for Stewart Title. "It's a great asset for us in managing and protecting our business."

Utah-based Ingeo is another corporation that knows the benefits of the ENS Program. Ingeo specializes in facilitating a completely digital filing and recording process between businesses and government. The company brought the ENS Program into its infrastructure to better serve its clients by streamlining the flow of electronic documents, while at the same time increasing the security of these critical forms.

"The ENS Program provides more checks and balances for us while monitoring this process," said Patty Sandever, Ingeo's Regional Sales Manager.

Companies who ask their Notaries to perform electronically will also find that their operations significantly improve when using Electronic Notary Seals, as they will be able to notarize several documents at the same time, without having to print and physically stamp and sign each document.

"The ENS Program allows our Notaries to put their seal on several documents in a given transaction with the push of a few buttons," Epperson said. "The more notarized documents that are involved in the transaction, the faster it's going to be. This will be a huge advantage for us in the long term."

Sandever agreed.

"The industry is going more electronic, and you now have the notarization process going electronic as well," Sandever said. "Because of this technology helping to further streamline the process, you can see how our business will increase as a result."

Streamlining The Way Notaries Operate

As businesses today increasingly turn to e-docs, an Electronic Notary Seal-equipped Notary — even one who simply notarizes documents on the side or incorporates an electronic notarization capability into a small business structure — can save time, manage resources,

and increase business and marketability by being equipped to handle digital documents.

"The speed and security of the Electronic Notary Seal is better, no question," said John Davenport, a Notary from Camp Hill, Pennsylvania, who is a deputy architect for the Commonwealth of Pennsylvania's Justice Network.

"With the advances made in the way that forgery can be accomplished, the use of digital security is vital," said Davenport, a digital signature enthusiast who for 25 years served as the director of information technology for the Pennsylvania court system. "With an Electronic Notary Seal, it is infeasible to say that the digital certificate is not valid."

Notary Brenda J. Charles of Seattle, Washington, said that being equipped to handle digital transactions has helped put her customers at ease.

"Becoming an electronic Notary is simply a great way to protect your signers against fraud. When I explain to signers how it is to both their benefit and mine, their eyes light up," Charles said. "Signers know the problems about identity theft and fraud, and they're realizing that this electronic technology is a major breakthrough."

Saving Time And Resources For Signing Agents

A practicing Notary Signing Agent for more than four years, Charles knows firsthand that being able to perform eNotarizations with the security of an Electronic Notary Seal can be a significant time-saver. A set of loan documents can sometimes be up to several hundred pages long. Also, because more and more lenders are sending these documents electronically, Signing Agents who don't use an Electronic Notary Seal are forced to do more clerical work for loan signings, such as printing out the forms and making sure the resulting loan package is in proper order and complete before carrying it to a borrower.

With the ENS Program, Signing Agents can offer lenders an alternative to the time-consuming and error-prone process of printing out and organizing massive sets of e-docs and then applying by hand their Notary seals. Rather, they are able to apply an Electronic Notary Seal on all documents designated by the lender with the mere click of a mouse.

"If I'm doing a loan signing and I have 10 documents that I have to notarize, I can just use the seal once and I'm done," said Charles, who is also an NNA Notary Ambassador®. "In the future, I'm sure there will be more and more times where 50 or even 100 signatures will need to be notarized in one session, and the Electronic Notary Seal will streamline that process."

Additionally, the ENS Program's safeguards against fraud, tampering and identity theft are vastly more substantial than any currently available with paper documents. An Electronic Notary Seal provides for secure eNotarization by "wrapping" the digital document in a layer of security that transcends the capability of a traditional embosser or inking stamp. The Seal is also password-protected so it can't be used by outside parties. If a criminal were to steal a Notary's inking stamp, that person could instantly begin performing a limitless number of fraudulent notarizations and give the resulting phony documents the appearance of legitimacy. However, with an Electronic Notary Seal, even if an unscrupulous person steals the computer on which the electronic seal is stored, that individual would still need to know the password to use it.

For Notaries who work in a corporate environment, the security of the ENS Program is of critical importance. A staff of corporate Notaries in a busy office may notarize many documents daily, and it is common in these often-hectic workplaces for such documents to each represent transactions worth thousands, if not tens or hundreds of thousands, of dollars. Using the Electronic Notary Seal ensures that a Notary's co-worker or other individual cannot "borrow" or otherwise misappropriate the Seal for fraudulent purposes.

Continued on page 23



The NNA Is Ready To Assist Notaries, Businesses With The ENS Program

The ENS™ Program is the key to unlock Notaries' power to handle electronic transactions, and the NNA stands ready to provide assistance and answer all questions related to eNotarization and ENS for both Notaries and businesses.

Any Notary interested in acquiring an ENS or seeking further information about eNotarization or the ENS Program may call toll-free at (800) US NOTARY or e-mail ens-support@nationalnotary.org.

Also, any business owners or managers interested in getting their Notaries up to speed on notarizing electronic transactions through the ENS may contact Dr. James A. Inman, Business and Industry Relations Manager for the NNA, at jinman@nationalnotary.org.

Additionally, in Colorado, Florida and Pennsylvania, the NNA is offering traditional classroom and online eNotarization training, which shows Notaries what tools they need to become electronically capable and how to properly use the ENS. The Association is planning to offer the training in other states during the coming months. To find out more about this training, visit NationalNotary.org.



ENS Program: Easy To 'Get On Board'

Many Notaries have already received their Electronic Notary Seal in order to perform secure eNotarizations, thereby lending trust and integrity to electronically signed documents. Currently, Notaries in seven states are authorized to use Electronic Notary Seals, although only Pennsylvania has established statewide eNotarization systems and procedures.

No matter what state you're in, the process is simple, according to Notary Barbara Sonafelt of Monroeville, Pennsylvania.

"None of it was complicated. It was very, very forthright," Sonafelt said. "I had the seal within 15 minutes after I got my downloading instructions."

The ENS Application Process

In six of the currently authorized eNotarization states, excluding Pennsylvania, the application process begins online at NationalNotary.org/eNotarization, where you download and complete the "NNA Electronic Notary Seal Application." Notaries in California, Colorado, Florida, Michigan, Texas and Utah are eligible.

Once the application is complete, it must be notarized and then sent to the National Notary Association along with a copy of your commission certificate. At this point, your pertinent information is added to the National eNotary Registry.

The NNA will then send you an e-mail with an Application ID and instructions for payment. Once the payment has been processed, the NNA will e-mail you instructions to download your ENS, and you can immediately begin performing eNotarizations. You are also granted free access to the NNA's online course on how to use the ENS, which can be found by selecting your state at NationalNotary.org/training.

Many counties are equipped to accept e-documents for recording. It is incumbent upon the Notary and document recipient to know whether the notarized e-document will be accepted in the

county in which it will be recorded. The ENS can otherwise be used on any non-recordable e-document. Additionally, if you work for a business that handles e-documents, you should inquire with your supervisor to make sure systems are in place to accommodate your ENS.

In Pennsylvania

Notaries in Pennsylvania begin by filling out the "Electronic Notary Public Application" at www.dos.state.pa.us/bcel, which is then submitted to the Department of State with your application fee. You then receive an Electronic Notary approval letter, and the NNA is authorized to issue your ENS and add your information to the National eNotary Registry.

The NNA sends you an e-mail confirmation, along with your Application ID and instructions for payment. Once the payment is processed, you must personally appear at the Recorder of Deeds office in one of the four participating counties — currently Philadelphia, Lancaster, Chester and Westmoreland counties — and provide identification and present the Electronic Notary approval letter, as well as the Application ID number.

The NNA then gives you specific instructions for downloading the ENS, which include a unique link to the download page, and you can immediately begin performing eNotarizations. You are also granted free access to the NNA's online course on how to use the ENS, which can be found by selecting *Pennsylvania* at NationalNotary.org/training.

Pennsylvania is currently in Phase I of its eNotarization initiative, and the four initial counties are equipped to record e-documents. At the end of Phase I, Commonwealth Secretary Pedro Cortés will evaluate the program and consider statewide expansion.

For assistance with the ENS Program, please call the NNA's toll-free number at (800) 876-6827, or e-mail ens-support@NationalNotary.org. Further information about the ENS Program can be found at NationalNotary.org/eNotarization.



eApostille Pilot Program Introduced To Support eNotarization

The increasing reliance on the Notary office in international dealings, spurred by the global proliferation of digital documents and e-commerce, has resulted in a collaboration between the Hague Conference on Private International Law and the National Notary Association in introducing a historic *eApostille* Pilot Program. The Program supports eNotarization by implementing secure digital Notary authentications for the safe and instantaneous exchange of electronic documents worldwide.

The Program was unveiled at the Conference's headquarters in The Hague, Netherlands, in April before an international audience of the *apostille* convention's subscribing states at the Conference's 2006 Special Commission on General Affairs and Policy. Dr. Richard J. Hansberger, the NNA's eNotarization Director, demonstrated the technology-neutral model system.

For more than four decades, the paper *apostille* has served as a simplified and standardized authentication certificate in a system used between nations to verify the authority of foreign Notaries in compliance with a treaty called the *Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents*. The convention was created to streamline a costly and time-consuming international authentication process that often required collecting as many as seven or eight separate authenticating certificates from various domestic and foreign officials and ministers in order to confirm the authority of a particular Notary. A single *apostille* replaces the multiple authenticating certificates.

To date, 87 nations are members of the convention. NNA Executive Director Timothy S. Reiniger will be aggressively providing direction and support for implementation of the Pilot Program.

"We are eager to work with U.S. secretaries of state and member nations to further its adoption," Reiniger said. "This Program reflects the critical importance of the Notary Public office in international commerce."

The NNA will be offering educational support, documentation and technological resources to all interested governments and industries in developing workflow for the issuance and management of *eApostilles*. For more information on eNotarization options for government and businesses, please contact the NNA at eapostille@NationalNotary.org or visit NationalNotary.org/eNotarization.



“Using the ENS and working with a credible organization such as the National Notary Association adds a security level vital to our business,” Epperson said. “With the work the NNA has done with state officials regarding electronic notarization, the information and products they’ve provided are very valuable and make you feel comfortable with the process.”

Not only is it advantageous for Notaries to use the ENS, but according to Davenport, it is vital to do so in order to remain in the profession.

“It is absolutely essential if you want to survive,” Davenport said. “There are a whole lot of areas where electronic documents will increase, and all Notaries have to come to terms with this change.”

Charles agreed.

“Electronic notarization is here and now,” she said. “If Notaries don’t want to be left behind, they need to get on board.”

The Time Is Now To Join The eRevolution

At the NNA’s 2003 Conference in Orlando, Florida, Ron Thornburgh, the Secretary of State of Kansas, spoke to hundreds of Notaries about the impact eNotarization would have on their public office, and the need for all to be prepared.

“The message is simple: Get great or get out of the way,” he said. “Make it happen, drive the change, be a part of the change, be a part of that evolution.”

With the ENS Program, that time is now.

This is without question the most exciting time ever to be a Notary Public in the United States, because the ENS Program is the last critical piece of

The State Leaders With Electronic Notary Seals

Pennsylvania is leading the way in the use of Electronic Notary Seals as the core of its statewide eNotarization Initiative. Because many states are still reticent to officially claim that the use of Electronic Notary Seals are legally allowed in their jurisdictions, it is unclear at this time how many states actually permit Notaries to use an ENS. Following are eight states that have indicated they permit Notaries to use Electronic Notary Seals.

- California
- Colorado
- Florida
- Michigan
- Pennsylvania
- Texas
- Utah
- Indiana

the “machinery” that now allows full implementation of the electronic revolution in document processing — from creation of the document to signing to notarization to recording — with every stage fully electronic. The time has come for Notaries to embrace the ENS and the countless opportunities that await them. [NNA](#)

When Personal Beliefs Collide

“Who will guard the guards themselves?”

– Juvenal, Roman poet and satirist (55 AD - 127 AD)

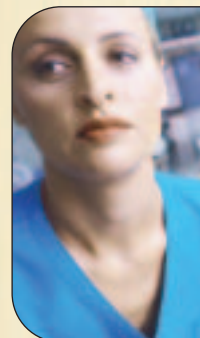
A terminally ill patient in Oregon has the right to die, but does a Notary have the right to refuse to notarize a euthanasia request from the patient?

A teenage girl, with parental consent, wants an abortion and, in order to proceed, needs a particular form notarized. But what if the Notary contacted is pro-life and declines to notarize based on strong personal conviction?

These are just two of the ever-increasing, polarizing issues that can collide with a Notary's personal belief system.

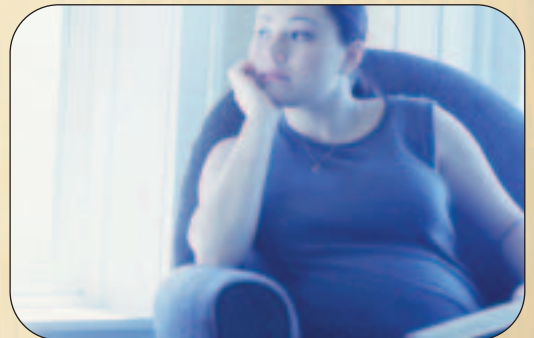
The essential attribute of the Notary office has always been impartiality, both toward the individual requesting a notarial act and toward the content or purpose of any document presented. In the past, impartiality had more to do with mundane procedural points such as not having a financial interest in a document.

continued on page 26



de With Notary Impartiality

By Michael Mink
mmink@nationalnotary.org



In the divided red-versus-blue United States of 2006, however, a Notary may be asked not only to authenticate paperwork for a doctor-assisted suicide or for an abortion, but perhaps to notarize for same-sex couples registering as domestic partners. Notaries may be called to perform notarizations on so-called “declarations of life,” in which people certify that in the event they are murdered, they don’t want the guilty person to face the death penalty.

New, potentially divisive issues arise almost daily. For example, as Zacarias Moussaoui spewed some of the most insensitive, morally reprehensible rhetoric about the victims of the 9/11 attacks during the penalty phase of his trial, did that add further fuel to some people’s fire about Muslims? What if a Notary develops a deep distrust about Muslims and finds reasons not to notarize anything for clients of that faith?

Also looming on the horizon are bills such as Congressional House Resolution 4437, which has ignited both pro- and anti-immigration supporters. If this bill becomes law, Notaries may hesitate to notarize immigration papers for fear of legal repercussions should it be found that they were, even if unintentionally, actually aiding an illegal immigrant.

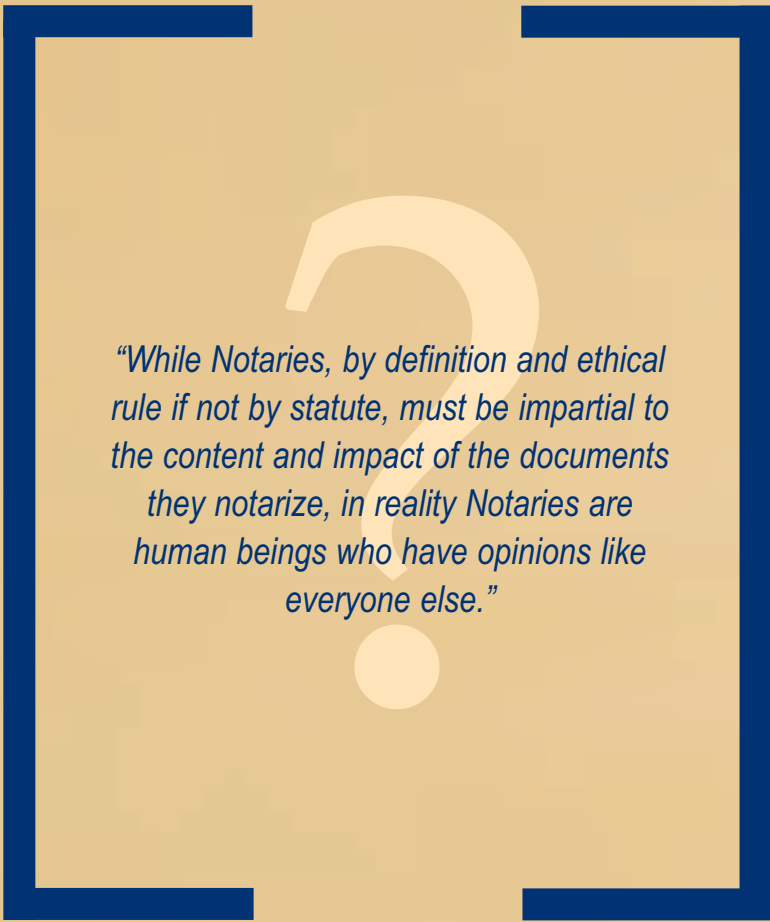
While Notaries, by definition and ethical rule if not by statute, must be impartial to the content and impact of the documents they notarize, in reality Notaries are human beings who have opinions like everyone else. There have been and will always be instances when a Notary just wants to say “no” for purely personal reasons.

Before going down the road where impartiality ends and personal choice begins, a Notary must keep in mind that he or she is a public official and not a “Notary Private.” The subject matter or purpose of a document is not acceptable grounds for refusal to notarize.

Section I-A-3 (“Undue Cause for Refusal”) of the Standards of Ethical and Professional Practice in *The Notary Public Code of Professional Responsibility* states, “The Notary shall not refuse to perform a lawful and proper notarial act because of the signer’s race, nationality, ethnicity, citizenship, religion, politics, lifestyle, age, disability, gender or sexual orientation, or because of disagreement with the statements or purpose of a lawful document.” With respect to the notarization of documents related to highly contentious issues, the Notary is obligated to perform his or her public duty without imposition of personal bias. While the public depends on that, there is an unsettling reality that must be admitted – if you choose to discriminate against a signer out of personal bias

by refusing to notarize, there is probably little chance that you will be disciplined, especially if the refusal is done without fanfare.

The reality is that ethical guidelines on impartiality don’t carry the force of law, and state statutes, if they mention impartiality at all, may not prescribe or spell out penalties for refusing to notarize out of personal bias. In theory, Notaries could possibly lose their commissions if a refusee actually wanted to take the time and effort to file a complaint and see it through. A civil lawsuit is also a possibility, but that might even



“While Notaries, by definition and ethical rule if not by statute, must be impartial to the content and impact of the documents they notarize, in reality Notaries are human beings who have opinions like everyone else.”

be more difficult and costly to pursue.

Nor are criminal charges likely to result from refusing a notarization. So, while Notaries may well be required by statutes, regulations, customs and ethical codes to notarize documents that conflict with their personal beliefs, in reality, it still comes down to their own personal choice.

Notary Barbara City of Orange, California, has performed more than 6,000 notarizations in her career, all of which, she says, have been impartial.

“I would never be so presumptuous as to think I should tell people how to live their lives. That’s absolutely ridiculous,” City said. “That’s not our job. Notaries should be held to a higher standard.”

Of course, there are acceptable reasons for a Notary to refuse to perform a lawful notarization. For example, it is neither illegal nor unreasonable to refuse if a Notary is called after business hours to perform a notarization, is asked to travel without being adequately compensated or is

ordered to drop everything instantly in order to notarize a package of 20 documents. If a request for notarization occurs that conflicts with the Notary’s personal beliefs and falls within the “unreasonable” exceptions, then the Notary may refuse for that reason and not for a personal one.

Regardless of a Notary’s personal view on issues, these matters should be kept in the correct perspective. A Notary is not making it easier or possible for a person to get an abortion or to exercise their right to

die – the Notary is holding that person accountable for his or her actions.

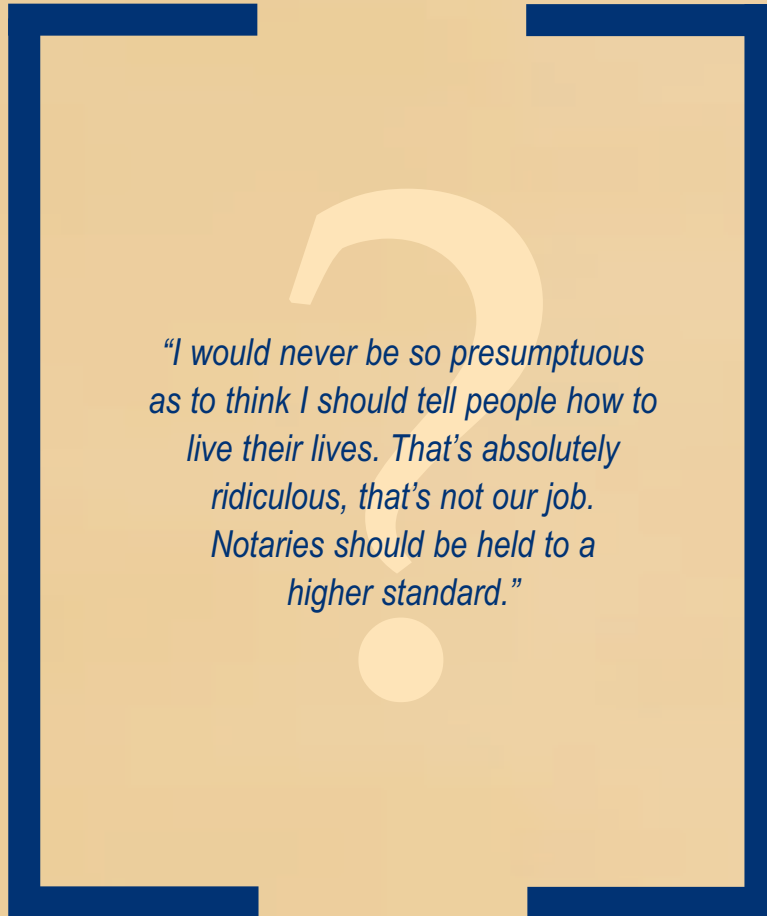
In the big picture, “notarization does not mean a Notary’s endorsement of the statements made in a document,” said Charles N. Faerber, the NNA’s Vice President of Notary Affairs. “It merely means that the signer was identified and, in some cases, took an oath. It means accountability for the signer, not the Notary.

In one sense, it is making the signer more responsible for his or her actions, which some otherwise dissenting Notaries might view as a good thing.”

While it would not be unreasonable or necessarily illegal to refuse notarization and then helpfully direct a signer instead to a nearby more amenable Notary “down the hall” or “across the street,” the best response from a Notary when presented with a document and issues that conflict with a strong personal belief is to perform the notarization, Faerber said.

Serving all of the public, like police officers and firefighters do, requires impartial-

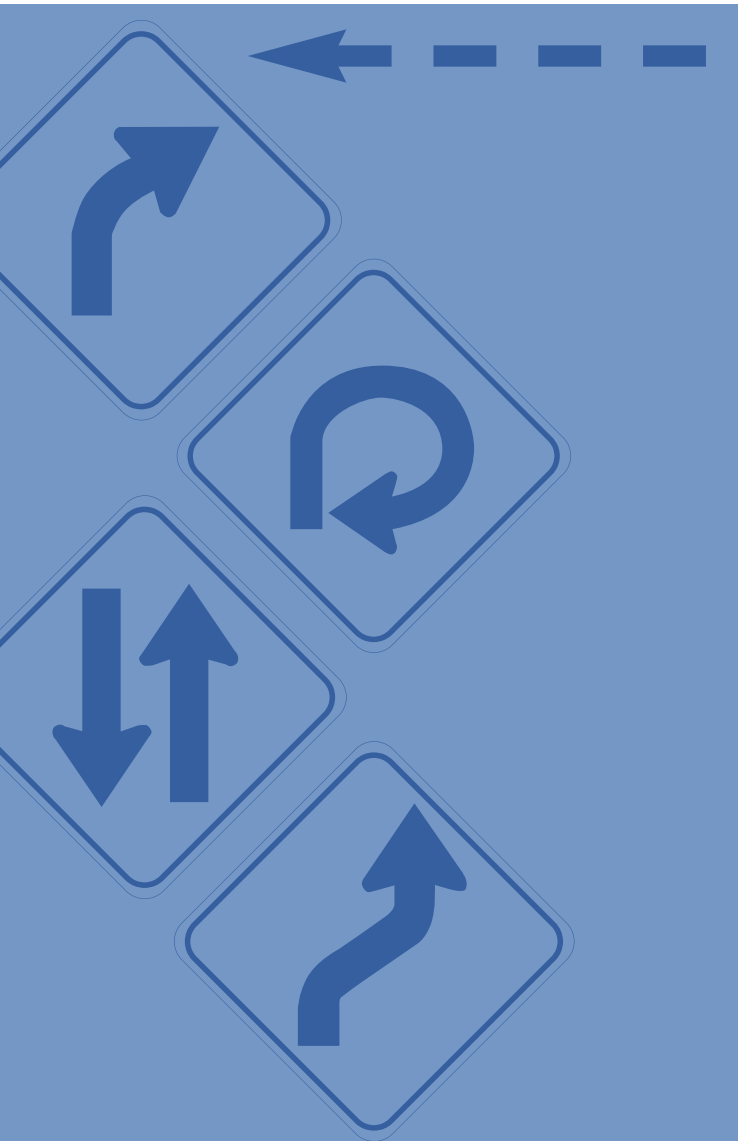
ity and is at times a test of professionalism and character. Do we imagine that every police officer relishes the opportunity to “protect and serve” every single citizen, even the ones whose lifestyles they find abhorrent? But imagine the tragic consequences if those public professionals could just pick and choose whom they serve and if they could exercise the social bane of discrimination. Notaries are held to the same code of honor as police officers, firefighters and other public servants who take an oath to serve all in need. [NNA](#)



“I would never be so presumptuous as to think I should tell people how to live their lives. That’s absolutely ridiculous, that’s not our job. Notaries should be held to a higher standard.”

Interstate Documents

By Stacia L. Ray
sray@nationalnotary.org



Today it is increasingly commonplace for notarized documents to be exchanged between persons hundreds or even thousands of miles apart.

Job seekers may move their families from one coast to another and finalize a home purchase from a long distance. Local merchants utilizing the Internet may conduct business and exchange paperwork with a clientele nationwide.

These realities mean that Notaries are more likely than ever to encounter documents that either were prepared or will be recorded outside of their state of jurisdiction. Thus, it has become important to pay close attention to the notarial certificate wording on any document that will be sent for filing, recording or other use in another state in order to prevent its rejection there.

In notarizing a document that will be sent out of state, the first critical rule is this: Always obey your own state Notary laws.

If a document does not bear acknowledgment, jurat or other certificate wording that complies with your own state's statutes or regulations, you should attach a certificate with wording that does, or see that such compliant wording is printed on the document.

Oftentimes, however, the solution is not that simple. Signers may present Notaries with vehement instructions to leave a document's original certificate wording unaltered, because local law or custom in the other state may dictate particular verbiage.

Or there may be times when a signer approaches a Notary with a document drafted in another state and intended to be filed in that state, but the wording on the notarial certificate is unlike any the Notary has ever seen.

The National Notary Association's *Notary Home Study Course* emphasizes that Notaries must always obey the laws of their own state, "regardless of where a particular document may have been prepared or may be filed." Yet,

What Certificate Wording Should You Use?

while many state laws dictate acknowledgment and jurat forms for Notaries, most of these laws also permit use of notarial forms that are “substantially similar.”

If the out-of-state certificate has wording that is not the same or substantially similar to that prescribed by local statute, or if there’s no room for your Notary seal, you may cross out the preprinted certificate, write “See Attached Notarial Certificate” and staple a locally correct “loose” certificate to the document. If the signer insists that you not cross out or alter the preprinted wording, or opposes using a loose certificate, you should refuse to notarize.

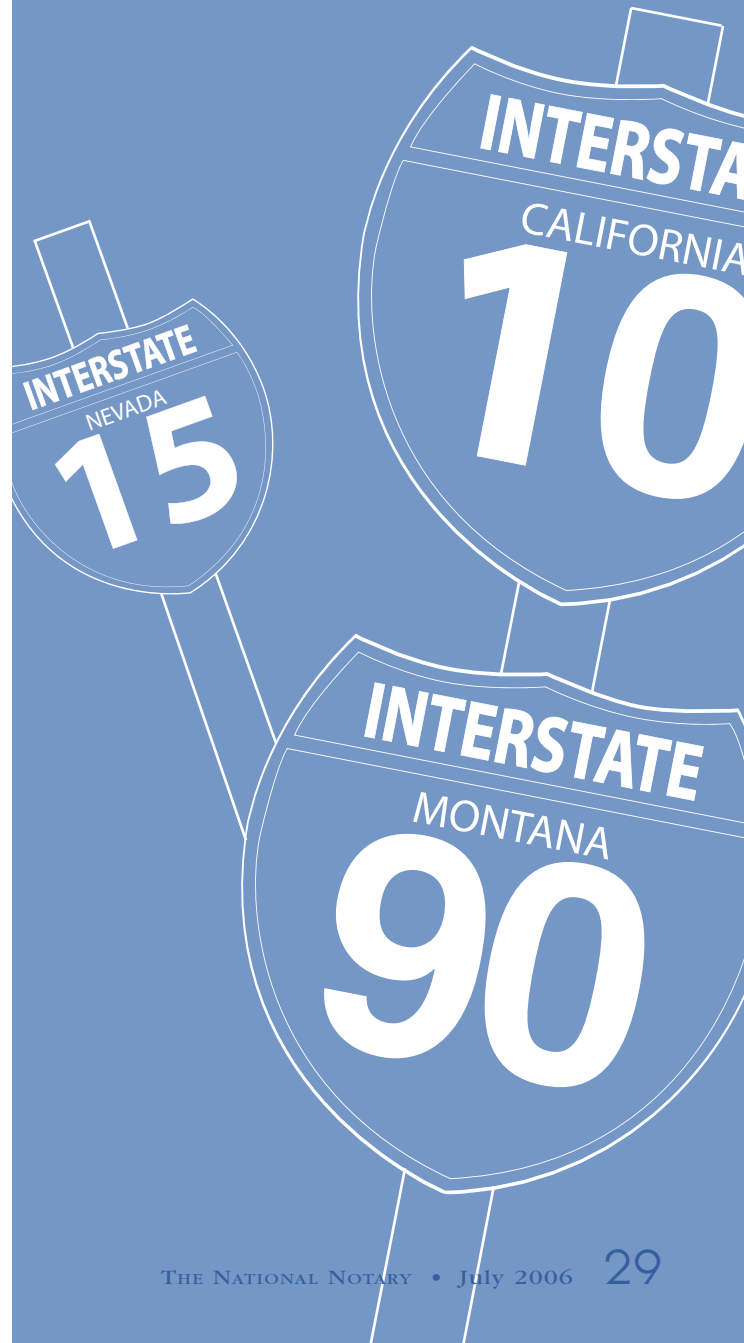
There are exceptions to this policy, however.

In California, for example, statute mandates that the wording on all acknowledgment certificates must conform verbatim to Civil Code Section 1189 on documents that will be filed in California – with no allowance for “substantially similar” wording. On the other hand, if a signer comes to a California Notary with a document that will be sent out of state for filing and the certificate wording doesn’t comply with Section 1189, the Notary may still use this out-of-state certificate as long as it doesn’t direct the Notary to perform a function (*e.g.*, identifying the signer as a corporate officer) that is not allowed by California law.

In any circumstance involving out-of-state documents, it is a good policy to note in your journal if out-of-state notarial forms were used.

If your state has no mandated wording and the signer insists that you leave the preprinted wording alone, be sure the certificate includes the basics, such as the venue, date, “statement of particulars,” and sufficient room to affix a signature and seal.

When notarizing out-of-state certificates, keep a second rule in mind: If you’re unsure about the legality of the preprinted wording, play it safe and attach a loose certificate with wording that you know will be accepted in your own state. **NNA**



Quiz

The Flawless Notarization

When it comes to a notarial act, what are the key elements of perfection?



Perfection. The highest achievement. The word *perfection* conjures up images of Michelangelo, Nadia Comaneci, Michael Jordan and the Hope diamond. To do something flawlessly or to be the best, you must first master the basic procedures. Take our quiz to see how prepared you are to achieve Notary perfection. (See answers, page 37)

Multiple Choice

- 1) What best constitutes “personal knowledge” of a signer’s identity?**
 - a) Having spoken several times with a person who takes the same bus to work.
 - b) Having seen a person’s picture many times over the years in the local newspaper.
 - c) Having once visited a person’s home with friends to watch a ballgame.
 - d) Having interacted with a person often enough over a period of time to sufficiently eliminate any reasonable doubt about that person’s identity.

- 2) The signer has provided the Notary with proper identifying documents and signed the entry in the notarial journal. What should the Notary do next?**
 - a) Check the signature on the document against the signatures on any IDs and against the journal signature.
 - b) Complete the notarial certificate wording.
 - c) Collect the fee.
 - d) Both a and b.

- 3) What is the “less but not more” guideline for ID documents?**
 - a) The English translation of a Latin phrase abbreviated by “L.S.”
 - b) The concept that a Notary can charge less, but not more, than the maximum fee set by state law.
 - c) The theory that a signer may present three or less identification documents.
 - d) A signer may eliminate or abbreviate a middle name that appears on the signer’s ID.

- 4) As a general rule, when presented with a document that has blank spaces in the main body, the Notary should:**
 - a) Proceed, as the body and contents of the document are not a Notary’s concern.
 - b) Consult with the signer and instruct him or her on what to fill in.
 - c) Before notarizing, return the document to the signer so that he or she can fill in or line through the blank spaces.
 - d) Line through the blank spaces on the signer’s behalf.

- 5) The calendar day on a notarial certificate:**
 - a) May be predated but never postdated.
 - b) May either be predated or postdated.
 - c) Must reflect the true date of notarization.
 - d) Must be left blank if there will be multiple signers.

- 6) A Notary is a ministerial officer. This means a Notary must:**
 - a) Give advice to customers only if no fee is charged.
 - b) Help customers complete documents upon receiving a written request.
 - c) Follow appropriate instructions, but never give unauthorized advice about a document.
 - d) Read carefully all documents presented for notarization.

- 7) The best way for a Notary to avoid administrative, civil and criminal penalties is to:**
 - a) Purchase errors and omissions insurance.
 - b) Avoid listing fees in a journal entry.

- c) Never compromise on requiring the personal appearance of all signers, carefully identifying them according to law, and keeping a journal of all notarial acts.
- d) Refuse service if the Notary is unfamiliar with the type of document being notarized.

11) A jurat may be pre-signed by the principal and then presented to a Notary by an attorney in fact or subscribing witness.

True/False

- 8) Notarizing without requiring the personal appearance of the signer can result in the Notary facing criminal charges.
- 9) A Notary should delay making the journal entry until all other aspects of the notarization are completed.
- 10) Since not every notarial act requires certificate wording, it is OK to notarize, stamp and sign documents that lack notarial wording.



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**NATIONAL
NOTARY
ASSOCIATION**
The National Professional Notary Organization

Quiz

The Flawless Notarization

(Quiz on page 30-31)

1. **(d)** While personal knowledge can be based on a friendship, state statutes are never specific about how long a period of acquaintance should be, so the Notary must apply common sense. An influential 1919 court ruling defined personal knowledge as involving “an acquaintance, derived from association with the individual in relation to other people ... such an acquaintance cannot in its very nature be based upon the mere word of one or two or three individuals, but must be based upon a chain of circumstances surrounding the person in question.” If a Notary is unsure whether a signer is indeed personally known, it is always acceptable to ask the signer to produce an ID or a credible witness instead.
2. **(d)** While Notaries aren’t expected to be handwriting experts, a brief comparison should be done to spot anything fraudulent or out of the ordinary. Once the signer’s identification is established and the journal entry made and signed, the Notary may complete and sign the certificate and affix the seal. Fee collection should not occur in the middle of the notarial act; it is less disruptive to ask for the fee before or after the act is performed.
3. **(d)** A Notary may notarize a signature that is less than the name appearing on an ID, but not a signature that includes more information than that appearing on the ID. For example, if a signer’s ID reads “David Jack Smith,” the Notary can accept a signature that reads, “David J. Smith,” “D.J. Smith,” or “David Smith.” But if the ID reads “David J. Smith,” the Notary shouldn’t accept a signature of “David Jeff Smith,” as the “J” in the middle name could stand for “Jim,” “John,” “Jarred,” “Julio,” etc.
4. **(c)** Any blank spaces in the main body of a document must be filled in or marked as inapplicable by the signer before the notarization can proceed; increasingly, this has become a requirement of state Notary laws. Consulting or instructing the signer would be the unauthorized practice of law. Other than those in the notarial certificate, the Notary is not permitted to complete blank spaces in the signer’s document. The Notary should ask the signer to fill in the blanks or write “Not Applicable.” The exceptions that do not need completion are blank signature spaces for additional signers or sections clearly marked to be completed by a government official or recorder. Also, with certain adoption paperwork, names of birth parents or adoptive parents may be filled after notarization to protect confidentiality.
5. **(c)** A notarial certificate date must always reflect the actual day the notarization took place and be entered on that day — any other date would be fraudulent. For example, suppose a signer asks the Notary to date a certificate months earlier in order to appear to have beaten a statutory filing deadline. If the Notary acquiesces, fraud has occurred, and both the signer and Notary may be subject to criminal penalties.
6. **(c)** Whether paid a fee or not, if a non-attorney Notary advises a signer about completing a document, chooses a notarial act for a signer or otherwise acts to provide advice, the Notary could be found liable for the unauthorized practice of law. Notaries should never give advice, offer opinions about the documents they notarize, or select a notarial act on behalf of a signer. If the advice is faulty and the document is invalidated, the Notary could be held financially responsible for any damages that result, in addition to answering criminal charges for unauthorized practice.
7. **(c)** Requiring personal appearance and positive identification of the signer are essential parts of any notarial act. Without carefully attending to these, there is no way for the Notary to be sure fraud is not taking place. Though journals are not required in every state, they provide an indispensable record that can protect the Notary from liability and also can provide vital information if a notarization is questioned.
8. **True.** Personal appearance is mandatory for any notarization. “When the Notary relinquishes to a third party the triple duty of verifying a signer’s identity, willingness and competence, the Notary surrenders control of the notarization” (pg. 8 of *Twelve Steps To a Flawless Notarization*). In every state, it is a serious criminal act for a Notary to issue an official certificate stating that a signer appeared when that person actually did not.
9. **False.** A careful Notary should identify the signer and complete the journal entry, including a signature, *before* filling out the notarial certificate and affixing an official signature and seal. This prevents a hurried signer from grabbing a signed and sealed document and leaving before information about that individual is entered in the journal.
10. **False.** If a certain notarial act, such as a verbal oath, doesn’t require a certificate, then there is no actual document in the first place (but an entry in the notarial journal should still be made). Bottom line: if there is a document involved, there must be notarial wording provided or attached.
11. **False.** Jurats (“Subscribed and sworn to before me...”) have to be signed in the Notary’s presence by the principal signer. An oath or affirmation can never be taken on behalf of another individual.

Nuts & Bolts: Fraudulent Identification

It's useful to know how phony IDs are obtained and created.

By Ravon Taylor III
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As an honest and conscientious Notary you do not aspire to become a criminal forger;

however, there is value in learning some of the proven tactics and techniques of the identity theft criminal. For example, if you knew how impostors obtain and create the bogus ID cards they attempt to foist on Notaries, you would have an edge in detecting these cards when they are presented to you.

Thus, you should know how to go about securing a fraudulent identification document to help you protect the public — and yourself.

There are three basic ways to obtain a phony ID: imposture, counterfeiting and alteration, also known as tampering.

Imposture occurs when an individual secures an ID from a genuine issuing agency under the guise of another person's identity. Typically, the impostor will use the birth certificate of a deceased individual as a "breeder document" to obtain fraudulent identification documents in that person's name.

The fact that this particular phony ID is issued by an actual governmental agency often makes it very difficult to detect. Suspicious Notaries should test the signer's knowledge of the information on the ID card, since the impostor may have multiple false identities and be unfamiliar with the address and birth date on any one card.

Counterfeiting is when a false ID is made from scratch. These fraudulent IDs may appear to be authentic at first glance, with designs, surfaces, insignia and seals that resemble the original, but usually contain certain flaws upon close inspection. Among these tell-tale discrepancies are:

- *Card wear inconsistent with the date of issuance.* In some cases, counterfeiters may put a little too much effort into artificially aging their creations. Under normal circumstances, card wear is concentrated along the edges of an ID card. In their zeal to replicate card aging, counterfeiters may display wear and tear across the entire ID card.
- *Misspelled words.* If you are presented with an ID card that reads "Florida Driver Lisense Class E," it may be a good idea to turn that individual away. Government agencies can generally be relied upon not to have misspellings in the printed portion of the IDs they issue.
- *Inappropriate patterns and textures or lack of official imprints.* Many government-issued IDs feature elaborate patterns or distinct surfaces that are very difficult to duplicate. More states are leaning toward creating driver's licenses with imprinted patterns that are only visible when exposed to infrared or ultraviolet light.

- *Improper typesetting.* The name of the ID's issuing state or authority should be graphically printed on the card, never typed or handwritten.

Alteration, or tampering, occurs when a genuine identification document has been changed to conform to the appearance of an unauthorized person. Many of these modified IDs were previously lost by or stolen from their original owners. Some tips when checking for alterations:

- *Inspect the photograph.* The area of the photograph can alert a Notary to a fraudulent ID. Raised edges around the photograph can mean that an impostor has placed a second picture over the original. In some cases, the size of the replacement picture may differ from that of the original, which may be completely covered, along with a portion of a nearby signature or an official seal.
- *Use an ultraviolet light.* As previously mentioned, states are increasingly using imprinted patterns on the identification cards they issue that are only visible under ultraviolet or infrared light. Flashing such a light over the ID card could reveal a break in the imprinted pattern, indicating that it's been tampered with.
- *Inappropriate dissimilarities in a single ID.* There are cases in which an ID card modifier is not able to duplicate the original type that is displayed elsewhere on the card. Beware of identification documents with different font style letters and numbers, or letters and numbers in odd sizes, in the physical description portion of the ID card.
- *Lamination (plastic covering).* Under no circumstance should a Notary accept a laminated ID card that was not laminated when it was issued by a governmental agency. Laminations can possibly hold new photographs in place. If a signer presents an ID card in a clear plastic wallet sleeve, ask the individual to remove the card from the sleeve to ensure that the signer isn't using a different picture to cover the original.
- *Compare signatures.* Take a moment to compare the signature on the ID card with the signature in the Notary journal and with the signature on the notarized document itself, and check for inconsistencies.



One of the Notary's most important functions is to guarantee identity. With that in mind, never hesitate to question a signer about information on an ID card or about apparent discrepancies on the card. As a Notary, it's what you're expected to do. **NNA**



The ABC's Of Notarization: Starting With The Letter 'A'

While the essential terms of notarization are a veritable alphabet soup, the professional Notary should be familiar with all of it. This month, we define the basic provisions that begin with the letter "A."

Acknowledgment: The notarial act in which a Notary positively identifies a document signer who personally appears before the Notary and indicates signing willingly and with awareness.

Affidavit: A written statement signed before a Notary by a person called an affiant who swears or affirms to the Notary that the statement is true.

Affirmation: A spoken vow on one's personal honor — with no reference to a Supreme Being — that is legally equivalent to an oath.

Apostille: An authenticating certificate used among the 87 nations subscribing to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (known as the "Apostille Convention") that replaces a traditional chain of certificates.

Attorney in fact: A person who has the legal authority to sign on behalf of someone else.

Authentication: Also called "legalization," the process of proving the validity of the Notary's commission at the time of the notarization through attachment of one or more certificates of authority, such as an *apostille*.

Awareness: The signer's apparent ability to understand the contents and significance of a document.

Venue: It's Where You Are

When filling in the venue portion of a notarial certificate, inexperienced Notaries sometimes wonder what county should be named: The county where the Notary was commissioned and has an oath and bond on file or the county where the notarization is actually performed?

TipSheet

The answer: the county where the notarization is performed. Because virtually all Notaries nowadays have statewide jurisdiction, this might be any county in the state.

For example, if a Notary is commissioned in Harris County but travels to notarize for a signer in Montgomery County, he or she should write "Montgomery" on the appropriate part of the notarial certificate — usually at the top after the words "County of" but before the abbreviation "SS" or "SCT," for the Latin word *scilicet*, meaning "namely." If a certificate does not ask for the county, you should write it in.

There are times when an erroneous county name will be preprinted on the venue portion of a notarial certificate. In such cases, the Notary must line through the incorrect county name, write in the correct county, then initial and date the correction.

What To Do With Extra Certificate Wording

Notaries sometimes encounter extraneous notarial wording within the documents they are asked to notarize.

This is verbiage in addition to the certificate language. At times, such superfluous wording may even direct Notaries to enter their driver's license or Social Security number on the certificate.

Of course, such unnecessary requests for personal information can be ignored. No state requires its Notaries to place such readily exploitable data on certificates that may be recorded and placed in the public record.

These documents with extraneous wording can be notarized, but the Notary should line through the portions which ask for personal information, like the Notary's SSN or driver's license number. However, any requests for identifying information about the Notary's commission, such as the commission number, should always be followed.

Note

The tips provided in this section are based on established notarial customs and practices. They are intended only as general guidelines and may not reflect the laws of your state. Always refer to state statutes if you have a question about any notarization.

— The Editors

Adviser

I need the correct language to administer an oath or affirmation to someone giving testimony over the telephone to an attorney in another state. The person giving testimony will be in my presence when I administer the oath or affirmation. Also, does the witness have to swear that he is who he says he is?

B.N., Gilbert, Arizona

If the attorney involved does not instruct otherwise, the following or a similar oath or affirmation may be used for someone giving testimony:

For an oath: "Do you solemnly swear that the evidence you shall give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?"

For an affirmation: "Do you solemnly affirm that the evidence you shall give in this matter shall be the truth, the whole truth, and nothing but the truth?"

You must speak the oath or affirmation aloud, and the person must answer aloud. A nod or grunt is not a clear and sufficient response.

While the administration of an oath in Arizona does not by law require you to identify the person taking the oath, it is prudent to verify the oath-taker's identity, either by personal knowledge, reliable identification documents, or the oath or affirmation of a credible witness who knows the person, and to make a note in the Notary journal.

How old does a person have to be to have a document notarized?

B.L., Highland, California

There is no statutory minimum age below which notarization is absolutely prohibited. However, any underage signer must meet the same criteria as a mature signer: the young person must be aware and capable of understanding the document being notarized, be willing to sign, and be positively identified by the signer. Willingness and awareness may be determined through a conversation with the signer, and identification of a minor with no valid ID documents may be achieved through personal knowledge or one or two credible witnesses. You should also make a layman's judgment about whether the youth

appears to have reason and authority to sign the document.

Once you have identified the signer and determined that he or she is authorized to sign, and is aware and willing to do so, you may proceed. It is recommended that a minor signer write his or her age next to the signature to alert recipients of the document that the signer is not an adult.

Can I, as a Notary for the Commonwealth of Virginia, notarize my mother's Notary application for her county? Obviously, I have no benefit from the transaction.

D.D., Richmond, Virginia

While Virginia law does not expressly prohibit a Notary from notarizing for a family member, there are some hazards in doing so. In this particular case, the Secretary of the Commonwealth may question an application notarized by a close relative, delaying the commission.

Even if a Notary has no direct beneficial interest in the document and does not attempt to influence the signer, notarizing for a relative could subject the document to a legal challenge if other parties to the transaction allege that the Notary did not act impartially. It is always safest for a signer to find a Notary who is not related.

I just finished signing the acknowledgment on a document that was brought to me to be notarized, but I can't find my stamp. Until I get a replacement seal, is there any acceptable substitute?

L.K., Belleville, Illinois

You are required to affix an impression of your official seal on any acknowledgment certificate at the time of notarization, and there is no substitute for this requirement. (5 Illinois Compiled Statutes 312/3-102)

Because you do not have your seal, another Notary must be found to perform the notarization. Since you inadvertently signed the certificate before you realized the seal was missing, you should line through your signature and place your initials and the date next to the correction; the second Notary should then also initial and date this deletion before signing the certificate and affixing his or her

Note

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

— The Editors

Adviser

own official seal. If at all possible, however, to avoid confusion and possible future questioning of the Notary certificate, consideration should be given by the signer to the feasibility and legality of obtaining a new, untouched document or certificate to present to the second Notary.

When a document requiring an acknowledgment is signed prior to being presented to the Notary Public, can it be signed again in the Notary's presence or must a new document be signed in front of the Notary?

D.R., Hampton, Florida

A document bearing an acknowledgment certificate need not be signed in the Notary's presence. When executing an acknowledgment, the Notary certifies that the signer personally

appeared; was positively identified; and acknowledged to the Notary that he or she had signed the document freely. Since you are not certifying that you witnessed the affixation of the signature, the acknowledger may pre-sign the document out of your presence, and you may execute an acknowledgment without requiring the person to sign again.

How do I respond if the "document" I am given to notarize is just a letter, either typed or handwritten, on a sheet of plain white paper? Can that be notarized?

K.W., Thornton, Colorado

In general, you can notarize anything that has a text (either a handwritten or a machine-printed statement), an original signature and notarial wording (usually an acknowledgment,

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a jurat or a hybrid of the two). If you are given a document with no notarial wording, such as the handwritten letter you mentioned, the signer must tell you what kind of certificate wording to complete. Notaries without a law degree or certification in a pertinent area of expertise may never select notarial wording for a signer. If the customer does not know what kind of notarization to use, he or she must find out. The issuing or receiving agency of the document may be able to help, as may an attorney or the authority who directed that notarization was needed in the first place.

After my commission expired, my stamp was stolen. Normally I would be required to report that to the Secretary of State, but what if the stamp was already expired?

L.D., Half Moon Bay, California

The law requires a Notary to destroy and dispose of an expired seal, but since that cannot occur, you should still notify the Secretary of State. Your Notary seal in a stranger's hands may still be used fraudulently, even if expired, and if you fail to report the theft, you might be held liable. (California Government Code, Section 8207.3)

You should notify the Secretary of State immediately by certified mail. Additionally, if you have also filed a police report, you should include a copy of the report along with your notification.

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We welcome your questions, but in order to properly serve members before others, we ask that all correspondence include your full name, membership number, address and telephone number.

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CourtReport

Notarization Proves Defendant's Signature

People v. Rodriguez
133 Cal.App.4th 545 (2005)

An appeals court ruled that the notarized signature of a California man, who had been found guilty of insurance fraud, establishes his identity beyond reasonable doubt, despite the fact that the man appealed his conviction by claiming his signature was forged.

Eduardo Tolentino Rodriguez was convicted of four counts of filing false life insurance claims in 1985, alleging that his wife, Imelda, had died when in fact she was alive and healthy. Rodriguez's name was signed and notarized on some of the insurance claims. During the trial, the jury compared the signature on Rodriguez's driver's license with the signatures on the insurance claim forms as part of the evidence.

In his appeal, Rodriguez claimed that his signature was forged, by another person in order to commit fraud, and that the jury should not have used the signature on his license for comparison. The appeals court also compared the insurance claim signatures to the one on the license and found them to be reasonably similar. The appeals court added that the notarizations provided further proof that Rodriguez signed the forms, and it concluded there was sufficient evidence to reject his claim of being impersonated.

No Appeal For ID Thief

People v. Soni
134 Cal.App.4th 1510 (2005)

A woman found guilty of 19 counts of identity fraud recently tried to have three of those counts voided by claiming they were filed

beyond the statute of limitations, but a California appeals court rejected her argument.

Real estate agent Supriti Soni was sentenced to three years in prison after being convicted on the counts stemming from her use of clients' private information from notarized documents and her forging their signatures to obtain cash, goods and real estate loans. Two of the fraudulent signatures were notarized by Soni's sister, who failed to properly record information about the notarizations in her journal.

Soni argued that the statute of limitations was applied incorrectly to three of the charges against her in an attempt to have them reversed. The appeals court rejected her arguments and affirmed her three-year jail sentence.

Notarized Affidavit Rejected In Malpractice Case

Thomas v. Gastroenterology Associates
616 S.E.2d 455 (2005)

A notarized affidavit submitted in a wrongful death lawsuit in Georgia was rejected because the Notary's commission was expired at the time the document was notarized.

Lois Thomas filed a medical malpractice complaint against a physician, his medical group and a hospital, alleging that the physician's negligence killed her husband. She attached an affidavit from a doctor whose statement supported her claim.

Three months after Thomas initially had a Notary sign and notarize the affidavit, the defendants moved to dismiss the lawsuit on the grounds that the affidavit was invalid because of the expired commission. Thomas countered that motion by filing a response, and she was granted a reprieve to correct the error but did not file the properly notarized affidavit until 50 days later, well past the statutory time limit of 30 days.

The trial court dismissed the case based on the missed deadline, but Thomas appealed. After review, the appellate court affirmed the lower court's decision, ruling that the trial court did not abuse its discretion when it granted the dismissal and upholding the initial determination that Thomas failed to correct the affidavit defect within 30 days.



THE ART OF GIVING

The National Notary Foundation

We make a living by what we get, but we make a life by what we give.— Winston Churchill

Support For Education And Scholarship Is Essential

With universities tightening enrollment, scaling back class offerings and increasing fees, it has become more vital than ever to aid dedicated students who otherwise might miss out on a college education.

Through the impressive number of National Notary Foundation scholarships awarded over the years, Notaries have proven they are effective in rallying for educational causes to make a difference in young lives, whether it be by donating or volunteering. However, national volunteerism in educational arenas has been decreasing in recent years.

According to the U.S. Bureau of Labor Statistics, 65 million people reported volunteering for a cause or organization in 2005. Of that group, though, only 27 percent, or about 18 million people, volunteered for educational-based programs. The *Chronicle of Philanthropy* also reported that donations to charitable and educational organizations increased by 13 percent, while volunteerism dropped 10 percent.

While volunteering and tutoring have been, and always will be, important to the development of our nation's students — especially to those less gifted or otherwise personally

challenged who struggle to stay in the mainstream — monetary benefactions in this day and age can be more effective, especially when a student's primary challenge to academic advancement is financial. Donating to any scholarship fund provides for opportunities of each student's choosing — opportunities that might otherwise be out of reach due to financial or geographic realities.

If you contribute to the National Notary Foundation, all administrative costs are donated

by the NNA. That means 100 percent of your contribution will go directly to the student or any other charitable effort you designate, whether it be cancer research, disaster relief or endowed scholarships.

Higher education opens doors for our leaders of tomorrow, and any struggling student motivated enough to pursue an education against all odds deserves to be helped.

And as Notaries have demonstrated year after year, that help will come.

'I Choose To Give, To Open Doors'

As a legal secretary and Notary in San Francisco, California, Janine Oliker doesn't particularly live the high life. But she always finds enough in her heart and wallet to donate to the National Notary Foundation. A member of the NNA for more than 15 years, Oliker recently made a generous donation for the express purpose of education and scholarship.

"The NNF's values have always been right, and it has made me want to contribute," Oliker said. "I choose to give, to open doors for students."

Oliker is one of a vast number of Notaries who have supported the National Notary Foundation's efforts over the years. Most recently, Notaries made record contributions in response to Hurricanes Katrina and Rita totaling \$50,000, which the Foundation matched to submit a total of \$100,000 to relief efforts.

Whether giving a \$5 or \$1,000 donation, Notaries have proven they are a benevolent force when it comes to championing worthy causes, and that they can make a difference that impacts lives.