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The National NOTARY

September 2008



THE MAGAZINE FOR PROFESSIONAL NOTARIES

**Technology Leading
The Way To A Better
Future P.20**

**Father of eRecording
Talks eProgress P.34**

**Forgers And Other
Felons Getting
Commissions P.36**



The State Of The Notary Office:

AMERICA NEEDS YOU!

Notaries Needed Urgently For ID Proofing, Security

The National NOTARY

Vol. 11, No. 5, September 2008

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THE NATIONAL NOTARY is the official publication of the National Notary Association. We enjoy a nationwide circulation, with subscribers in several foreign countries as well, and welcome the readership of all those interested in the important work of Notaries.

PUBLICATION POLICY

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

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From The Managing Editor



Despite Economy, Opportunities Arise For Notaries

There's no question we're in challenging economic times, and everyone has been affected, including the nation's Notaries. But, despite current realities,

the American Notary office always finds a way to transcend as new opportunities emerge — particularly when recovery requires a major strengthening of the concepts of impartiality, third-party proofing, evidentiary support and individual accountability.

Part of the cause of the economic downturn is rampant fraud and identity theft, which has resulted in billions of dollars in losses across the breadth of industries. That's why there is a significant, new demand for Notaries. These industries now need secure electronic document processes protected by eNotarization, along with secure identity proofing to increase society's trust and confidence in individuals who send, receive and handle sensitive electronic documents.

Notaries are needed to establish the identity of individuals applying for electronic identity credentials — commonly known as digital certificates — which provide them access to secure electronic environments, and enable them to sign and transmit these documents safely, thereby reducing fraud.

That's why the National Notary Association reacted to this demand quickly by introducing the Trusted Enrollment Agent™ Program. For the first time, some of the nation's largest industries are relying on you and your Association to help secure millions of annual transactions, based on the federal government's need for a network of professionals trained in secure identity proofing (page 28).

This urgency plays into the bigger picture of the adoption of eNotarization and eRecording, with a starting point in any given state being the passage of the Uniform Real Property Electronic Recording Act (URPERA). So far, 20 states have adopted URPERA (page 34), setting the stage for widespread implementation of eNotarization.

Despite these challenging times, Notaries will thrive because they are the nation's primary guardians of document security and trust. Notaries provide solutions to the difficult problems caused by identification abuse and fraud. And Notaries, without question, are a critical part of the economic and legal fabric of America.

Notaries ... are a
critical part of the
economic and legal
fabric of America.

Phillip W. Browne

COVER STORY

28 • America Needs You!

Ironically, the very thing that was supposed to be the death knell for the Notary Office — electronic business and communications — has resulted, instead, in the recognition that Notaries are needed more than ever. As identity proofers, Notaries play a role in weaving the electronic security web that will make electronic documents safe and secure — and are a key part in making sure that the country's security is as strong as it has ever been.



FEATURES



34 • The 'Father' Of URPERA Talks About Progress

David Biklen discusses the importance of model eRecording legislation, how it should be implemented and its benefits for Notaries.

20 • Cutting-Edge Technology Meets Old-Fashioned Good Times

“Change” was the theme for this year's NNA annual Conference. Attendees learned about a host of new technologies and roles that are changing the importance of the Notary Office. The Trusted Enrollment Agent™ Program got a New Orleans-style kickoff and global standards were a major focus.



36 • Ex-Cons Break Into The Notary Office

Criminals and ex-convicts have found that many states look the other way when handing out Notary commissions to those with less-than clean slates, giving them a license to steal.

39 • Quiet Revolutionary

Controversy is swirling in the Middle East and beyond with the announcement that Amal Soliman has been appointed the Islamic world's first female *maazun* or religious Notary.

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THE PATH TO SUCCESS: CHERYLYN WASHINGTON

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Notary Cherylyn Washington is the founder of the Black Butterflies, an organization designed to help young women build their self confidence, and has used her Notary skills to help one girl in a troubled family situation.



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OUR MISSION

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

OUR READERS' RIGHT

Lost In Translation

I have some questions about notarizing translations that I don't recall reading in your magazine. First, can a qualified bilingual Notary Public notarize a translation as true and accurate? If so, can the Notary Public notarize a translation that he or she prepared and charged for?

Elwood Bowerman, Oklahoma City, Oklahoma

No. Being bilingual does not give a Notary Public the power to notarize a translation as true and accurate. But, a Notary does not have to be bilingual to notarize the signature on a Translator's Declaration. Since the translator is the person who, under oath, is certifying the accuracy of the translation, it is the translator who is declaring why he or she is qualified to do so. Generally speaking, a Notary Public cannot perform the translation and notarize at the same time. If the Notary attempts to translate and notarize, the Notary will end up notarizing his or her own signature. If a Notary Public prepares a translation and charges for it, the Notary is involved in the transaction and is not impartial. Notaries cannot notarize if they are not impartial. — The Editors

Success Story Inspires Reader

What a wonderful inspiration to read about Esther Beatrice Mitts ("The Path To Success," May 2008) in THE NATIONAL NOTARY.

I read this article the other night, and so enjoyed the story of her success that I had to re-read it. I thought to myself, "Good for her!" I also thought, "Wow, it really can be done," as I have recently become a Notary in the past year and have not been able to find too much activity for my own business.

But to read about Mrs. Mitts' life unfold with suffering and loss and become so successful all by herself is an inspiration. She has to be brilliant. I would love to hear her speak, if she ever ventures out to California. Consider me to be her number one fan. I would be happy to earn an income one-tenth of what she made last year.

Thank you for sharing such an amazing story and positive experience of becoming a Notary. I feel a sense of encouragement to keep trying to make it in the Notary business.

Arla Patten, Alta Loma, California

Letters To THE NATIONAL NOTARY

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

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

Never Give Up Control Of Your Journal

The article “Notarizing for Inmates” in the May 2008 issue of THE NATIONAL NOTARY left me with a concern. I also notarize for inmates in our local county jail. I was under the impression that the Notary journal was not supposed to leave a Notary’s possession. Tina Williams, the Notary mentioned in the article, said that she hands her journal to a guard, who then gives it to the inmate behind the glass partition. Are there exceptions to this rule, or was I mistaken in my interpretation?

Cheryl Cereghino, Visalia, California

The Notary should have direct supervision and full control of the journal at all times (Government Code Section 8206). By passing the journal through to the other side of a glass partition, the Notary is giving up full control and direct supervision of the journal, considering, as the article stated, “she can’t (even) point directly through the glass” where the inmate should sign. Therefore, this

is not an acceptable practice and should have been indicated as such in the article. — The Editors

Reporting Illegal Requests

I’ve read a lot about Notaries being asked to perform illegal acts. If a person asks me to perform an illegal notarization or act — such as backdating loan documents — should I report the person to somebody? Or do I merely refuse the signing, stating it’s an illegal act?

Donovan Ellison, Aurora, Colorado

Many people and organizations that make illegal requests may not be aware that their requests are wrong and may even think that what they’re asking is just common sense in the given circumstances. You should refuse the notarization, and take the opportunity to stress that the Notary Public’s main task is to deter fraud. If a person is completely aware that his or her request is wrong and illegal, you may want to report the person to the appropriate legal authorities. — The Editors

If You’re Owed Money, We Can Help!



To address the needs of NNA Notary Signing Agent section members, the National Notary Association has joined forces with Fidelity Information Corporation to form an exclusive alliance for debt collection services.

Flat-Fee Collections

Unique and fully automated online system for you to collect your delinquent accounts without paying commissions or contingency fees. Pay only a small discounted flat fee for each service requested. Once we have the debtor’s information, we do the rest. Fidelity Information sends collection letters directly to your debtor, makes phone calls, and can report non-commercial debtors to Experian, Equifax and TransUnion. You get paid directly. No additional fees are owed. Free registration.

Contingency Collections

Fidelity Information’s professionally trained collectors handle your account aggressively, tracking it throughout the life of the debt using traditional collection methods, time-tested letters and follow-up phone calls. You pay nothing up front. A very low discounted rate of 33% will be deducted from the total amount collected.

To learn more about the possibilities and privileges of being an NNA Notary Signing Agent Section member, please call 1-800-US NOTARY (1-800-876-6827) or visit NationalNotary.org/sections.

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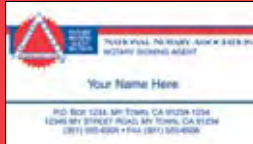
1 MAGNETIC BUSINESS CARDS



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Shown: Notary Signing Agent version

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Allow 2-3 weeks for delivery

3 ROLODEX® CARDS



Shown: Notary Public version

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4 DELUXE BUSINESS CARDS



Shown: Notary Public version

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Allow 2-3 weeks for delivery

Includes these "Notarization Musts" inside:

- The document signer must personally appear...
- The Notary must identify the signer...
- The Notary must be impartial and disinterested...
- The Notary must make a record...
- The Notary must hold and scan the document...
- The Notary must not certify a copy of a birth certificate or other vital record...

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A B C

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A B C

1000 Cards: \$59.95 Item 7383 (plus A, B or C)

2 TRADITIONAL BUSINESS CARDS

A B C

1000 Cards: \$49.95 Item #7385 (plus A, B or C)

4 DELUXE BUSINESS CARDS

A B C

1000 Cards: \$59.95 Item #7387 (plus A, B or C)

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- A. Notary Signing Agent – Certified and Background Screened*
- B. Notary Signing Agent**
- C. Notary Public***

Subtotal (check style and quantity from list at left)	\$ _____
Shipping \$9.95 (\$11.95 for \$65 and over)	\$ _____
State/Local Tax	\$ _____
AZ, CA, FL, HI, KS, MA, MI, MO, NE, NV, NJ, NY, NC, PA, TX, VA & WA*	
Total	\$ _____

*For these states, include tax on shipping.

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Organization: _____

Address: Business Home _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Home Phone: _____

eMail: _____

NNA Member Number (required): _____

Check/Money Order (payable to NNA) Visa MasterCard American Express Discover

Card No.: _____ Expires: _____

Name on Card: _____

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Signature: _____

*Available to NNA Certified and Background Screened Notary Signing Agents only

**Available to NNA Notary Signing Agent Section Members only

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NATIONAL NOTARY ASSOCIATION

The Nation's Professional Notary Organization®

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Now Is the Time To Hone Skills; Better Days Are Coming

Today's headlines are dominated largely by bad news. At the top of this grim list are foreclosures, high gas prices, inflation fears and growing unemployment.

The economic news is hardly encouraging and even a service as resilient as that provided by Notaries is facing a slowdown.

Because Notaries work predominantly in the real estate and mortgage industries, we don't have to read the paper to know how the current climate is affecting notarial activity — we see it everyday.

There is, however, something to be done when business activity slows. As John Kennedy was fond of saying, "The time to repair the roof is when the sun is shining."

When we were all scurrying to keep up with loan signings and other boom-spawned notarial activities, we didn't take the time to improve our skills or enhance our business opportunities.

In these uncertain times, businesses are smart to look at activities that, during busier times, they couldn't even consider — from employee training and technology upgrades to enhancing productivity and streamlining procedures.

Why? ... Because there is time. If there is one thing we love to remind everyone it's that there is never enough time. Be it for family, friends or just a reflective walk in the park, we all bemoan its lack in our busy lives.

So now we have the opportunity to do all those things we couldn't do a year ago. Now is the time to get ready for the next boom; a fact that no economist doubts is coming. The only question is when.

If you want to take that online workshop to become a Notary Signing Agent, now is the time. If your computer skills are weak, now is the time to learn how to use the electronic Notary signature (ENS®).

Now is the time to take a close look at the emerging field of the Trusted Enrollment Agent™ (TEA) and get the certification that will be required when demand starts to skyrocket.

Among the early authors of the self-help, personal success genre was a Virginian named Napoleon Hill who is most famous for two things: his book "Think and Grow Rich" and his most famous quote: "Whatever your mind can conceive and believe, it can achieve."

One of Hill's ideas was that when you create a plan for carrying out your desire, whether you're ready or not, put the plan into action. This is pretty good advice from a man who interviewed everyone from Andrew Carnegie to Alexander Graham Bell to Theodore Roosevelt.

Hill was ultimately seeking to advise people on how to become successful. His messages encouraged his readers to consider what they were doing, how it could be systematically improved and then implemented to achieve a desired outcome.

It's not always a simple task to take on a new project, develop a new skill or hone an old one. Circumstances, however, can often provide that unique opportunity for personal or professional growth.

If we consider this sluggish economic period as an occasion for perfecting and expanding our skills, we can be prepared for the inevitable upturn of this current, temporary, "bad news" economy.

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

Fingerprints Could Be Required For Leaving U.S.



As biometric data plays an increasing role in identity management for national security, the U.S. Department of Homeland Security has proposed a rule that would require non-citizens to have their fingerprints scanned at all U.S. air and seaports of departure.

Already, non-U.S. citizens and non-permanent residents — with the exception of Canadians — are required to submit digital fingerprints and a digital photograph for admission into the country.

Homeland Security Secretary Michael Chertoff said the 9/11 Commission called for biometric entry and exit records because biometrics confirm travelers' identities and the purpose of their travels.

Notaries can attest to this, since fingerprinting is required in some states for notarial acts involving deeds, quitclaim deeds or deeds of trust affecting real property and power of attorney documents.

"We've built an effective entry system, and combined with the proposed exit system, we'll have made a quantum leap in America's border security," Chertoff said.

Due Diligence Can Help Mitigate Fraud

As mortgage fraud continues to increase, industry officials can help curtail the problem by performing identity verification and due diligence on the people with whom they choose to do business, according to a recent report.

By properly identifying individuals and executing procedures by the book, mortgage industry professionals and Notaries can help mitigate fraud-associated losses and uncover hidden relationships between people working together to commit mortgage fraud, according to a Mortgage Asset Research Institute's white paper, "Curbing Mortgage Fraud:

Proactive Strategies."

In March 2008, the FBI was investigating more than 1,200 mortgage fraud cases, representing a 50 percent increase from the level recorded in fiscal year 2006. Approximately half these cases under investigation reported losses exceeding \$1 million, and a number of them exceeded \$10 million.

According to the report, mortgage fraud played a big role in the current market instability and financial crisis in the sub-prime mortgage industry.



Don't Get Suckered Into Buying Overpriced Copies Of Deeds

A growing number of homeowners are receiving solicitations from companies that claim to sell copies of deeds at "bargain" prices. These official-looking letters arrive in the mail "warning" homeowners about the importance of having a certified copy of a property deed.

But experts say these tactics simply aim to rip off consumers by providing an unnecessary service at a hefty price. According to Consumer Reports, the letters sent to homeowners look official, and companies invoke high-pressure sales tactics to push potential clients into buying \$80 to \$100 copies.

Unsuspecting homeowners may not realize they might already have a copy of their deed from their loan closing. If not, a county clerk or registrar's office can usually provide a certified copy of the deed for less than \$10.

In Ohio, Ottawa County Recorder Virginia Park has been warning residents to be cautious about these types of scams. Some homeowners in Port Clinton, Ohio, received a letter from a company that claims to provide a deed for the "bargain" price of \$69.95. Homeowners in Upstate New York have received similar letter offers.

Mortgage Industry Shows eSigns Of Life



The Mortgage Electronic Registration System (MERS) reports that it has logged more than 55 million loans as of May 2008. The System was created by the mortgage banking industry to streamline the mortgage process by using electronic documents to eliminate paper.

These loans were processed entirely on a digital platform, said Karmela Lejarde of MERS. The MERS eRegistry system — which designates where an original electronic note resides and who controls it — and electronic notarization go hand in hand.

One of MERS' partners,

AmTrust Bank, which is headquartered in Cleveland, Ohio, announced recently a new milestone when it closed more than 10,000 mortgage loans using its proprietary eSign® closing solution. One of the largest mortgage lenders in the country, AmTrust Bank has closed and sold more loans with an electronic note than all other lenders in the nation combined.

"(This) is an incredible win for everyone — the consumer, our mortgage and closing partners and even the environment," said Jon Baymiller, AmTrust Bank's EVP of Mortgage Lending.



By The Numbers

The estimated amount of U.S. retail eCommerce sales for the first quarter of 2008, according to the U.S. Department of Commerce.

\$33.8 Billion

The number of agents the FBI has charged with combating the growing waves of mortgage fraud.

200

The percentage of U.S. adults in 2007 who were victims of identity theft, according to Javelin Strategy & Research.

3.58%

The number of U.S. states in which the NNA's electronic Notary signature (ENS®), is available to perform eNotarizations.

39

The number of scheduled domestic and international passengers on U.S. airlines during the first two months of 2008, according to the U.S. Department of Transportation.

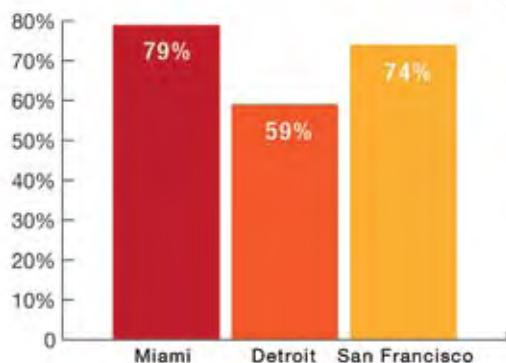
113.2 Million

The median sales price of new houses sold in March 2008, according to HUD.

\$227,600

Public Wants Electronic Medical Records

A series of recent town hall meetings shows that there is a desire for electronic medical records. This will mean that Trusted Enrollment Agents™ undoubtedly will be called upon to provide medical personnel and gatekeepers with medical identification documents.



Source: Accenture

Chance For ID Theft Greater Offline



These days, people are outspoken about their doubts and fears of performing electronic transactions. But contrary to their skepticism, a stolen or lost wallet brings a higher risk of identity theft than making purchases online, according to a recent survey.

Recently released by consulting firm Javelin Strategy & Research, the survey looks at how identity theft is executed. One out of three identity theft victims knows how their information was taken. More than three-fourths of the victims said it involved a physical method such as a stolen wallet, stolen mail or a theft committed by someone they know.

A five-year trend shows identity theft dropping in the United States as more online security procedures are put in place and consumers take more preventive measures.

In similar fashion, Notaries who keep an electronic Notary journal add security to their clients' information, since the journal requires a password in order to view an entry. With the paper journal, one would simply have to flip through the pages of the journal to see signers' personal information.

Microsoft Office To Allow Consumers To Save In More Varied Formats

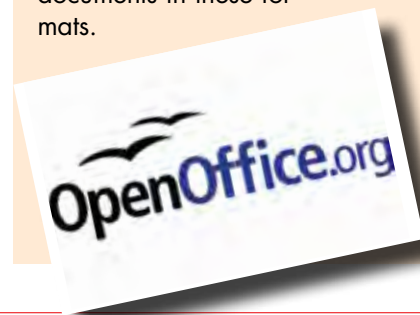
Under pressure from European regulators, national standards organizations and its own government clients, Microsoft is expected to make its popular Office 2007 product compatible with the interchangeable document format during the first half of 2009.

The company said it planned to give customers the ability to open, edit and save documents in Open Document Format (ODF) through a free upgrade.

ODF was developed by Microsoft competitors in 2005 to allow consumers to save files in 25 formats, including Word. The application, OpenOffice, is free.

Next year Microsoft will let consumers open and save files in Adobe's Portable Document Format 1.5 and PDF/A formats.

Both Microsoft Word and Adobe's Portable Document Format are compatible with the NNA's electronic Notary signature (ENS®). This means Notaries can use these software applications to electronically notarize documents in these formats.



Some U.S. Cities Are Doing Just Fine

Although home prices are dropping nationwide and unemployment is on the rise, Notaries can still find many opportunities. After all, not all is lost. Just ask the folks in Oklahoma City, Oklahoma, which was recently rated No. 1 on *Forbes'* list of America's recession-proof cities.

The list includes 10 cities that, amid national economic storm clouds, are experiencing solid employment rates, affordable home prices and strong growth in several industries. And for Notaries and Notary Signing Agents, these conditions clearly represent opportunities.

Topping the list, Oklahoma City has the country's strongest housing market and growth in the agriculture, energy and manufacturing sectors. According to the

U.S. Bureau of Labor Statistics, Oklahoma City's unemployment rate fell to 3.5 percent from 4.7 percent in February 2007.

Also, the median price for a single-family housing unit increased 8.2 percent, and construction is up 11.5 percent from 2007.

Of all U.S. states, Texas had the most cities on the list. The median home price

in San Antonio saw a 7.9 percent increase. And unemployment fell from 4.3 percent to 4 percent.

Other cities within the Lone Star State that fared well were Austin, Houston and the Dallas-Fort Worth area. All these carry the benefits of lower home prices that are affordable to a larger part of the population, according to *Forbes*.



Squatters Exploit ‘Cash For Keys’

They move into homes and pose as tenants in order to take advantage of a system that pays hundreds, if not thousands, of dollars in bribes. Squatters are becoming an ever-increasing thorn in the sides of banks whose goal is to have a clean and empty home ready for resale.

Under “Cash for Keys” procedures, banks will offer monetary incentives to occupants of a home threatened by foreclosure in return for a speedy vacancy with no damage to the property. Even though this can cost the bank \$1,000 to \$3,000, the bank saves thousands of dollars more by not having to repair ruined property. Also, an empty home can be showcased and sold more quickly than an occupied one.

Many Notaries offer their services as facilitators in the “Cash for Keys” process. Notaries work on the bank’s behalf and make recommendations as to how much money the tenant should receive as an incentive to leave. Also, the Notary negotiates with the tenant regarding the date they will leave the property.

Now, squatters are trying to move in on these deals, and are not shy about it, said Los Angeles Police Department Detective Erin Camphouse, who works with the Real Estate Fraud Unit. She said



the squatters know exactly who to contact and what to say.

Once they’ve moved in some of their furniture and appear to have lived there for a while, there isn’t much the police can do, Camphouse said. If they’ve been living in the home for 30 days or more, the bank is left with no choice but to go through the eviction process.

DHS Gets REAL With ID Security Grants

The country has moved a step closer toward achieving a uniform standard for identification documents with the U.S. Department of Homeland Security’s announcement that it will give \$79 million in REAL ID Demonstration Grant awards this year to assist states in improving the security of driver’s licenses and other forms of identification.

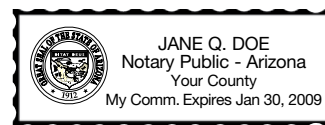
Passed by Congress in 2005, the REAL ID Act requires states to create standard, tamper- and fraud-proof driver’s licenses. Many states bristled at the high cost of the program and now, the funding should help quell some of the complaints.

The REAL ID Program answers the call of the 9/11 Commission to enhance the security, integrity and protection of licensing and identification systems across the country. These improvements will facilitate the duties of Notaries to properly identify individuals appearing before them by helping to spot phony IDs.



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Data Breaches Remind Us To Stay Alert

While Notaries continue to work tirelessly as defenders of society's transactions by properly identifying individuals and limiting the chances of fraud, the country is still not doing enough, according to a report from the Identity Theft Resource Center (ITRC).

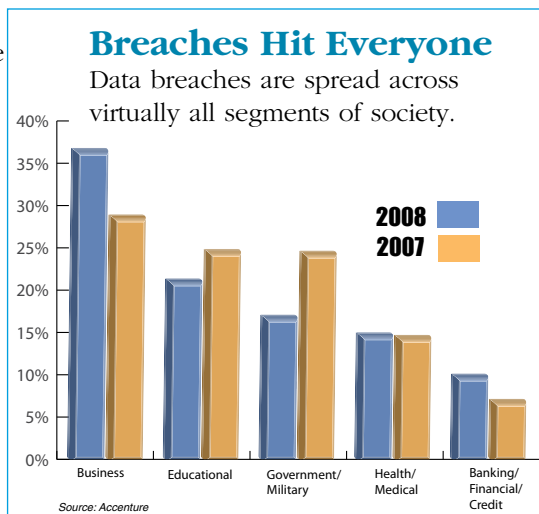
The number of data breaches reported in the first six months of 2008 reached an all-time high of 342 cases, surging 69 percent over the same period the previous year.

While the number is staggering, ITRC said that some of the increase is due to previous underreporting and the fact that some reported breaches were listed as single events even though they affected multiple businesses and individuals.

But the numbers are serious in any circumstance and underscore the need for all organizations and individuals who handle sensitive information — including Notaries — to exercise extreme caution. The ITRC's report represents nearly 17 million compromised records.

In a separate study, Verizon Business discovered that 75 percent of all breaches are discovered by third parties and not the victimized organization. Breaches also tend to go undiscovered for long periods of time. The hackers who intercepted a record 45.7 million credit card

numbers from TJX Companies Inc., owners of the T.J. Maxx chain, went undetected for 18 months.



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Soaring To New Heights By Guiding Youth To Excel

Cherilyn Washington Turned Her Passion Into A Calling By Opening A Cocoon Of Thought For Young Women

When Notary Cherilyn Washington saw that her then seventh-grade daughter had developed self-esteem issues, she took steps to help her. But she didn't foresee where that step would lead — her life's calling.

Initially, she gathered some of her daughter's girlfriends together to teach them how young women should conduct themselves. As she developed the nascent group's goals, the mother of three expanded it beyond etiquette to life skills. Soon she was gathering more and more girls. The Black Butterflies Foundation was born. Its name is an acknowledgment of the uniqueness of each member, just like no two butterflies are the same. Today, the group boasts some 150 members in Washington's hometown, St. Louis, Missouri.

"The mission of the Black Butterflies is to provide a fun and supportive program that reinforces Christian values, trust and support to young girls ages 8 through 18 or grades three through 12," Washington said. "We challenge them to resist negative social pressures, and enhance self empowerment by inspiring them to become confident leaders in their communities."

The Black Butterflies is open to girls of all ethnic backgrounds. There are no dues, and the only membership requirements are a commitment to participate in discussion groups and events, such as the book club, field trips and the dance team. Washington and her husband fund the group.

Community involvement has been a part of Washington's life since she was a child. Her grandparents and parents raised her to have strong family values and a commitment to their

church. So, three years ago when the Regulatory Affairs Administrative Coordinator was asked to become a Notary by the company she works for, Covidien Healthcare, it's no surprise she stepped up and accepted it.

"When you stand up and you swear you're going to be true to being a Notary, that's pretty important," Washington said. "I don't deviate from notarial law and best practices. Friends and co-workers don't realize that when they ask you to do such things as notarize for their wife without her personal appearance, that's against the law. They just look at it like, since you know them, it's not a big deal. But I'm the one who made the vow, so I take that seriously. Integrity is just really important."

She also takes her commitment to people the same way. For example, in

2006, a student called Washington late at night in tears because of an incident at her home. The child's mother was ready to throw her daughter out of the house until Washington intervened.

Washington wound up notarizing a letter from the student's mother authorizing the daughter's mentor to take temporary custody of her. Washington continued helping the student, footing the bill for many of her basic needs. She also helped the young woman get into college on a scholarship.

Promoting higher education isn't out of the ordinary for Washington. She's paid for SAT and college applications for girls in her program many times. She's also taken girls to college campuses to meet with advisers.

Washington believes being able to give back to society in the manner she does is her calling. "I feel like this is what God called me to do. I feel blessed to be able to do something that is my purpose, which is working with Black Butterflies," Washington said.

— Michael Mink

Cherilyn Washington ***Notary and Founder*** ***of the Black Butterflies***

- **Education:** BS in Business Administration, the University of Phoenix in St. Louis.
- **Motto:** "To live a life that my children can be proud of."
- **Most Influential People:** Grandparents, parents and husband.
- **Personal:** Married, three children.
- **Hobbies:** Non-fiction reading and her work with the Black Butterflies (www.theblackbutterflies.org).



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Now that Florida's Notaries are authorized by law to perform electronic notarizations, the NNA is ready to help you get up to speed with eNotary Certification — and all that's needed is a computer, a Web browser and an Internet connection.

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To find out more or sign up for Florida eNotary Certification, visit NationalNotary.org/training and select "Florida" from the list of available states on the main page.

Full Issues Of The 'Notary Bulletin' Now Online

For many years, select articles from the past issues of the NOTARY BULLETIN® have been available online at NationalNotary.org for NNA members. Now the BULLETIN is available online, cover-to-cover, in PDF format for members. This will allow readers to access and read past articles exactly as they appeared in the original print format, including full-color photos and charts that accompanied the articles produced by the NNA's professional Editorial team.



In addition, individual articles from October 2003 to December 2007 are also available. To access the PDFs of the NOTARY BULLETIN, log onto the NNA member community at NationalNotary.org and click on "News & Resources."

Upgraded, More Secure ENS Meets Global Standards

The National Notary Association is partnering with a Fortune 500 technology company to offer a new, upgraded electronic Notary signature (ENS®) with enhanced security features, making it universally accepted by businesses and governments around the world.

The upgraded ENS was developed by the NNA and Science Applications International Corporation (SAIC). By incorporating SAIC's globally compliant technology the new ENS — through its SAFE digital certificate — is cross

certified with the Federal Bridge Certification Authority (FBCA), the federal government's electronic credential management power. This allows the ENS to meet security requirements to perform eNotarizations for government-related documents and transactions.

It also complies with European Union standards, guarantees legal

admissibility of electronic documents and has far superior technology and issuance security than previous electronic Notary credentials. These enhanced security features make it among the most trustworthy tools available to help verify electronic signatures and protect eDocuments from tampering.



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The NNA Seeks Nominees For The 2009 Notary Of The Year

Maintaining high ethical values, setting new professional standards, adhering to notarial best practices and unselfishly volunteering to support their communities are among the marked qualities practiced by the National Notary Association Notaries of the Year.

If you or a colleague exhibit outstanding qualities or have done service that you think is worthy of this prestigious honor, now is the time to submit a nomination form!



The person honored as the Notary of the Year receives a variety of recognitions, benefits and prizes to mark his or her achievements. The Notary of the Year will reign for a year as the Notary office's most honored professional. Nomination forms can be obtained online at NationalNotary.org/NOTY or by calling the NNA's Public Affairs Department at (818) 739-4080.



www.nationalnotary.org/noty

New eNewsletter Keeps Trusted Enrollment Agents Informed

As the NNA's Trusted Enrollment Agent™ Program evolves over the coming months and years, there will be breaking news and announcements. Keeping informed is now only a click away, thanks to the launch of the TEA weekly eNewsletter.

Each issue will keep you informed about news, benchmarks and important announcements related to the emerging credential enrollment field and the TEA Program. Receiving the TEA eNewsletter is easy. As soon as you become a TEA, you will be sent a clickable link of the current issue directly to your eMail inbox every week.

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California Student Receives National Notary Foundation Scholarship

Long Beach, California, native William DeWitt was recently honored with a National Notary Foundation scholarship — the first of his college academic career — and says it will be a big help in his studies at Los Angeles City College.



William DeWitt

As part of its ongoing philanthropic efforts, the Foundation endows scholarships for deserving students each year at academic institutions around the country, including California State University, Northridge; the City College of New

York; Florida State University School of Law; and UCLA. All operating costs are donated by the NNA to ensure that 100 percent of donations go to charitable causes.

DeWitt said he was honored to receive the scholarship. He believes that students today are working hard to change or better their lives. “Life is never stagnant when you are learning,” he said.

As an English major, DeWitt enjoys writing, and is considering pursuing a second major in economics. In addition to his English studies, he has also reported for his college’s student newspaper, *The Collegian*.



www.nationalnotary.org/foundation

NNA Joins Minnesota eNotarization Group

Minnesota Secretary of State Mark Ritchie has convened an expert team of representatives from the National Notary Association and the legal, real estate and government communities to examine the state’s Notary laws and make recommendations to the Legislature for implementing eNotarization.

The Notary Public Study Group is examining the eNotarization process and paper-based notarizations to fully modernize Minnesota’s Notary statutes and ensure the security of notarized transactions.

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World Is Looking At Global eNotarization Standards

By Timothy S. Reiniger, Esq.
treiniger@nationalnotary.org

Of all the many exciting developments that came out of the 4th International Forum on eNotarization, eApostilles and Digital Evidence last May, perhaps none will have more impact than the

progress toward a uniform, global standard for trustworthy and reliable electronic notarizations (see page 24).

The Standard — proposed by the National Notary Association — would establish the minimum criteria for issuing and managing Notaries' electronic credentials. The ultimate goal is to make sure that electronically notarized documents, based on the use of one federated credential by the Notary, will be legally acceptable anywhere in the world.

At the heart of the proposed Standard is the digital certificate.

The best way to appreciate a digital certificate is to understand the three ways Notaries can use it: *access*, *authentication* and *adoption*.

First, a digital certificate can be used as, in effect, a key to allow authorized individuals to *access* secure networks or sensitive data. When housed on a hardware USB dongle or a smartcard, the digital certificate provides a measure of security far beyond the typical user name and password approach.

Second, a digital certificate *authenticates* the origin of a message so that the recipient can trust the identity of the sender. This makes possible the secure exchange of electronic documents, including eMails. Given how easy it is to compromise electronic communications, this authentication function is vital when dealing with sensitive, high-value transactions.

Third, a digital certificate provides a

means for an individual to sign or *adopt* the contents of a document — the function that would be used for electronic notarizations in completing the notarial certificate. By using a digital certificate to sign a document, you are approving or adopting the notarial act as your act. The digital certificate adds a layer of forgery protection by tamper sealing the contents.

With these security measures, consumers anywhere in the world can have a much higher degree of confidence that the signature on an electronic notarial certificate belongs to the Notary and not an impostor — especially if the proposed Standard is adopted by the global community.

The proposed Standard seeks the widest degree of global compatibility and is in step with the requirements and guidelines being adopted by Notary societies in many nations, including Italy, Germany, Argentina, Spain, Estonia, Brazil, Mexico and Austria. The United Kingdom, Australia and Turkey plan to implement similar rules in the near future.

The wording of the Standard is expressly based on the European Union's Electronic Signature Directive, the Liberty Identity Assurance Framework of the Liberty Alliance Project and the official policies of the International Union of Latin Notaries (UINL).

Major global industries need a system of electronic notarization that is acceptable anywhere in the world and they need it now.



Montana Secretary of State Brad Johnson (right) accepts the March Fong Eu Achievement Award on behalf of Mitt Romney from NNA President Milt Valera.



2007 Notary of the Year Joan Sampson, shown here with husband Lee, learns new things at each NNA Conference she attends.



Keynote Speaker Louisiana Secretary of State Jay Dardenne inspired Farewell Banquet attendees.

Cutting-Edge **TECHNOLOGY** Meets Old-Fashioned **GOOD TIMES** In New Orleans At Conference 2008

If there is one word that sums up 2008 for Notaries, it's "change." In an economy where many people are struggling to find a secure niche in the workplace, this year has seen explosive demand for Notaries in new career fields, largely fueled by technology.

The event that fully embraced the marriage of time-tested best notarial practices and technology was the National Notary Association's 30th annual Conference, held May 27–30 in New Orleans, Louisiana.

The theme, "Secure eNotarization and Best Practices Today," underscored the important Conference programs

that detailed groundbreaking new career paths in electronic document security. The nearly 1,000 delegates, government officials, international dignitaries and guests from 40 U.S. states and 25 nations witnessed the world acknowledging the Notary's centuries-old reputation of trust and integrity.

The announcement of groundbreaking global developments marked a Conference that celebrated the arrival of the future in grand style. Attendees saw firsthand how major industries are turning to Notaries to secure their electronic data, and relying on the NNA as a crucial partner in facilitating and protecting global business transactions.



Milt Valera congratulates the 2008 Notary of the Year Liz Adams for her accomplishments.



NNA Executive V.P. Deborah M. Thaw (far right) with (left to right): Notary of the Year Special Honorees Sharon Winslow, Stephen O. Cole, Claudine C. Osborne, Norma Luginbyhl and Notary of the Year Liz Adams.



David Fleck, L.A. County District Attorney's Office



Deborah M. Thaw, NNA Executive V.P.



Elaine Wright, Workshop speaker



Charles Epperson, Stewart Information Services Corp.



Keith Ward, Northrop Grumman

The Guardians Of Electronic Data

Today's world of instantaneous communication and computers was the death knell of the stereotype of Notaries as minor functionaries dealing with piles of paperwork and inked seals. As attendees learned in workshops and presentations throughout Conference, Notaries are changing with the times, trading in their inked stamps for electronic Notary signatures to help businesses integrate electronic signatures and documents into their everyday routine to ensure that data remains secure and authentic.

Nowhere was this more apparent than in the biggest event of the Conference – the official debut of the NNA's Trusted Enrollment Agent™ (TEA) Program. Thousands of Notaries have already signed up for this innovative program online, and hundreds of Conference attendees took advantage of three, day-long TEA workshops to take the first steps on this new career path.

eNotarization Developments Unveiled

With eBusiness going global, adopting the best practices for secure eNotarization is not only a priority for U.S. Notaries, but their colleagues and counterparts in other nations as well. Throughout Conference, Notaries attended sessions learning about the electronic Notary signature (ENS®) and obtained hands-on experience using it at the eNotarization Lab, which was open throughout Conference. And to ensure the acceptance and security of electronic documents and signatures between nations, Notary, legal and technology experts from 25 nations met for the 4th International Forum on eNotarization, eApostilles and Digital Evidence. As a result of the Forum's deliberations, the International Union of Latin Notaries (UINL) is considering a proposal to establish global standards for

issuing and managing electronic credentials.

Conference attendees also were treated to the unveiling of a new, enhanced ENS developed through a partnership between the NNA and Science Applications International Corporation (SAIC). The upgraded ENS is recognized by industry and governments worldwide, and its SAFE digital certificate is cross certified with the Federal Bridge Certification Authority, the federal government's electronic credential management power. The ENS also complies with European Union standards, guarantees legal admissibility of electronic documents and has far superior technology and issuance security than previous electronic Notary credentials.

As NNA President Milt Valera told a packed audience of Notaries, business leaders and government officials: "For the first time, some of the nation's largest industries are relying on Notaries and the NNA to help secure millions of transactions and electronic communications annually," launching a revolutionary new era of trust and security in electronic documents.

Fun In The Big Easy

New Orleans wasn't all work. The city bears the nickname of "The Big Easy" for a reason, and Conference attendees had plenty of fun enjoying the food, sights and other delights of the historic metropolis. From samples of delicious Creole recipes in the French Quarter to the Voodoo Museum to riverboat cruises, delegates truly embraced the spirit of the old saying: "*Laissez les bon temps rouler*" – "Let the good times roll!"

As the festivities drew to a close, Valera made an announcement that promises even bigger and better things for next year – Conference 2009 will take place in Las Vegas, Nevada. Don't miss out! – *David S. Thun* **NNA**



TRUSTED ENROLLMENT AGENT PROGRAM

Gets A New Orleans-Style **KICKOFF**

The excitement was palpable. Seats were hard to find. Notebooks and pens were at the ready. The packed room of Notaries was waiting to find out about the National Notary Association’s exciting new career opportunity in secure identity proofing – the Trusted Enrollment Agent™ (TEA) Program.

“Everyone was very excited,” said Scott Wooster, the workshop leader and a training and development specialist

for the NNA. “Many of the attendees were NSAs who saw this as a great way to improve their business in light of the soft real estate market. Others had no idea what the workshop was about, but were really excited once they found out about it.”

In fact, the TEA Program was the cornerstone of the 30th annual NNA Conference, held May 27–30 in New Orleans, Louisiana. The three, six-hour workshops served as the official launch



The highlight of Conference 2008 was the kickoff of the National Notary Association’s Trusted Enrollment Agent™ (TEA) Program. Hundreds of Notaries attended the sessions, which were led by Scott Wooster.



for the Program, and hundreds of delegates packed the sessions, which covered everything a Notary would need to know to be a TEA.

The workshops introduced Notaries to the emerging field of identity proofing and credentialing, for which there is a growing need among all segments of the economy.

Notaries who become TEAs initially will receive assignments to credential clients for two of the leading providers of digital documents in the nation — Exostar (which serves the defense and aerospace industries) and the Science Applications International Corporation (SAIC), which serves the bio-pharma industry. As the program expands and matures, it is expected that other clients will be added to this list.

During his keynote address at Conference’s Kickoff Breakfast, Keith Ward, Director of Enterprise Security and Identity Management for Northrop Grumman Corporation, said the U.S. defense and aerospace industries alone include 300,000 companies around the world with three

to four million employees. A large portion of those workers will need digital identity documents.

It is expected that many more industries — beyond the initial aerospace, defense and bio-pharma ones — will be looking for experienced identity proofers who are eCertified in the coming years. As experienced identity proofers, Notaries are uniquely qualified for this role.

With the help of a comprehensive workbook, attendees practiced carrying out a complete enrollment using paper documents and an electronic Notary signature. At the end of the workshop, attendees learned how to take the credentialing tutorials to receive both Exostar and SAIC assignments (each company has different requirements to process its assignments). Once Notaries complete the tutorial and become background screened, they are qualified to accept assignments. Though initial TEA credential enrollments will be almost exclusively paper based, eventually they will be wholly electronic, requiring eNotary Certification and an electronic Notary signature. — *Chris Wolski* [NNA](#)



During the introductory program, Notaries learned about the exciting opportunities that will be the hallmark of the TEA Program. It was also a chance for attendees to ask questions and become familiar with electronic notarization.



GLOBAL FORUM'S FOCUS IS STANDARDS

For eNOTARIZATION

Among the biggest challenges affecting the global spread of eNotarization is a lack of universal standards for assuring the electronic identities of Notaries — necessary for making documents eNotarized in one country trusted and legally acceptable in another. But that may soon change thanks to a National Notary Association proposal unveiled at the recent 4th International Forum on eNotarization, eApostilles and Digital Evidence.

The Forum, held in conjunction with the NNA's 30th annual Conference and chaired by NNA Executive Director Timothy S. Reiniger, gave Notary professionals and government officials from 25 nations a platform to discuss and develop standards for electronic notarization, electronic apostilles, and the authentication of notarial electronic signatures.

Delegates asked the NNA to form a Working Group that will consider public comments and to produce a revised proposal. They also asked the NNA to submit this revised version of the Standard to the International Union of Latin Notaries (UINL) and various common law country Notaries Societies for formal consideration and approval.

"This is a unique opportunity for the Notary societies that participated in the Forum to have an active voice in formulating a standard that will expedite the cross-border exchange of electronically notarized documents," said Reiniger. "No matter what country we live in, we're very committed to electronic notarization and the security of the transactions involved. We're a global community, and we must share not only the processes that are occurring in our individual nations, but also work together so that our electronically notarized documents are trusted and accepted in other nations."

The proposed Standard would establish minimum levels of assurance for issuing and managing electronic Notary credentials; executing eNotarizations; and verifying the authenticity of notarized electronic documents.

As drafted, the Standard reflects the policy and legal requirements of the United Nations Model Law on Electronic Signatures; the European Union Electronic Signature Directive; the Identity Assurance Framework of the Liberty Alliance Project; and official UINL policies for the use and



Javier L. Parra Garcia,
Spain



Steve Roylance,
United Kingdom



Nelsy Raquel Munar Jaramillo,
Colombia



Ugo Bechini, Italy



Francisco Javier Garcia Más,
Spain



Christophe Bernasconi,
The Hague



Thomas Smedinghoff, USA



Jeffrey Talpis, Canada



Edmon Makarim, Indonesia, (right) speaks with NNA President Milt Valera during a break in the International Forum.

certification of Notary's digital signatures. But that was only part of the excitement that came out of the Forum.

Several countries, among them Spain, the United Kingdom and Bermuda, said they expect to start issuing eApostilles within the next year. The United States Department of State remains close behind these nations as a next issuer. An apostille is a certificate that legally authenticates the Notary's official status for documents exchanged between Hague Convention member nations.

In 2006, the NNA and The Hague Conference on Private International Law began the eApostille Pilot Program (E-APP) to issue apostilles in digital form. The first eApostille was issued in early 2007 by the Kansas Secretary of State for a set of documents going to Colombia. Since the pilot program began, the NNA and The Hague have been successfully working to expand the program. Already, announcements concerning the implementation of the eApostille Program are expected from several new countries and U.S. states are expected to occur at next year's Forum.

This year, for the first time, members of three Asian nations — Japan, China and Singapore — participated in a panel to share their views on the current and emerging legal and technical approaches to identification, authentication and electronic signatures in Asia.

Jeffrey Talpis, professor at the University of Montreal Law School and a representative for the Permanent Council of the UINL at The Hague Conference, delivered the Forum's keynote presentation. Talpis discussed the current legal framework of identification, authentication and signing functions of electronic signatures from a civil law perspective. He also addressed cross-border recognition of electronic signatures and electronically notarized documents.

Science Applications International Corporation (SAIC) Vice President Paul A. Donfried and SAIC Senior Director Jacques Francoeur described the Notary office that is emerging in the digital age and applauded Notaries for reinventing their role to best meet the security needs of the digital economy. The Fortune 500 company is based in San Diego, California. [NNA](#)



Peter Zablud, Australia



Paul A. Donfried, SAIC, USA



David S. Jones,
United Kingdom



NNA Executive Director Timothy S. Reiniger (second from left) with the Chinese delegation, left to right: Cathy Choi, Dr. Minyan Wang and Nie Rong.



HAVING FUN AND ADVENTURE IN 'THE



NATIONAL NOTARY ASSOCIATION
30th Annual Conference





BIG EASY'

REBUILDING NEW ORLEANS' NEW 'HABITAT'



The excitement crackled as nearly 1,000 Conference delegates, dignitaries and special guests arrived to celebrate the Crescent City's resilience and indomitable spirit. The celebration took on tangible form for many who capped Conference 2008 by joining an NNA-organized excursion to help Habitat for Humanity rebuild one of New Orleans' neighborhoods.

On Saturday, May 31, a busload of Conference delegates traveled to a neighborhood off North Dorgenois Street about a mile from the Mississippi River. They spent the day rebuilding and restoring quaint, bungalow-style homes in a neighborhood that was devastated by Hurricane Katrina. Delegates rolled

up their sleeves and installed siding, put up frames and repaired and patched roofs. Additionally, the National Notary Foundation made a generous contribution to Habitat for Humanity in the names of the participating Delegates. It was their way of showing appreciation for the city's hospitality, and, once again, showed Notaries' deep-rooted sense of service to all communities.

When Hurricane Katrina forced the National Notary Association to postpone its plans to host Conference 2006 in New Orleans, Louisiana, America's Notaries knew it was only a matter of time before they'd see the Big Easy, and that is one of the things that made this year's Conference so special. **NNA**



The State Of The Notary Office: **AMERICA NEEDS YOU!**

Notaries Needed Urgently For ID Proofing, Security

By Michael Mink
mmink@nationalnotary.org

For years, the nation's Notaries were too often dismissed as mere "stamper" of documents if they weren't completely ignored. There was little understanding of the critical role Notaries play in protecting the nation's transactions through identity screening and serving as impartial, third party witnesses.

Those days are now history. Today the message from government, industry, and the public at large is simple, yet urgent: America Needs You!

That call to action rang out in the most significant and critical address delivered to the nation's 4.8 million Notaries in years. In his recent annual "State of the Notary Office" address, National Notary Association President Milt Valera reported that new requirements for identification verification and security in global transactions are dramatically increasing

the value and significance of American Notaries and opening doors to new opportunities.



President Milt Valera presented the State of the Notary Address during Conference 2008 in New Orleans, Louisiana.

"This is an exciting time in your history," Valera said in his yearly address, delivered at the NNA's 2008 Conference in New Orleans, Louisiana. "Never before have Notaries been as instrumental in the identity proofing and security process as they are today. You have before you more ways than ever to apply your knowledge, skills and expertise."

The most obvious manifestation of this increased value, as well as new opportunities for Notaries, is the NNA's new Trusted Enrollment Agent™ (TEA) Program and its groundbreaking electronic Notary signature (ENS®), the new standard for eNotarization.

Supporting these developments, the nation's very evident new focus on Notary professionalism, eNotarization, record-keeping and Notary law revision all demonstrate how much recognition and respect the Notary office has gained in recent years, and how important the Notary's new stature has become to everyone from the person signing a simple contract, to governments managing the global security network.

The state of the American Notary office is stronger and more viable than ever before because of the growing international demand for the protections that only Notaries can provide, Valera said.

Enter The 'Trusted Enrollment Agent'

The Trusted Enrollment Agent Program already is creating a significant new demand for Notaries as revolutionary changes emerge in the way industries and governments conduct business. Secure identity proofing is now critically needed to increase society's trust and confidence in the individuals who send, receive, and handle sensitive electronic documents.

Specifically, Notaries are needed to establish the identity of individuals applying for electronic identity credentials — commonly known as digital

certificates — which provide them with access to secure electronic environments and enable them to sign and transmit electronic documents securely. To address that need, the NNA worked closely and quickly with several large corporations — including Science Applications International Corporation (SAIC) and Exostar — to establish the TEA Program as a means of providing a trustworthy, nationwide network of Notaries to help process applications for electronic identity credentials.

While the concept for identity proofing is not new, the inspiration to arm a nationwide network of Notaries with cutting-edge technology to provide a new, unique, secure and reliable service is revolutionary. In fact, the NNA has announced a partnership with Fortune-500 giant SAIC to provide such a network.

SAIC is one of the country's major technology applications companies involved in every endeavor of national security and critical infrastructure, including anti-terrorism, cybercrime, and airport security





solutions, all of which require technological solutions to a variety of identification issues.

Other organizations also have approached the NNA to provide similar services. One such company is Exostar, a national leader in identity management of software and hosted services for individual digital identities and access information. The NNA has already begun receiving assignments from Exostar for Trusted Enrollment Agents.

"Beyond offering a lucrative, new revenue stream for Notaries, the implications of these exciting opportunities are truly amazing," Valera said. "For the first time, some of the nation's largest industries are relying on you and your Association to help secure millions of annual transactions. And, significantly, these requests did not come out of a legal or contractual requirement."

In fact, they came from the Federal government's need for a network of professionals who are trained to securely identify individuals. Increasingly, the government is turning to Notaries.

The NNA's TEA Program will initially serve the U.S. aerospace and defense industries to help secure electronic communications

for "secret" or "classified" projects. A host of other industries is expected to turn to the TEA Program in the near future.

The time is fast approaching when medical, financial, banking, international trade, insurance, automotive, energy, and technology industries, among many others, will ask TEAs to verify the identities of their employees, contractors and associates, Valera said.

"This is a very different time in which we live," he said. "The importance and need for positive identification of the people with whom we are dealing can no longer be viewed with irrelevance or minimized with arrogance. And you will be the authority in providing the leadership and direction."

Beyond these developments, many other programs and initiatives are underway that strengthen the Notary office and underscore the increasing demand for Notary protections and professionalism.

Strengthening Notary Recordkeeping

California recently made radical changes to its Notary laws. The most significant change was removal of the ability of Notaries to use "personal knowledge" as a method for identifying a document signer. The NNA initially was skeptical about this major change.

"For years we had suggested that, as a best practice, personal knowledge was among the most reliable methods of identifying a signer," Valera said. "But as we looked at the legislation, and the impending wholesale changes in the identification process, we came to appreciate the need for reconsidering our position. It was surely a sign of the times."

With the continuing scourge of identity theft, forgery and mortgage fraud increasing across the country, notarization is considered a "security procedure" as defined in the widely enacted Uniform Electronic Transactions Act, and a Notary's journal has become an irreplaceable source of evidence for fraud investigators and prosecutors. If that evidence does not exist in the form

of appropriate ID numbers, proper signatures, and even signers' thumbprints, there is little evidence for the legal system to use when seeking justice.

When you consider the value of accurate Notary records as evidence — and the fact that the Notary's mere knowledge of identity is of no evidentiary value to prosecutors— this new precedent in California becomes vitally important for Notaries today, Valera said.

More states are joining a coast-to-coast campaign to toughen fraud and forgery laws with the aim of increasing consumer protection and punishing those who target our money, homes, reputations ... and even our lives. Amid this push is a major focus on Notary recordkeeping and journal procedures.

Hawaii, Illinois, Michigan, New Jersey, New York, Rhode Island, South Carolina, Tennessee and Virginia are among the latest states to introduce legislation to strengthen recordkeeping practices.

With the U.S. economy losing billions of dollars a year from mortgage fraud and identity crimes, it is critical for Notaries to keep better records for evidentiary purposes. Not enough states have laws and procedures in place — such as journal requirements — to help Notaries do their jobs properly and completely. So it is often left to them to determine how and when to keep records, and to maintain any kind of standard, as they serve the public.

"Shockingly, Notaries are among the only public officials in the nation that do not have consistent, uniform regulations for proper recordkeeping," Valera said. "Because they serve the public on behalf of their respective state governments, the creation and implementation of recordkeeping requirements is the duty of state lawmakers. Amid the crisis of identity theft and fraud, it has become more important than ever to address this critical issue."

Adhering to best practices only goes so far in the absence of state regulations. The Notary transactions of the nation will remain at risk until this serious gap is filled. This trend in recordkeeping

legislation underscores that Notary professionalism and best practices are no longer just an ideal to strive for; they are now absolutely critical if Notaries are to perform their duties properly, and with trust and integrity.

Breaking The Interstate Barrier

At the Federal level, Notaries and the authority of their official acts also have come to the forefront. Legislation now pending before Congress addresses a surprisingly common problem: Lawfully notarized documents very often get rejected by courts, agencies, businesses, and attorneys in U.S. jurisdictions outside their state of origin. These rejections may be due to cosmetic inconsistencies between state Notary laws, particularly with regard to statutory wording for notarial certificates.

The "Interstate Recognition of Notarizations Act," is designed to eliminate the problem and is currently being considered in the Senate Judiciary Committee.

It stipulates that each state or Federal court must recognize any lawful notarization when the transaction affects interstate commerce, even if the notarization is from another state, as long as it contains a seal of office "as symbol of the notary public's authority."



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Florida	Item #5121	Nebraska	Item #5147	Pennsylvania	Item #5136
Georgia	Item #5148	Nevada	Item #5134	Tennessee	Item #5142
Hawaii	Item #5132	New Hampshire	Item #5151	Texas	Item #5123
Illinois	Item #5137	New Jersey	Item #5131	Utah	Item #5127
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This important bill was introduced in the U.S. House of Representatives by an Alabama Congressman, who had a personal document rejected after it left his state. HR 1979 passed the House of Representatives unanimously without objection.

The value of notarization in the legalization and acceptance of documents is finally being recognized by our national leaders.

The March Of eNotarization

At the same time, eNotarization has experienced remarkable growth across the country.

Pennsylvania — eNotarization's pioneer — now has 19 counties participating in its historic electronic Notary signature Initiative.

Last June, Florida Governor Charlie Christ signed a law adopting eNotarization standards established through a collaboration by the National Association of Secretaries of State and the NNA. This was an important milestone for Florida and its 440,000 Notaries, and the state's mortgage industry has responded with rave reviews about the benefits of eNotarization.

Arizona is making efforts to further spread the use of its eNotary processes by announcing a pilot program in which all counties and Notaries can participate.

Virginia is scheduled to put into effect its eNotarization law that adopts substantial portions of Article III of the NNA's *Model Notary Act*, although Governor Tim Kaine mandated a delay to better prepare the state for the anticipated changes.

North Carolina is continuing to create its own eNotarization solutions from standards it adopted in 2005, and so far has 250 trained eNotaries.

And the San Bernardino County (California) Recorder is working on an eRecording portal to allow the state's 58 counties to record electronic documents.

In 2007, more than a dozen states adopted the Uniform Real Property Electronic Recording Act — or URPERA — to

lay the foundation for the acceptance of electronic documents, with many more jurisdictions planning to follow.

eNotarization is making its mark, and the Notary's role in the electronic world is firmly rooted and growing each and everyday.

Strength, Professionalism And The Future

There is no question today that the American Notary office is strong, Valera stressed. The Notary's reputation for trust, integrity, and impartiality has never been greater. Through their unyielding commitment to hard work, education and professionalism, Notaries have opened the door to new opportunity and earnings.

Large corporations, professional organizations, and government agencies are joining the NNA to advocate for new laws embracing best practices, ethics and sound recordkeeping.

The time of the American Notary is here. And the National Notary Association is here to help in every way possible.

"Notaries are the nation's primary guardians of document security and trust," Valera said. "Notaries are providing the solutions to the difficult problems caused by identification abuse and fraud. And Notaries, without question, make up a critical part of the economic and legal fabric of America."

Notaries are making a difference, and, working with the NNA, have begun answering the call to keep America secure. With this responsibility, there is a great future filled with opportunity waiting. [NNA](#)





David Biklen

THE 'FATHER' OF URPERA TALKS eNOTARIZATION, eRECORDING PROGRESS

David Biklen Details Importance Of Notaries For eDocs

Electronic notarization was born in 1999 when the National Conference of Commissioners on Uniform State Laws (NCCUSL) drafted the Uniform Electronic Transactions Act (UETA), which has since been enacted into law in almost every state. The UETA allows Notaries to use electronic signatures in their official acts. In the year 2000, the U.S. Congress followed suit by passing the very similar Electronic Signatures in Global and National Commerce Act (E-SIGN). However, both UETA and E-SIGN failed to address the recording of electronic documents.

In 2004, after two years of study and debate, NCCUSL drafted the Uniform Real Property Electronic Recording Act (URPERA), which serves as the model for states to authorize county recorders to accept electronic documents. *THE NATIONAL NOTARY* recently spoke with the Chairman of the URPERA Drafting Committee, Connecticut attorney David Biklen, to discuss the role URPERA plays in the further expansion of eNotarization and its significance for Notaries.

What exactly is URPERA and how do uniform laws help legislators?

Statutes in all the states require that land documents be recorded on paper and in ink. URPERA allows land records such as real estate documents — mortgages, deeds, liens — also to be

recorded in electronic form. If it can be done in pen and ink, it can also be done in electronic form. That's what this act permits.

NCCUSL offers various uniform acts to states for implementation as complete legislation. To facilitate adoption, the potential legislation is already drawn up for lawmakers. To be adopted in a given state, the act must be presented by a legislator or a legislative committee member to begin the process of becoming law. With URPERA, much, but not all, of the drafting work is already done for legislators.

What is the progress of URPERA so far?

As of now, 19 states and the District of Columbia have adopted URPERA, and several others, including Hawaii, Kentucky, Massachusetts, Pennsylvania and West Virginia have pending legislation.

What does the progress in adoption of URPERA mean for Notaries?

The fact that, since 2005, 19 states and the District of Columbia have adopted URPERA is very good progress, indeed, and is a good indicator of the act's relevance.

At the current rate, it's certainly reasonable to expect in the next three to five years a majority of states will have enacted it. Notaries are going to find more and more requests by clients for eNotarization with respect to real estate documents.

Are there obstacles facing URPERA adoption?

Under URPERA, it is up to each individual state to draft and implement an exact set of standards for their recorders to follow. The act has specific, but not comprehensive, guidelines. Detailed standards for electronic recording in each state should be drawn from a state's existing law and real estate practices to make a transition as seamless as possible.

Some legislators are concerned about the change URPERA will bring, since the pen-and-ink method of recording land records dates back centuries. Ensuring document security is also a concern for some counties, and the cost to implement a secure eRecording system may make it prohibitive for some. Because cost is a concern, it is important to note that the act is not mandatory.

How are states, specifically, supposed to implement URPERA?

Each implementing state is required to make sure it addresses safety and security to ensure that land records are not tampered with. States are required to have safety standards to keep unauthorized people out of their databases. The states must also set standards for searching and retrieving electronic documents.

What standards are states supposed to follow?

The most difficult decision for some states is to decide who is going to set the general and technical standards for electronic recording. The act specifies that an Electronic Recording Commission be established or that an existing state agency be assigned responsibility to set recording standards. In a state opting to create the new Electronic Recording Commission, the Commission is to consist primarily of recorders and attorneys experienced in real estate practice and is appointed by the governor. Fortunately, well-regarded industry groups such as the Property Records Industry Association (PRIA) have been developing electronic

recording standards. Each state's Electronic Recording Commission can draw on these PRIA standards.

What are the benefits for the states to adopt URPERA?

The commercial world is quickly moving into eBusiness. It's becoming the standard by which commerce is run in the United States. URPERA simply facilitates another step in this process.

It allows real estate transactions to be completed more quickly. As more states adopt URPERA, as more recorders embrace it and as more companies use eNotarization, there will be increased opportunities for Notaries now and in the future. Eventually, as with all new relevant technology, eNotarization will be the standard. [NNA](#)

THEY'RE IN!

The following have either adopted URPERA since 2005, or have pending legislation:

Adopted:

- Arizona
- Arkansas
- Connecticut
- Delaware
- District of Columbia
- Florida
- Idaho
- Illinois
- Kansas
- Minnesota
- Nevada
- New Mexico
- North Carolina
- Oklahoma
- South Carolina
- Tennessee

- Texas
- Virginia
- Washington
- Wisconsin

Considering/Introduced:

- Hawaii
- Kentucky
- Massachusetts
- Pennsylvania
- West Virginia



Source: NCCUSL



EX-CONS SLIP THROUGH COMMISSIONING CRACKS

By Alejandro Guzmán
aguzman@nationalnotary.org

CRIMINALS AND UNSCRUPULOUS INDIVIDUALS ARE EXPLOITING
A SYSTEM THAT HISTORICALLY RELIES ON HONOR

A YOUNG WOMAN AT THE HEART OF A MASSIVE predatory lending scheme in Southern California received her Notary commission just one year after being convicted of forgery. She then used her commission to help her older brother victimize thousands of unsuspecting homeowners, many of whom lost their homes, according to authorities.

Run by a family of con artists, the operation left its victims in financial ruin and led to the closure of seven brokerage and escrow companies.

Paulette Pony's commission was revoked in December 2007 by the California Secretary of State because of her felony conspiracy charges and failing to disclose her 2003 forgery conviction, according to California Attorney General Edmund G. Brown Jr. But by then, the 23-year-old had notarized countless fraudulent loan applications that trapped homeowners in illegal loans with punitive terms, authorities say. Many borrowers' signatures were forged on loan documents.

Pony is just one of many criminals in the United

States who have committed their crimes with a Notary commission instead of a gun. In California alone, approximately 7,000 applicants with criminal convictions receive Notary commissions each year, according to the Secretary of State's office, which regulates the commissioning process. These convictions are usually too old or too minor to disqualify the applicants. Given that commissions in California are good for four years, that means there could be about 28,000 Notaries with some kind of criminal record in the Golden State — or about one out of every 10 Notaries.

California is not alone in commissioning convicted criminals. A Boston woman made news recently when it was discovered that she had a record before becoming a Notary. She told a local television news program that she was convicted of stealing mail, larceny and misuse of a motor-vehicle ID. She also admitted opening up bank accounts with fake IDs and writing bad checks totaling \$250,000.

As a Notary, she often has access to people's dates of birth and Social Security numbers.

Rebecca Deusser, a spokeswoman for the Massachusetts Governor's office, said it is possible that the Notary in question had her rights returned, thus qualifying her to receive a commission.

In Massachusetts, the Governor's Council is responsible for screening the state's 160,000 Notaries. Deusser said the Council receives hundreds of new and renewal applications each month, but estimates only a handful are from ex-cons. Background checks are done only when applicants indicate that they have been convicted of a crime. If someone marks "no" on the application, then there is no background check.

"It's taken on a case-by-case basis," Deusser said. "If a person is guilty of dishonest acts, they'll likely be rejected."

Although there is no official tracking system in place, Deusser said only three or four out of every 700 applicants indicate they have a criminal background.

Very few Notaries are actually committing crimes, she said. "That's proof of a strong system."

In Tennessee, individual counties decide whether to perform background checks for Notary applicants, and some recently have considered getting rid of the requirement.

During an April meeting of the Bradley County Commission, Connie Wilson, chairwoman of the Commission's Notary Committee, recommended that the county drop the requirement. The measure was rejected, but Wilson suggested coming up with a better way of handling the screening. According to local media reports, she said the checks often miss important information and are not always reliable.

Tennessee law charitably stipulates that an individual must be acquitted if charged with an "infamous crime" to become a Notary. But Bradley County officials say no one has clearly defined what constitutes an "infamous crime."

Also, when it comes to the application, officials say it's hard to tell if a person lied about having a criminal record outside of Bradley County.

California is the only state that requires background checks for all applicants, but, until recently, there were significant loopholes in the requirement. The state implemented a new law in January that requires applicants to be screened against both the state Department of Justice and the FBI databases.

Even though would-be Notaries have for decades been fingerprinted and background screened in California, those efforts were not enough to weed out ex-convicts

involved in fraud- and identity-theft-related crimes committed outside the state's jurisdiction.

Prior to 2008, California officials only checked applicants against state databases. Now that the FBI's databases are being used, the background checks help the state determine if applicants were convicted anywhere in the country. Presumably, this would aid in the detection of such felons as Paulette Pony.

The California application also asks prospective Notaries, under penalty of perjury, if they have ever been convicted of a crime. That makes it a crime to lie. Criminal applicants would have no problem with lying, but if their fingerprints are matched against a national criminal database such as the FBI's, lying is futile.

"Notaries Public handle some of our society's most sensitive documents," said Kate Folmar, spokesperson for Secretary of State Debra Bowen. Folmar added that Bowen "is proud of California's rigorous background check requirement for Notaries. While no background check program is perfect, California's system serves the public well."

Many states make no attempt to check an applicant's background. Florida, which has more Notaries (436,000) than any other state, does not check the backgrounds of its applicants. Applicants who admit to felony convictions must submit written statements explaining the circumstances. At the same time, the Sunshine State ranked first in mortgage fraud in 2007 and 2006, according to the Mortgage Asset Research Institute.

Nationally, mortgage fraud has become a \$4-billion-a-year problem, and Notaries, at times, play a key role in it, knowingly or unknowingly.

While not all applicants with criminal histories deserve to be denied a Notary commission, it is in the public's best interest to know the details of those criminal histories. There was a time when Notary applicants in many states needed the endorsement of a respected, prominent figure, such as a judge or local legislator, to obtain a commission. In the days before computer databases, when people were more likely to remain in the same community for many years, such references were enough to reliably vet someone's character.

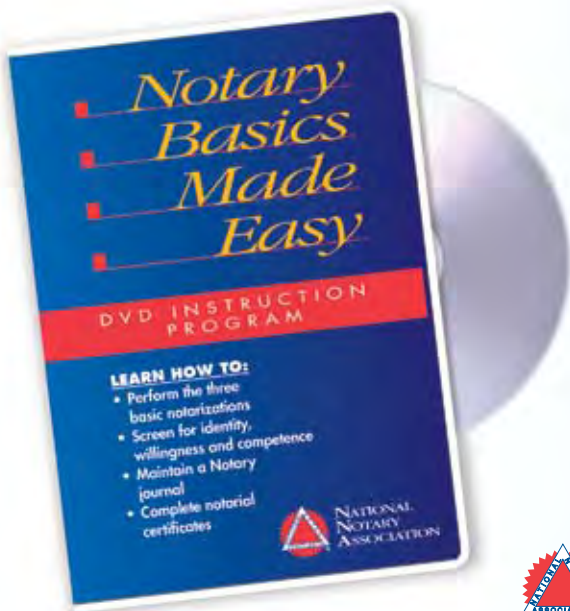
That is no longer the case. We live in a highly mobile society, where people readily move from one side of the continent to the other and notarized transactions are often executed with global implications. Without those community ties, society must depend on a faceless, automated process to decide whether someone is qualified to be a Notary — that is, if there is any process at all. [NNA](#)

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QUIET REVOLUTIONARY

By Chris Wolski
cwolski@nationalnotary.org

AS EGYPT'S FIRST FEMALE NOTARY, AMAL SOLIMAN HAS
CAUSED CONTROVERSY IN THE MALE-ONLY PROFESSION

WHILE REVOLUTIONARY CHANGES IN THE notarial office are occurring across the globe, in Egypt one woman has brought about a change that is both historic and unprecedented.

Amal Soliman has bucked a nearly century-old tradition by becoming the first female religious Notary — or *maazun* — in the Islamic world.

A public official, a *maazun* plays an important role in Islamic law by documenting and registering marriages. Without it, they have no legal standing with the state. The *maazun* also documents and resolves cases of divorce.

Soliman, a 32-year-old mother of three who has a master's degree in civil law from Zagazig University, lives in Qinayat, a small village two hours east of Cairo. She won the appointment by being more qualified than the other 10 — male — applicants. During the application process, she received a *fatwa* of support from Al-Azhar University's Islamic Research Academy — the official government agency

that interprets points of Islamic law. However, because of the controversy of having a woman in a traditionally male occupation, she has yet to take up her duties — though she has clients clamoring to use her services.

Her biggest opponents have been other *maazuns*. Gami'yat El-Ma'azeen El-Shariyeen, the official organization of Egypt's 4,800 *maazuns*, opposes Soliman's appointment on a variety of points. To begin with, Soliman does not have a degree in *shariab* (Islamic law), the group asserts.

Khaled Abou El Fadl, Ph.D., professor of law at the UCLA School of Law in Los Angeles, California, said that the complaints of the male *maazuns* are unfounded: "There is no technical reason she can't be a *maazun*. In more traditional communities, they argue, the parties will be uncomfortable because there is a woman there. The fact that they're uncomfortable is not legally relevant."

However, even though she received a *fatwa*

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Acknowledgment, Disabled Person: For Notaries signing on behalf of a disabled individual as provided for by state law.

Acknowledgment, Individual: For persons signing on their own behalf.

Acknowledgment, Individual Short-Form: For persons signing on their own behalf; Washington only.

Acknowledgment, Officer/Trustee (Representative): For a person signing as a public official or trustee (or representative).

Acknowledgment, Partnership: For a person signing as a partner on behalf of a partnership.

Acknowledgment, Representative Short-Form:

For a person signing in a representative capacity (corporate officer, partner, trustee or attorney in fact); Washington only.

Acknowledgment, Signature-by-Mark: For a person who must sign with a mark. Requires two witnesses in addition to the Notary.

Copy Certification by Notary (Certification of Photocopy): For Notaries attesting to the accuracy of a copy.

Copy Certification by Document Custodian: For use in states that prohibit Notaries from certifying copies. Document owner (custodian) certifies copy.

Jurat: For documents requiring oaths and Notary-witnessed signatures. Contains the jurat wording, "Subscribed and sworn to (or affirmed) before me...."

Jurat, Disabled Person: For Notaries executing and signing an oath on behalf of a disabled person. Florida only.

Jurat, Signature-by-Mark: For documents requiring oath by a person who must sign with a mark. Florida only.

Jurat with Affiant Statement: Provides space for signer to type or print his or her own statement along with jurat wording.

Proof of Execution by Subscribing Witness: For a person who has witnessed the signing of a document by an individual who cannot appear before the Notary.

Select from the following certificates to meet the requirements of your state:

CALIFORNIA AND HAWAII NOTARIES: Order updated certificates that meet new 2008 state requirements.

All States: except AR, CA, FL, HI, MA, MO, NY, NY, TX & WA, see state lists; (8 1/2" x 11", unless noted)

- Individual Acknowledgment — #5936
- Corporate Acknowledgment — #5937
- Partnership Acknowledgment — #5938
- Attorney in Fact Acknowledgment — #5939
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement — #5924

Arkansas: (8 1/2" x 11")

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

California: (8 1/2" x 11")

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

Florida: (8 1/2" x 7")

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

Hawaii: (8 1/2" x 7", unless noted)

- NEW** • All-Purpose Acknowledgment — #5921
- NEW** • Jurat with Affiant Statement (8 1/2" x 11") — #5935

Massachusetts: (8 1/2" x 11")

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

Missouri: (8 1/2" x 11")

- Acknowledgment by Individual — #5936
- Acknowledgment by Corporation — #5937
- Acknowledgment by Partner — #5938
- Acknowledgment by Attorney in Fact — #5939
- Acknowledgment by Individual Who Cannot Write Name — #5940
- Acknowledgment Through Affidavit of Executing Witness — #5941
- Certification of Facsimile — #5942
- Jurat with Affiant Statement — #5924

Nevada: (8 1/2" x 7", unless noted)

- Individual Acknowledgment — #5915
- Attorney in Fact Acknowledgment — #5927
- Representative Acknowledgment — #5917
- Credible Witness Acknowledgment — #5918
- Proof of Execution by Subscribing Witness — #5919
- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5920
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

New York: (8 1/2" x 7", unless noted)

- All-Purpose Acknowledgment — #5925
- Proof of Execution by Subscribing Witness — #5926
- Copy Certification by Document Custodian — #5946
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

Texas: (8 1/2" x 7", unless noted)

- Ordinary (Individual) Acknowledgment — #5243
- Credible Witness Acknowledgment — #5943
- Signature-by-Mark Acknowledgment — #5945
- Proof of Execution by Subscribing Witness — #5944

Texas: (continued)

- Copy Certification by Document Custodian — #5946
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement (8 1/2" x 11") — #5924

Washington: (8 1/2" x 11")

- Individual Short-Form Acknowledgment — #5906
- Representative Short-Form Acknowledgment — #5905
- Disabled Person's Acknowledgment — #5904
- Copy Certification by Document Custodian — #5923
- Copy Certification by Notary — #5922
- Jurat with Affiant Statement — #5924

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from Islamic religious authorities, Al-Azhar's deputy director, Sheikh Fawiz Zafzaf, issued a statement advising that — because a woman cannot enter a mosque while she is menstruating — it is “not advisable to have a woman *maazun*.” Soliman has stated that she would conduct marriages in homes and wedding halls while she is menstruating. It is not required that a couple be married in a mosque.

In fact, El Fadl, author of “Speaking in God’s Name: Islamic Law, Authority and Women,” says that, no matter what her opponents say, the controversy is primarily about money. The *maazuns* are worried about competition they will face from Soliman, he said. *Maazuns* operate in a free market, for which there are no fixed fees. Traditionally, they receive a percentage of the dowry or a flat fee negotiated in advance.

What worries the male *maazuns* is that Soliman, whom El Fadl met during a recent trip to Egypt, brings a level of competence and professionalism to the office, which will be more appealing to potential clients. “She is gutsy, and, though she has a very toned-down demeanor, she is remarkably strong willed and competent,” said El

Fadl. “She struck me as more serious and diligent than the men. For instance, when it comes to asking for consent, she will not let the father answer for his daughter. She will insist on meeting the bride face-to-face.”

The *maazun* is required to verify each person’s willingness to enter into the marriage. If a bride is found to have been forced into the marriage — something that still happens in rural districts — the contract is invalidated.

In contrast, El Fadl said, male *maazuns* have a reputation for being unreliable. “They don’t show up on time, they’re not conscientious, they make mistakes in taking down the personal information of the bride and groom and their witnesses. If a mistake is discovered, the couple will have to pay him to fix it,” he said.

During a recent visit to Soliman’s office, El Fadl noticed that her appointment book was filled solid two weeks in advance. “The market is the biggest testimony (of her professionalism),” said El Fadl.

In the meantime, Soliman’s clients will have to wait while her political and cultural opponents and allies battle over whether this historic appointment should become official. **NNA**

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Four Costly Blunders In Recordkeeping

THE JOURNAL OF NOTARIAL ACTS IS ONE OF THE NOTARY'S MOST IMPORTANT AND FUNDAMENTAL TOOLS BUT THIS IMPORTANT RECORD COULD BE RENDERED NULL AND VOID BY COMMITTING ONE OF THE FOUR DEADLY NOTARIAL RECORDKEEPING "SINS."

NOT KEEPING A JOURNAL

Notary journals are required for some or all notarizations in 23 states and the District of Columbia, and they are officially recommended in 22 states. No matter the law or recommendation, the National Notary Association strongly recommends that you keep and maintain a record of notarial acts. A Notary's journal can provide valuable evidence in the event a notarized document is lost or altered or if facts about the transaction are challenged later. Journals also help fight fraud and can serve as a valuable defense if a Notary is falsely accused of wrongdoing.

A Notary journal should have bound pages and should be numbered to prevent tampering. Notarial acts should also be recorded chronologically.

NOT FILLING OUT THE JOURNAL FIRST

Notaries should complete their journal entries prior to completing the notarial certificate. If a signer leaves before a

Notary can make a journal entry, there is no official record of that notarial act. Every document signer and oath taker, credible identifying witness, subscribing witness and witness to a signature by mark should sign the journal.

If a signer refuses to sign the journal or refuses to give you identifying information to record in the journal or affix a thumbprint when required, you should

decline the notarization. The signer may be trying to commit fraud.

NOT COVERING UP PRIOR ENTRIES

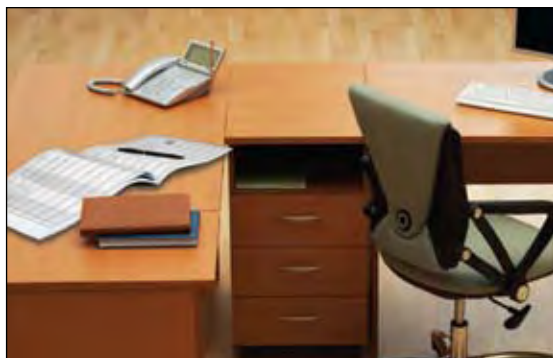
Because journals contain the names, addresses and identification numbers of signers, it's imperative for Notaries to follow sound practices to safeguard their clients' privacy and keep their sensitive information from being compromised. To keep signers from seeing previous journal entries, Notaries should cover the entries up with a piece of paper, cardboard or other item to block them from view. Notaries should also shield the journal when filling it out so signers can't look over their shoulder and read other entries.

The use of an electronic journal, such as the NNA's Enjoa® system, helps protect signers' privacy by displaying only a single journal entry at a time on a computer screen, eliminating the need to cover up unrelated entries.

NOT SECURING THE NOTARIAL JOURNAL

As official records, Notary journals should be stored away securely when not in use. Paper journals should be stored under lock and key at all times to protect them from theft or alteration. To protect against fire or flood damage, Notaries should keep their journals in a waterproof and fireproof safe, a secure container or a filing cabinet.

Electronic journals, like Enjoa, eradicate the need for locking away a paper journal. Enjoa protects information in a journal from being compromised by requiring a thumbprint and password for access. The system's tamper-proof software also protects journal entries from being altered.



Interstate Commissions Aren't Allowed In All States

By Remy Matzen
NNA Hotline Counselor
rmatzen@nationalnotary.org



Most Hotline questions are pretty straightforward, but sometimes we counselors have to put our heads together to find the right answers. Some of the trickier questions we get involve

holding commissions in multiple states. Because the rules for multiple commissions differ greatly from state to state, sometimes it's just not possible in every situation, as we had to advise **Q.C. from Orlando, Florida:**

My husband plays professional football in Illinois and we own a home in Florida. I would like to become certified in Florida and I am currently commissioned as a Notary in Illinois. What are my options?

Florida's Constitution includes a provision — Section 5 (a) — which states that no person holding office in another state can also hold office within the state of Florida. The Florida Secretary of State interprets this as prohibiting a Florida Notary from holding a notarial commission in another state.

Where can I get my letter of appointment so I can order my Notary seal?
C. B., Dumont, New Jersey

Once your application has been approved by the New Jersey Department of the Treasury's Notary Public Section, they will issue your letter of appointment. If you have any questions regarding your application, contact the Department directly at (609) 292-9292.

I have been a North Carolina Notary for approximately 15 years. Do I have to take a test to renew my commission?
P.B., Wilmington, North Carolina

A North Carolina Notary who wishes to be recommissioned must qualify, complete an application for reappointment and pass the written examination, unless the Notary has been continuously commissioned since July 10, 1991, and has never been disciplined by the Secretary of State. Applications for reappointment will be accepted no earlier than 10 weeks prior to the expiration of the Notary's current term.

Notaries who reapply while the current commission is unexpired will not have to retake the education course required of initial applicants. An applicant whose commission has expired may apply for recommissioning within one year after expiration of the previous term, but must retake the educational course, unless the Secretary of State waives the requirement. (NCGS 10B-011)

Can a Notary be certified to do fingerprinting? What does this mean and how does one become certified to do this?
P.H., Oakhurst, California

In California, individuals must be certified in order to provide specialty fingerprint rolling services. You may visit the following Web site for additional information about obtaining certification: ag.ca.gov/fingerprints/finger_cert.php.

However, California Notaries are not required to have special certification to take a signer's thumbprint for a journal entry, which is mandated by state law for any notarization involving deeds, quitclaim deeds or deeds of trust regarding real property.

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

1-888-876-0827

5 a.m. to 5 p.m. PST Monday through Friday.

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

— The Editors

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Anyone Is Vulnerable To Insider Identity Theft

Guarding against identity theft is like being in a castle under siege: You have to make sure your defenses are strong, the gateways to your information are firmly secured

and that the bad guys don't get over the walls protecting your sensitive data.

In recent years, consumers have been educated about protecting themselves from Dumpster diving, online "phishing," phone scams and all manner of external threats.

But organizations large and small are beginning to realize that one of the greatest threats of identity theft and data breaches comes from insiders — when the thief is someone you know and trust to handle your information, or someone who takes advantage of loopholes to access information.

Few of us, for example, expect to have our information stolen while ordering a burger and fries at the local diner. But that local restaurant may be a risky place to use a credit or debit card, because it is one of the few venues where our payment cards are out of our sight and in someone else's hands for an extended period of time.

Restaurant workers have become an integral part of a scam called "skimming." When a customer gives the restaurant worker a credit or debit card to pay for a meal, the card is taken out of sight and run through an illicit scanning device, which copies the customer's information stored on the card's magnetic strip.

Restaurants aren't the only venues where insiders can gain unauthorized access to data. In 2003, Allstate Insurance got into hot water with the California Department of Motor Vehicles (DMV) after it was learned Allstate employees were improperly accessing the confidential driving records of customers, friends and relatives. U.S. Department of State workers were caught improperly accessing the passport data of

presidential hopefuls Hillary Clinton, Barack Obama and John McCain in March.

In one of the more sensational cases, a UCLA Medical Center worker recently was indicted by a federal grand jury in Los Angeles, California, for accessing the confidential records of celebrity patients and selling the information to a media outlet. The hospital admitted that over the course of several years, 53 employees — including 14 physicians — improperly accessed the information on 32 celebrities — including Britney Spears, Farrah Fawcett and Governor Arnold Schwarzenegger — and 61 non-celebrity patients.

One of the places most vulnerable to insider identity theft is the one that pays your salary. Employers often communicate sensitive employee information on routine interoffice documents, and many workers forget that office eMail isn't private.

Protecting yourself against insider threats can be a challenge. Restaurant "skimming" can be prevented by paying with cash, or using your card only at the cashier's so it will never leave your sight.

If you're concerned with your company's information security policies, contact the human resources department. Similarly, you can request the information security policies from businesses you frequent. A little research will tell you if a favorite establishment has a history of lax security or breaches.

When you're under siege from identity thieves, it does no good to guard the main gate of your information fortress only to let them pour through the back door to pillage your data.

— *David S. Thun*

National Notary Association membership benefits you 7 ways...

1 Notary Hotline Support

When you're stuck on an urgent Notary question, just pick up the phone. Our NNA-certified Notary experts are here to help and will guide you to perform your duties effectively and accurately. You could call it dial-up peace of mind for Notaries. Monday through Friday, 5:00 a.m. to 5:00 p.m., Pacific Time — 1-888-876-0827.



2 Monthly Updates

Our member publications, *The National Notary* magazine and *Notary Bulletin* newspaper, provide you every month with the vital how-to's, news and in-depth information every Notary needs.



4 Save on Notary Supplies

You can save up to 40% on essential Notary supplies right now. From seal stamps to hard and softcover journals, we've got all the basics you need...100% guaranteed and at a price that you will appreciate! Visit NationalNotary.org/Supplies.

3 Sign Up for Our eNewsletter

To stay ahead you must stay informed. Get the latest developments in the Notary world with our monthly *National Notary Now* eNewsletter, conveniently delivered right to your inbox. Sign up at NationalNotary.org.

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*Requires credit approval.

5 Online Resources

Access over 50 years of Notary experience and knowledge by just logging on. Get information on Notary law changes, Notary facts, events and trends plus expert answers to frequently asked Notary questions at NationalNotary.org.

7 Explore the Members Welcome Guide

Get informed of all the benefits you can enjoy as a member of the nation's preeminent Notary association. Get ready to enjoy the many exciting perks by downloading the *Guide* in the Member Privileges section of NationalNotary.org.



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



Americans Find Many Reasons To Give

As a reporter at a community newspaper, Jannise Johnson barely makes enough money to pay the rent on her one-bedroom

apartment in Pomona, California. Despite this, the ardent animal lover still finds a way to donate money several times a year to the American Society for the Prevention of Cruelty to Animals.

“I have a personal commitment to preventing animal cruelty and prosecuting those who victimize animals,” said Johnson.

Johnson’s generosity is not unique. Regardless of income levels, Americans like to give. According to *USA Today*, Americans give twice as much to charity as the next most philanthropic country — Britain.

According to a report published on *America.gov*, Americans who give to charities, as a whole, attend religious services regularly and tend to be skeptical of government, particularly its efforts to redistribute income.

As a percentage of income, the poorest and richest households in the United States give the most to charity.

The reasons that Americans give to charities are as varied and diverse as Americans themselves. The authors of the book *The Seven Faces of Philanthropy* outline the seven main reasons that people donate to charity.

Authors Russ Alan Prince and Karen Maru File found that 26 percent of donors give to serve their community, 21 percent cite religious reasons, 15 percent donate for business purposes, 11 percent say being charitable provides them with social networking opportunities, 10 percent say they give to repay the community or organizations that have supported them, 9 percent say that donating gives them a sense of fulfillment and 8 percent point to family tradition.

It’s not just individuals who donate to charities. Charitable giving by corporate foundations increased by 6.6 percent in 2007 to approximately \$4.4 billion, according to the *Philanthropy News Digest*.

Not all charitable giving, however, can be counted in dollar amounts. A large number of people give their time and labor. Johnson spends her extra time volunteering with another organization important to her — the Pomona Public Library’s Literacy Service — tutoring functionally illiterate adults. “I truly wanted to give back to my immediate community,” she said.



Jannise Johnson

Notaries Make A Difference

When it comes to charitable giving, Notaries are much like other Americans.

Over the years, Notaries have donated their hard-earned money to the National Notary Foundation to promote education, encourage research and support personal achievement, as well as to champion humanitarian and philanthropic projects.

Notably, NNA members have given tens of thousands of dollars to fight breast cancer through the National Notary Foundation’s Linda Bazar Memorial Breast Cancer Fund.

The Fund was created in honor of the NNA’s then-Chief Financial Officer who died in 2002 following a four-year battle with the disease.

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NNA Notary Errors and Omissions Insurance covers your legal expenses and there's no deductible to pay!

Notary Errors and Omissions Insurance pays claims up to your covered limit, including your biggest worry — costly legal expenses.* And this is a very important benefit. Even if you win your case, the cost of defending yourself is steep. With NNA

Errors and Omissions Insurance you won't have to worry about paying sky high legal fees. Plus, it provides you with expert legal defense at no extra cost.

All NNA Notary E&O policies have no deductible.

Can you afford not to be insured?

Whether you perform one notarization a month or dozens each day, the possibility for a lawsuit exists every time you notarize.

NNA Notary Errors and Omissions Insurance

- Protects you from personal liability claims
- Requires NO deductible
- Requires NO repayment of claims
- Covers legal fees and related expenses up to the policy limit
- Provides expert legal defense if needed

For complete information on policy premiums and liability coverage in your state, just call our toll-free phone number: 1-800-US NOTARY (1-800-876-6827) or visit www.NationalNotary.org/Insurance

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NC, ND, NE, NH, NM, OH,		HI	\$52.00	MI, WV,	\$20.00	RI	\$45.50
OK, OR, SC, SD, TN, VA, VT, WI		IA	\$30.50	WY		TX	\$12.75
AR, CO, MA, MO,	\$21.00	ID, MT	\$19.50	MN	\$23.75	WA	\$15.00
NJ, PA, UT							

Pennsylvania Bonds and E&O policies underwritten by Nations Bonding Company, Austin, Texas (a subsidiary of Merchants Bonding Company [Mutual]); all other Bonds and E&O policies underwritten by Merchants Bonding Company (Mutual), Des Moines, Iowa. Agent for all Bonds and E&O policies is NNA Insurance Services, Inc. All rates subject to change without notice. Commission number and commission effective and expiration dates required for activation.

