

August 2016

The National NOTARY

www.NationalNotary.org

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DREAMIN'

NNA 2016



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The screenshot shows a user profile for Jane Marketing on SigningAgent.com. The profile is titled "My Signing Agent Profile" and includes several sections: "MY NNA", "Account Information", "PROFILE DETAILS", "DIVERSE BUSINESS TYPE", "CONTACT INFORMATION", "ADDITIONAL INFORMATION", "NSA CONNECTION", "PROFILE IMAGE", "NOTARY SERVICES", and "SERVICE AREAS".

Callout boxes provide instructions for each section:

- Check 'Show my Listing on SigningAgent.com':** Located next to the "Show my listing on SigningAgent.com" checkbox in the "PROFILE DETAILS" section.
- Check 'OPT IN to NSA Connection' and select 'Show my Full Profile' or 'Partial Profile':** Located next to the "NSA CONNECTION" section, which shows "Current Status: Opted In: Showing Full Profile Information".
- Upload a professional headshot:** Located next to the "PROFILE IMAGE" section, which shows a professional headshot of Jane Marketing.
- Fill out the Notary Services section:** Located next to the "NOTARY SERVICES" section, which includes fields for "I am an attorney?", "Experience", "Service Days Availability", "Languages", "Accepts eDoc Assignments", "Mobile Internet Capable", "Mobile OS & Devices", and "Commissioned States".
- Select the counties in which you provide Notary services:** Located next to the "SERVICE AREAS" section, which shows "State: California" and "Counties: LOS ANGELES, VENTURA".
- Include a diverse business type, if it applies:** Located next to the "DIVERSE BUSINESS TYPE" section, which includes options like "HUBzone (HUB)", "Minority-owned (MBE)", "Small (SBE)", and "Woman-owned (WBE)".
- Add your contact information, including a primary address:** Located next to the "CONTACT INFORMATION" section, which includes fields for "Email address", "Company", "Website", "County", "Day phone", "Evening phone", "Mobile phone", and "Fax".
- Include a document delivery address, if you use one:** Located next to the "Loan Document Delivery Address" section, which includes fields for "PO Box" and "City/State/Zip".
- Earn priority ranking when you pass the Certification Exam and rank even higher when you complete training:** Located at the bottom left of the page, next to the "ADDITIONAL INFORMATION" section, which contains a personal message from Jane Marketing.

Check 'Show my Listing on SigningAgent.com':

Include a diverse business type, if it applies.

Add your contact information, including a primary address.
A primary address is required in order to appear on SigningAgent.com.

Include a document delivery address, if you use one.

Earn priority ranking when you pass the Certification Exam and rank even higher when you complete training.

Check 'OPT IN to NSA Connection' and select 'Show my Full Profile' or 'Partial Profile'.

Upload a professional headshot.

Fill out the Notary Services section:
Are you an attorney?
How many years of NSA experience?
What is your availability?
How far will you travel?
Do you speak another language?

Select the counties in which you provide Notary services.

Introduce yourself.
Think of this as your cover letter for a job application. Include any additional information that is related to your Notary commission, NSA experience, and any other qualifications or experience that a title or service company might find valuable when considering you for a job.

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NATIONAL NOTARY ASSOCIATION

The National NOTARY

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OUR MISSION

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

OUR CORE VALUES

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

Our Core Values of Membership promote:

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

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Cindy Medrano

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Collecting on Overdue Invoices

Marcy Tiberio

Unpaid invoices are the bane of Notary Signing Agents. As solo entrepreneurs with limited means, NSAs often feel there is little they can do to collect outstanding debts. But there are some strategies you can follow to improve your odds of getting paid.

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Minimize Your Liability

David Thun

When someone sues over a problem in an important document, Notaries often get pulled into the lawsuit — even if the Notary has done everything properly. These 10 steps will help you avoid making careless errors that could lead to costly liability claims.

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NNA 2016: Personal Appearance, Privacy and Identification

Michael Lewis

NNA 2016 in Anaheim, California, was a hotbed of conversations and presentations about issues that are taking on new levels of importance for the future of the industry. On deck were discussions among Notaries, government officials and legal experts and industry representatives that focused heavily on a Notary's duty to protect consumers from fraud; explorations of compliance, regulatory and legal trends; and examinations of how employers, governments and the financial services industry need more from their Notaries.

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YOUR COMMUNITY

How to Build Your Business Plan

NOTARIES ACROSS THE COUNTRY tell us that one of the best ways to grow your client base is by targeting different industries. However, having a business plan has become a major key to success for Notaries of all levels.

"I'm one of the best brainstormers in the business. I'm never at a loss for new ideas. As a result, it's easy for me to get distracted and deviate from my business plan." *Michelle Riley, Huntsville, AL*

"Take the time to document your mission for being in business; this will be your future guide for making business decisions. Your plan should include basic business requirements such as hours of service, specialties, expected expenses, how your service fulfills a niche that other Notaries do not, and what your goals are. This, too, will give you direction in building a successful business." *Laura Blewer, Modesto, CA*

Do you have a plan that's been working for you? Share your tips with our community of Notaries on Instagram at bitly.com/buildyournotarybiz.



Relive All the Fun from NNA 2016!

IF YOU WERE UNABLE TO ATTEND this year's Conference, you can catch all the fun by visiting our online photo gallery at NationalNotary.org/NNA2016.

Taking Thumbprints: Safeguard or Invasion of Privacy?

IS REQUIRING SIGNERS TO PROVIDE A THUMBPRINT for a journal entry an invasion of privacy or a safeguard against fraud? Notaries across the country voiced opinions for both sides of the issue.

Madeline Garcia, Colton, CA: "A safeguard! I do it for every signing and have never had an objection. It protects me as well so every line gets a signer's thumbprint."

Gavin Carolan, Edinburg, TX: "I would argue it's an invasion of privacy, but I would have no problem with it if it was voluntarily requested by the signer. That's generally how it is here in Texas. We can accommodate thumbprinting at the client's request, but it is unlawful to demand it for any reason."

Vonnie Thomas, Los Angeles, CA: "I firmly believe that thumbprints are a safeguard against fraud. I collect thumbprints for every journal entry. It is a way to protect my business as well as the client's interest. My personal belief is, if a document is important enough to have notarized, it is worthy of the extra level of protection provided by a thumbprint."

Chris Thomas, Cincinnati, OH: "I'd consider it an invasion of privacy if I was asked. Not required in my state and I will not do so unless the law changes."

James Williams Sr., Ellabell, GA: "I think it would be a great idea. I also believe that all 50 states should allow Notaries to perform the same functions, like in South Carolina Notaries can perform marriages, etc."

What are your thoughts on this hot topic? Tell us on Facebook at bitly.com/thumbprintdebate.



We're at 50,000 Notaries Strong!

THE NOTARY COMMUNITY ON FACEBOOK continues to grow, bringing Notaries from across the country together. Thank you for liking our page and taking part in our social community. We couldn't ask for a better network of Notaries to serve. Continue to share your ideas, business tips, and network with other Notaries on our social media pages.



Wise Words from Experienced Notaries

WHAT'S ONE PIECE OF ADVICE YOU'D GIVE a new Notary? Here are some stand-out tips from experienced Notaries:

Eva Macias, Los Angeles, CA: "When the signer is an elderly person, ask all the questions and make all the necessary observations to make sure that person has knowledge of what they are signing and want to sign."

Vicky Neal, Chester, SC: "Use your available resources if you are ever unsure, and kindly decline documents if necessary. Educate your clients and please keep up on the laws always."

Christine Wissbrun, Rochester Hills, MI: "Use a Notary journal and don't be bullied into performing Notary services against your better judgment. Spidey Senses are usually right."

Doug Noble, Redding, CA: "Always answer the phone. Signing agencies will call others until they find someone. Once you are known to answer the phone you will move up to the top of the call list."

For more wise words, visit our post on Facebook at www.bitly.com/wisenotaries.

When a Signer Says She Didn't Want to Sign

THE "WHAT WOULD YOU DO" SERIES in the *Notary Bulletin* usually inspires plenty of comments, and that was especially true for this real life scenario about an elderly woman who told the Notary — after the notarization — that she did not want to sign the document.

"A signer who has been pressured to sign, and then admits this to the Notary after the fact, puts the Notary in a very difficult and potentially dangerous situation," said Louis B. Gill, Springville, CA. "At this point, the only thing left to do is report it to Elder Abuse, and/or local officials, and get the Notary out of the middle."

Abraham Kamara, Simi Valley, CA, said he would not only notify authorities, but also make a note of the signer's wishes in his journal. "This will be part of my record, in case a question arises regarding that particular signing," he said.

For more reader reaction and NNA recommendations, visit www.bitly.com/didntwanttosign.

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The Growing Movement for Notary Fee Increases

THE AUTHOR OF A CALIFORNIA BILL TO RAISE

Notary fees told the hundreds of attendees at NNA 2016 Conference that they should be treated the same as other professional service providers and be allowed to set their own prices.



California Assembly Member David Hadley

“I am a small business person and a professional service provider, and I set my own prices,” Assembly Member David Hadley said during the Welcome Reception. “There’s no reason why you shouldn’t set your own prices.”

Hadley authored AB 2217, which would increase the maximum fees Notaries could charge for acknowledgments and jurats from \$10 to \$15, and raise the fees for other notarial acts as well.

To watch all of Hadley’s remarks, go to bitly.com/HadleyLive.

State Senate Candidate Gives His Support

But Hadley isn’t the only one backing higher fees. Steve Fazio, a Republican candidate for California’s 27th Senate District has come out in support of allowing California Notaries to charge higher fees for their services because of the important role they play in fighting fraud. He believes California’s fee schedule is outdated and should be raised to reflect the important duties Notaries perform.



Steve Fazio, candidate for California’s 27th Senate District

As an ally of the Notary community, Fazio visited the NNA’s Chatsworth headquarters to share that message with students taking a Notary training class earlier this summer.

“You are all part of the public safety apparatus,

making sure people don’t have to deal with identity theft or fraudulent documents,” Fazio said. “I want to support the values you hold to, and make sure you get paid appropriately for your work,” he added.

Fazio said he backs AB 2217 and will continue to support the Notary community if he’s elected in November.

To watch all of Steven Fazio’s remarks, go to bitly.com/SteveFazioLive.

You Make a Difference

Perhaps the most important support for AB 2217 has come from Golden State Notaries.

In April, the NNA asked California Notaries to voice their support for the bill, and they responded with an outpouring of approval.

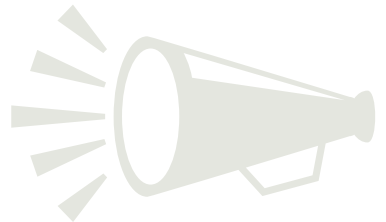
We delivered more than 1,200 messages to the author of the bill, Assembly Member David Hadley. Your collective and powerful statement to the Legislature put AB 2217 on the fast-track through both the Assembly and the state Senate.

The California measure is part of a larger trend in state legislatures to review the fees Notaries can charge. Among the notable fee measures, on April 8, 2016, Kentucky’s Governor signed a law permitting Notaries to set their own fees.

Alaska, Iowa, Kansas, Louisiana, Maine, Massachusetts and Tennessee are the only other states that allow Notaries to set their own fees.

Anyone who wants to track the status of AB 2217 or any other proposed rule, policy or legislation can use several resources available through the NNA, including our *Policy Tracking* tool, Notary Laws database and New Law Alert emails. We analyze how your daily workflow might be impacted, what you need to know to stay out of trouble and a variety of other helpful details.

Log into your account on **NationalNotary.org** to access the Policy Tracking tool and Notary Laws database, and make sure we have your current email address so you won’t miss any of our state-specific alerts. ■



Secretaries of State to Study Webcam Notarization

THE NATIONAL ASSOCIATION OF SECRETARIES OF STATE (NASS) has created a task force to study webcam notarizations and answer the many concerns raised about their privacy and security.

Webcam notarizations allow a signer to communicate remotely with a Notary using audio-visual technology instead of appearing in person. Proponents argue that the technology provides convenience and flexibility for signers, but critics argue that fraud is easier to commit if the signer is not physically in the Notary's presence. (See the June 2016 issue of *The National Notary*.)



The NASS task force, which includes representatives from 20 states, including government officials, Notary professionals and

private-sector notarization experts, will review remote notarization technologies, track state legislative activity and develop possible proposals regarding webcam notarization usage.

Virginia and Montana now allow webcam technology use by Notaries. However, California, Ohio, and several other jurisdictions, have previously issued statements that they do not accept remote notarizations.

Using Social Media the Smart Way

SOCIAL MEDIA CHANNELS are a valuable resource for Notaries seeking to market their services and share information. But it's important to remember that you're a business professional when using social media, and to act accordingly. 2015 Notary of the Year honoree Marcy Tiberio has the following tips for staying professional when using social media:



Don't post when you're angry. It's easy to

fire off angry messages on a forum after a bad day, but you may regret it later. "Wait until you have calmed down enough to be objective about the situation," Tiberio says. "You want to state the facts in the most objective way possible so that you project yourself in a believable manner."

Avoid offensive language. "I have seen countless posts that call people names, use curse words or acronyms for curse words," she says. "That type of language makes you look petty and unprofessional."

Remember that social media is public. Social media isn't a private conversation — many people in the industry will see what you post. "Signing companies, title companies and lenders read those forums," Tiberio says. "They look to see what is being said and by whom; and what you are saying may have you placed on their 'Do Not Use' list. You may be losing out on work and don't even know it."



How to Get Positive Online Reviews

SAVVY MOBILE NOTARIES

understand that online reviews have become a key marketing tool in the 21st century. However, too many entrepreneurs don't realize the impact they can have on the reviews about their business. A recent article posted by the U.S. Small Business Administration offers several tips for making the most out of those reviews.

- 1. Keep your online profiles complete, updated and accurate.** This shows that you care about your profession and the work you do. Your profile should include your hours, the services you offer and a professional quality photograph.
- 2. Monitor your reviews.** Keep tabs on what people are saying about you at least once a week. Address — in a professional, courteous manner — the negative reviews, even if it means acknowledging a mistake or providing an explanation of why things went wrong. And acknowledge positive reviews. All of this reinforces that you care about your customers.
- 3. Remind customers to write reviews.** Whenever you have a good experience with a customer, it's perfectly fine to ask them to leave you a positive review.



By Michael Lewis

PERSONAL APPEARANCE, PRIVACY AND IDENTIFICATION

NNA 2016 IN ANAHEIM, CALIFORNIA, WAS A HOTBED of conversations and presentations that reached new levels of importance for the future of the industry. On deck were discussions among Notaries, government officials and legal experts and industry representatives that focused heavily on a Notary's duty to protect consumers from fraud; explorations of compliance, regulatory and legal trends; and examinations of how employers, governments and the financial services industry need more from their Notaries.



Kathleen Butler, American Society of Notaries



Pem Guerry, SIGNiX



Timothy Reiniger, FutureLaw



Ozie Stallworth, North Carolina Secretary of State's Office

Webcam Notarizations: Fraud Risk or the Industry's Future?

No other issue hit the core of Conference attendees like the discussion over webcam notarizations.

When webcam notarizations popped up more than five years ago there were objections nationwide. But now the technology has evolved, more states are testing the water, and some believe it represents how Notaries will operate in the 21st century.

At issue is whether allowing a signer to personally appear before the Notary via webcam is as secure as a traditional notarization during which the signer appears in the physical presence of the Notary. Currently, only Virginia and Montana authorize their Notaries to perform webcam notarizations under specifically defined circumstances (see the June 2016 edition of *The National Notary*). But it is being considered by various states and organizations.

"The idea of a physical presence makes no sense in a global economy," said panelist Timothy Reiniger, Director of the Digital Services Group of Virginia-based FutureLaw. "There has to be a way to keep the Notary involved in internet commerce, which we all desperately need."

Reiniger, who co-authored Virginia's 2011 webcam notarization bill, argued that webcam notarizations are as secure as traditional notarizations.

Co-panelist Ozie Stallworth, Electronic Notarization Analyst and Director for the North Carolina Secretary of State's Office, challenged the security of webcam notarizations.

Companies offering webcam notarizations use a method known as knowledge-based authentication

(KBA) to verify signers' identities. This method asks individuals a series of questions about their personal backgrounds based on information culled from various credit bureau databases.

Over the last few years, there have been many data breaches of sources used by KBA systems, Stallworth said. "How is that as good as the traditional methods of Identifying signers?"

Pem Guerry, Executive Vice President of SIGNiX, noted that his company has been using KBA for various electronic transactions for 14 years and has only experienced one instance where a fraudster fooled the system. In that case,

the electronic audit trail for the transaction allowed authorities to track and prosecute the individual.

Reiniger and Guerry argued that the safeguards of webcam notarizations were stronger than for traditional notarizations. Both Montana and Virginia, for example, require the Notary to keep a video record of each remote notarization.

The video record is strong evidence of what took place during the notarization and also is a deterrent to camera-shy criminals.

"The idea of a physical presence makes no sense in a global economy."
— Timothy Reiniger



For videos of these sessions and others, go to bitly.com/NNA2016Videos.



Bill Burding, Orange Coast Title Company



Brian Hughes, Title Source



Alice Sauve, First American Mortgage Solutions



Shari Schneider, Stewart Title Guaranty Company

Mortgage Industry Panel: Protecting Borrowers' Privacy 'Is Not an Option'

For Notary Signing Agents, NNA 2016 sessions emphasized the growing expectation for doing more to protect borrowers' sensitive personal and financial information — often called Non-Public Personal Information, or NPPI.

With the mortgage industry improving its ability to protect consumer information, cyber criminals are looking for the weak link, according to a group of title industry executives who took part in the General Session entitled, "Protecting Borrowers' Privacy Is Not An Option: What Every NSA Must Know." In many cases that means targeting the generic email accounts — such as Gmail or Yahoo — that NSAs and others use because the accounts often lack strong security measures.

It's fairly easy for cyber criminals to hack into email chains about real estate transactions through these email accounts. Once in, the hackers will insert a bogus email into the chain, said Bill Burding, Executive Vice President and General Counsel of Orange Coast Title Company.

The bogus emails often look like they were sent by real individuals from real email addresses.

NSAs are most likely to see an email, purportedly from the borrower, asking for copies of documents in the loan package that contain financial information.

"If you see that request in an email chain, it should raise a red flag," said Brian Hughes, Chief Operating Officer of Title Source.

Even if NSAs do not see a fake email, hackers could get into the email chain for a mortgage transaction through their accounts.

"If you are in an email thread, and the consumer loses their money, count on being a defendant in any court case," Burding cautioned.

To a one, the panelists urged NSAs to report any breach or threat immediately. Government regulators can impose hefty fines on entities that fail to report a breach in a timely manner.

"It's easy for cyber criminals to hack into email chains."

— Bill Burding

"Call your settlement agent or call the title company or whoever gave you the assignment," Hughes said.

NSAs should not fear losing clients if they report an incident.

"If the report is timely, you won't get kicked off our list," Burding said. "You'll go up it because you're helping us manage a situation."

Unreported incidents can lead to significant harm to the borrower, lender, title company, signing service and Notary.

Marcy Tiberio, a signing service owner and NSA from Rochester, New York, offered a number of tips in workshop sessions, "What Lenders Say You Must Know About Protecting Signers' Privacy."

At the top of the list were straightforward recommendations, such as using strong firewall

and encryption protection for all their mobile and computing devices; using strong passwords that are not shared; and avoiding public wireless networks.

She also encouraged NSAs to activate or down-

load security features on their smartphones that would allow them to lock their phones or wipe the data if it is lost or stolen.

The title industry panelists had several low-tech recommendations:

- Keep all sensitive information you're not using locked safely away.
- If you have to leave documents in your car, lock them in the trunk or hide them out of sight.
- Shred every document you don't need.
- Don't use a FedEx or UPS drop box. Drop loan packages off inside and get a receipt.

And everyone recommended that NSAs review their security practices on a regular basis. The NNA's Self-Assessment tool can help with this process.





Marcy Tiberio, Professional Notary Services



Megan Papesh, Louisiana State University

World War II ‘Greatest Generation’ Vets Tell the Tales of Their Public Service

MORE THAN 500 NOTARIES sat in awe, clapped, cheered and cried as five World War II veterans shared their stories during NNA 2016 — and demonstrated the spirit of public service and sacrifice that motivated them.



“We saw what the lack of love and the lack of freedom could do. We saw the concentration camps. We saw the slave labor camps. We saw the vile inhumanity of man-against-man,” said Jack Foy, a machine gunner in General George S. Patton’s 3rd Army who fought in the Battle of the Bulge. “What we did, and what we experienced, represents the love of our country, the love of our faith, the love of our fellow citizens, and our love of freedom.”

Foy was joined by Peter Du Pre, Dr. Earl Bruce Heilman, Jack Holder and Joseph Reilly — all members of The Greatest Generation Foundation (tggf.org).

One of the most amazing facts that came out of the presentation was that they were all teenagers when the war began. As Heilman noted, “All of us grew up in a hurry.”

To see the entire session and hear their accounts, go to bitly.com/NNA2016Videos.

In addition to hosting the Greatest Generation presentation, the NNA continued its longtime support of military veterans by providing free state-required Notary training to honorably discharged service personnel.

The program included the California state-required 6-hour training covering Notary laws and how to pass the exam, as well as other benefits.

Using Facial Recognition Techniques to Spot Impostors

For the second year in a row, Megan Papesh, an Assistant Professor of Psychology at Louisiana State University and facial recognition expert, trained Notaries on facial recognition techniques that could better help them positively identify signers.

The information she presented at this year’s workshops was partly shaped by the results of a 2015 research survey involving more than 1,150 Notaries. Among her findings, Notaries failed to spot impostors about 28 percent of the time; and mis-identified people as impostors who were not about 20 percent of the time.

She also discovered that the number of years someone has been a Notary and how many notarizations they perform makes no difference in their ability to spot impostors.

To improve your ability to spot someone using a stolen ID, Papesh recommended using a technique called ACE-V, which stands for analyze, compare, evaluate and verify. Essentially, it works like this:

- Analyze and note a person’s facial features, including their shapes, sizes and relationships to other features. She recommended focusing on internal features such as the shape and location of the ear, the ridge of the eyebrow and similar features. These are less changeable than eye color or shape, hair and skin tone.
- Compare those individual features with the features on the ID photo, and focus more on the dissimilarities than the similarities.
- Evaluate the dissimilarities to explain them. If you cannot explain the different shape of the ears or the presence of a dimple, that should raise a red flag.
- Verification: This is when you make a decision. She suggested quickly rethinking the previous steps to make sure you focused on the right features.

Papesh also cautioned that people are often tripped up by “change blindness.”

“It’s hard to see things you don’t often encounter,” she explained. “If you don’t expect to see an impostor, you won’t.” The best way to



Earl Heilman



Jack Foy



Jack Holder



Peter Du Pre



Joseph Reilly





Glenn Garrity, G2 Identity Management

counter this is to expect to encounter impostors.

Glenn Garrity, a 21-year law enforcement professional and founder of G2 Identity Management, presented workshops teaching attendees how spot fake IDs.

This can be particularly challenging given that high-quality fakes are easy to obtain on the internet. However, newer IDs contain easily detected security features, such as raised lettering, embedded or holographic images, micro printing and more, Garrity said.

He teaches a technique used in many states known as FLAG: Feel, Look, Ask, Give.

- Feel the ID for raised lettering, such as the signature or date of birth. Feel the edges of the ID and the photo. If the raised lettering isn't there, or the photo feels raised or the edges can separate, the ID is probably fake.

"If you don't expect to see an impostor, you won't."
— Megan Papesh

- Look for the visual security features, such as overlapping lettering, laser perforated images and ultraviolet features, which can be seen using an inexpensive UV light. If you can see the perforated image without holding the ID up to the light, then it's probably fake. You also should look at information on the ID, such as height, weight and age. If the description does not match the person, that's a red flag.
- Ask questions, such as what's their zodiac sign or zip code.
- Give the ID back. This is when you make your best judgment about the ID. If you suspect it is fake, Garrity recommended that you get out of the situation and report your suspicions to your local authorities or the issuing agency.

He also urged everyone to keep a copy of the *I.D. Checking Guide* handy. The *Guide*, which is updated annually, has examples of IDs and many

of their security features for each state and U.S. territory.

From the webcam sessions to the face-matching workshops to the Gala Banquet, the excitement from this year's Conference almost certainly will build anticipation for NNA 2017 in Dallas. ■

Workshop Highlights

THERE WAS PLENTY TO KEEP PEOPLE busy at NNA 2016 — the General Sessions, the exhibitors, the networking events and, of course, Disneyland. But the heart and soul of the Notary Event of the Year were the workshops.

The agenda included sessions for general Notary skills, NSA skills and business-building skills. Among the more popular sessions:

- "5 Essential Steps of Notarization;"
- "Habits that Best Protect Notaries from Liability;" and
- "Earn More by Adding Services that Grow Your Business."

One of the real highlights was the "Understanding the Form I-9," which was presented by Ivan Gutierrez, Management and Program Analyst for USCIS. (Go to bitly.com/NNA2016Videos to watch the workshop.)

The NNA drew experts from many fields to share their knowledge and experience with attendees.

For the first time, NNA 2016 featured "pop-up" workshops put on by NNA staff and various exhibitors.





What Past Attendees Have to Say:
What a #NNA2016 Conference @nationalnotary! Helpful topics & great speakers. Look forward to #NNA2017 in Dallas!
— Notarypal

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NNA 2017 Destination

Dallas is a city to enjoy. Museums, amusement parks, gardens, historic sites and other activities can be found around every corner — from downtown to the suburbs and beyond.





2016 NOTARY OF THE YEAR

ELISSA DAVEY

By Cindy Medrano

THERE ARE PEOPLE ON THIS EARTH who dedicate their lives to helping others. They are protectors that shield others from harm, or they serve as a voice for those who cannot speak for themselves. Elissa Davey of Vista, California, is both — a protector and a voice.

“We are meant to do only two things on earth — love one another and help one another,” Davey said. “Everything else is just sidelines.”

During her nearly two decades as a Notary, the retired Realtor has lived by that philosophy — both as a Notary and a philanthropist.

She became a Notary because she wanted to provide full services to her real estate clients.

If they needed something notarized, they could count on Davey to make that happen.

“If I can help them by this tiny thing, then it will make their lives easier, and I will walk away feeling better too,” she said.

Davey is the kind of person who can see a tragedy and respond by doing something positive. Such was the case in 1999 when she read an article about a baby’s body found abandoned in a trash can in San Diego. Inspired by the story, she founded Garden of Innocence, a nonprofit that provides a dignified resting place for abandoned and unidentified children.

Whether it’s an elderly signer who is being coerced by family members during a signing or claiming an abandoned infant, she does not hesitate to become their protector and champion.

For these reasons, the NNA is proud to recognize Elissa Davey as its 2016 Notary of the Year.

“It’s truly, truly an honor to recognize her as our 2016 Notary of the Year,” said NNA President and



From left: NNA President and CEO Tom Heymann, Notary of the Year Honoree Kelly Charpenet, Notary of the Year Elissa Davey, Notary of the Year Honoree Shirley Vanderbeck, Notary of the Year Honoree Christine Wissbrun, NNA Chairman Milt Valera; Elissa preparing a coffin for Garden of Innocence; Elissa accepting her award at the NNA 2016 Conference in Anaheim, California.

CEO Tom Heymann during the award presentation at the NNA 2106 Conference in June.

“I am gobsmacked. This is such an honor. Thank you so much,” Davey said. “I thought to get this honor you had to be the Notary with the most notarizations, and there was no way in heck I’m going to get that,” she said.

Protecting Signers

Even though she does not perform a lot of notarizations, she approaches each one with a commitment to protecting the signer. Her parents taught her the value of helping others while showing integrity, honesty and fairness.

The clients she is most concerned about are the elderly signers and hospital patients. She wants to protect them against fraud and abuse, especially from dishonest family members.

“I’m not going to be the one to cause a rift in the family by allowing someone to have a power of attorney when they shouldn’t,” Davey said.

As a Notary, she sees herself as the shield that helps prevent greedy individuals from taking something that is not rightfully theirs. During signings, she’ll ask family members to leave the room, creating a safe space for the signer. She then proceeds to ask the signer if they are willingly there to continue with the notarization.

She has no compunction about walking away from a notarization appointment if she believes something is amiss. She is there to protect people from being pressured into signing unwanted paperwork.

Despite wanting the help in all aspects during signings, Davey knows her boundaries and state laws. Just because she understands the wording in many documents, she won’t provide advice about them. If her signers have any questions, she always recommends that they speak to the appropriate person for clarification.

Giving Dignity

For Davey, the Garden of Innocence has become her true calling. Her first unforgettable encounter opened Davey’s eyes to the fact that there were many forgotten children, which inspired her to

create the Garden of Innocence. Since then, the charity has provided burials for more than 300 babies. The first service was held in San Diego, California, and now there are gardens throughout the state, as well as one in Missouri.

Davey accepts caskets and urns donated from woodworkers from across the country, and receives help from volunteers from various walks of life, including police officers, knitters, florists and Eagle Scouts.

Davey’s efforts bring public attention to these abandoned children. The Gardens also help another group of unfortunate people — would-be parents who lost an unborn child through miscarriage or other circumstance and need help with the grieving and healing process.

“We are meant to do only two things on earth — love one another and help one another.”

— Elissa Davey, NNA Notary of the Year 2016

They are invited to attend the funeral of one of the abandoned children. They often read a poem during the service, and are given the opportunity to name the child after their loved one. Allowing them to be part of the service helps them cope with their own loss and find closure, Davey said.

Davey will be setting up four more gardens in California, but her ultimate goal is to have at least one in every state. That goal got a boost during the NNA 2016 Conference, when so many Notaries from many different states approached her to ask how they could help.

“Having Notaries around me willing to help has been a gift,” she says.

Being announced Notary of the Year was an overwhelming feeling for Davey because it was unexpected. However, she remains humble and hopeful for what the future has in store. ■

OVERDUE INVOICES: **STRATEGIES FOR GETTING PAID**

By Kelly
Rush

UNPAID INVOICES ARE THE BANE of Notary Signing Agents. As solo entrepreneurs with limited means, NSAs often feel there is little they can do to collect outstanding debts.

But Signing Agents are not alone. Seventy-one percent of independent contractors have had trouble getting paid by their clients, and these people on average are owed more than \$6,000 (some as much as \$30,000), according to the Freelancers Union.

To make matters worse, some larger corporations work on payment cycles that can exceed 120 days, while your rent and the electric bill are due every month. And collecting these debts is tricky, especially if you want to preserve your relationship with the client.



***“Invoices aren’t like
fine wine – they don’t
get better with age.”***

— Barbara Weltman

So what strategies can NSAs employ to peacefully collect debts without scuttling their client relationships?

Before You Start

Open communication is crucial. When problems do arise, each step of the collections process, from the first day a bill is late to months later, should be marked by careful, professional dialogue, and a trail of paperwork.

And it all starts with the contract or agreement, said Caitlin Pearce, director of member engagement for the Freelancer’s Union.

“Make sure you have a clear, written agreement, ideally a formal contract,” she said. “This protects the company as well as the freelancer.”

Most title companies and signing services have written contracts with the NSAs they use. Make sure you and your client are clear on all the requirements, large and small, as well as the due dates, payment terms and any other expectations.

It’s also a good idea to have your own contract template for those clients who rely on handshake deals. Don’t forget to have a lawyer review it to ensure that you’re asking for things that are within the scope of the law, Pearce said.

Before beginning a job, Pearce also suggested that NSAs find the name and contact information of the person responsible for payments, whether it’s the company owner or an employee in accounting. You should have their phone number and email address, and establish contact. Some companies have bureaucratic red tape a mile or two long; if you’ve chatted with your contact, your invoice is less likely to get lost in the shuffle.

Your Payment’s Late — Now What?

When you send your first invoice, you should also clearly state when you’ll follow-up if not paid by a certain date. On that exact date, call and email your contact. Be polite and professional, Pearce said, but let them know you’re not going to let this go.

Personally chasing after people for money can be tough, so there are several brands of payment collection software that can do a lot of the work for you, such as sending reminder letters and emails.

WebAR, a cloud-based platform, manages accounts receivable and will process payments. The credit bureau Experian also offers an application. Its program will validate names, addresses, and other important data against information reported to Experian, and it’ll help you get nuggets like unpublished phone numbers.

Using software may help you keep your distance, and your relationship friendly. But if they do not work, it may be time to call someone like Julie Elster.

Elster is a one-woman debt collector who comes recommended by a number of freelancers, according to Pearce. Here’s how the process works: when the invoice becomes overdue, forward it along with any relevant information, and Elster will do the calling for you, and she’ll keep it

polite and professional.

“I’ll be thermonuclear nice. That’s the level of nice where people feel guilty about not paying sooner because I’m so nice,” she writes on her website.

Sometimes small business owners don’t want to do the pestering; in these cases, hiring a second party, like Elster, can do the trick.

Escalation Tactics

So you sent repeated invoices, had someone like Elster make calls, and you’re still waiting to get paid. What next?

There’s also small claims court, and if you choose to go down this path, make sure you have paperwork, including emails and copies of work product, available to show a judge. But that can be time-consuming and costly.

Frank Metayer, who owns San Diego-based Mobile Notary Express, recalled an experience he had with one signing service.

After 30 days, he sent a friendly email. His second attempt was a voicemail. By then, he went over the client’s head and alerted the escrow company that he had not been paid. The following day, he was called by the signing service and almost immediately paid.

Sometimes you have to look at relationships. Escrow companies are important to signing companies and they don’t want to lose those contacts, he said. In another case, he did a signing for

a different escrow company. After three attempts to collect, he sent an email and cc’d his contact’s manager. He promptly got a check.

Writing for the U.S. Small Business Administration, Barbara Weltman, an attorney and small business expert, notes that “invoices aren’t like fine wine — they don’t get better with age.” But if nothing works, and you can’t get paid what you’re owed, you may be able to write off the bad debt on your taxes.

“After all collection activities have been used and you know that the funds are uncollectible... you can deduct your loss,” said Weltman.

Collecting debts may be a hassle, and may force you to get assertive while discussing a topic that makes many people uncomfortable, but persistence often pays off. Pearce said some freelancers have doggedly pursued debts as small as \$100. On principle. Because everyone deserves to get paid for the work they do. ■



**Seventy-one percent
of independent
contractors have had
trouble getting paid.
— Freelancers Union**

10 STEPS TO MINIMIZE YOUR LIABILITY

By David Thun



NOTARIES EXIST TO AUTHENTICATE the identities of signers in efforts to prevent fraud. But sometimes signings go bad or are challenged, and the Notary finds themselves at the wrong end of a lawsuit. In an effort to reduce your risk of being sued, *The National Notary* has identified 10 essential best practices that will help minimize your risk.

1. Never Notarize for a Signer Who Isn't Present

The most common reason Notaries are sued and have their commissions revoked or suspended is failing to require a signer's personal appearance. Be sure to always abide by your state's personal appearance requirements, however it defines them. And never skip the requirement "as a favor" or "just this once." If you do, you're setting yourself up for trouble.

2. Don't Notarize Incomplete Documents

A document needs to be complete prior to notarization. If you notarize an incomplete document — for example, a loan document with the interest rates or terms left blank — there is a risk those blanks could be filled in with fraudulent information. By making sure all blanks are filled in at the time you notarize, you protect both the signer and the transaction from potential fraud, and reduce your risk of being sued.

3. Properly Identify Signers

Identifying your signers in compliance with your state's Notary laws is crucial. Many lawsuits against Notaries are filed because the Notary carelessly failed to request proper ID which allowed a signer to commit fraud. Always follow your state's laws to ensure a signer's identity is properly vetted.

4. Verify Your Signer's Willingness and Awareness

One of your key responsibilities is to make sure your signer is signing the document willingly and understands what they are signing. Always ask your signer a few simple questions. If the signer appears reluctant to sign, disoriented — or another person appears to be trying to pressure the signer — do not proceed with the notarization. This will protect all parties to the document, including you, from allegations of duress.

5. Keep a Journal Record of Your Notarizations

A well-kept record of your notarial acts is one of the best defenses you can have against lawsuits. A legible, complete journal entry provides evidence to help determine what happened if a notarization is disputed, and can also help show you followed appropriate steps when notarizing. If your state sets rules for what information must

be recorded in a journal entry, be sure to follow them. Incomplete and sloppy journal entries are red flags that can call into question your Notary practices in court.

6. Stay Impartial and Don't Offer Advice

Never notarize your own signature or a document in which you are personally named because a Notary's impartiality can be questioned in these circumstances. If you will receive a direct benefit, fee, commission or advantage other than the fee allowed by state law, you also should not notarize.

Some states also prohibit Notaries from notarizing for close family members. Even if not specifically prohibited by law, it's a good idea to avoid notarizing for close family members to make sure your impartiality is never questioned.

Also, never give advice about the contents of the document or details of the transaction. Doing so can lead to your being sued or facing other penalties for the unauthorized practice of law. If a client asks you to advise them about the legality of a document or how to complete it, tell them that you are prohibited by law from giving unauthorized legal advice.

7. Complete the Notary Certificate Correctly

Careless mistakes with Notary certificates, such as forgetting to fill in a certificate or writing the wrong information, are another common reason Notaries get sued. The public relies upon the facts attested in every certificate of acknowledgment or jurat you sign. Make sure you enter the correct county and state, name of the signer, and date of notarization. Also, be sure your seal is legibly affixed.

8. Never Notarize After Your Commission Expires

If your commission expires and you fail to realize it, any document you notarize after the expiration date could be questioned. If your commission expires and there's a delay in the renewal process, do not notarize until you have your new commission in hand.

9. Never Let Anyone Else Use Your Seal

If someone else gets access to your seal, they can use it to commit fraud and do significant harm to others — and you could be held responsible.

Identifying your signers in compliance with your state's Notary laws is crucial.

Always store your seal in a locked, secured area when not in use, and never let anyone else borrow it or take it. The seal has your name on it, and you are the only one allowed to use it.

10. Make Sure You Have Errors and Omissions Insurance

Even if your state requires you to obtain a surety bond, the bond isn't an insurance policy and doesn't protect you from financial liability or cover legal costs. A bond only protects your customers if they are financially damaged by your negligence. Also, you may be responsible for paying back any money the surety company pays out from the bond.

An E&O insurance policy can help cover your risk of financial damages in the event you are sued. Some policies also cover legal fees such as attorney costs. Think of it like driving a car — safe drivers are mostly able to avoid accidents. However, sometimes good drivers get into accidents, and sometimes even the most diligent Notaries make mistakes. ■

An E&O insurance policy can help cover your risk of financial damages in the event you are sued.



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BEYOND THE BASICS

How To Properly ‘Retire’ An Old Notary Seal



An old Notary seal is like your checkbook — it’s not something you can just toss in the trash and forget about afterwards. Most Notaries will need to get rid of an expired seal when the commission expires — more than once if you renew your commission. What do you do with it? Throw it out? Turn it over to someone? Destroy it? Here are a few tips to keep in mind.

Don’t Just Toss It Away

Left intact, an old seal could be found and used by someone else to commit fraud. That’s why you should never throw away an intact and usable Notary seal or leave it behind when you change jobs. In the wrong hands, an expired seal could be used to create fake deeds, phony powers of attorney or other fraudulent documents. These documents could be used to steal from bank accounts, commit elder abuse or perpetrate real estate fraud.

Turn In Your Old Seal

Some states require Notaries to turn in their seals to the state. For example, Arizona Notaries — or their personal representatives — must turn in the seals when they stop being a Notary.

The same is true for Colorado Notaries, who also must turn in their seals if they cease to have a business or residence address in the state. Hawaii Notaries or their

personal representatives must turn in their seals when they stop being a Notary or change their name.

Old seals should be turned over to the appropriate agency in your jurisdiction, typically the agency that issued your commission.

Destroy Your Old Seal

Some jurisdictions require you to destroy obsolete seals. Georgia Notaries, for example, must destroy or deface their seal when they cease to be a Notary. That duty falls to their personal representative if the Notary dies.

In Texas, the Secretary of State asks Notaries to destroy their seal stamps when their commissions expire, or they cease to be a Notary for any other reason.

If you have an ink stamp, the easiest way to destroy it is to use a knife or other sharp object to cut and damage the rubber seal impression so that the stamp no longer makes a visible impression.

Embossers are more difficult to destroy because of their metal components. With an embosser, the metal embossing plate should be removed from the seal. It may be necessary to use a hammer or other blunt object to strike the plate and render the embossed information illegible.

If you are using tools to deface

or destroy an old seal, be sure to take proper safety precautions against accidents. Examples include gloves to protect your hands from being cut by sharp objects and protective eyewear as a safeguard against debris.

One Or The Other

While most states either require you to turn in your seal or destroy it yourself, others may require both under certain circumstances. In California, Notaries must destroy or deface their seals upon resignation, termination or revocation of their commissions. However, California Notaries who are convicted of certain offenses and felonies are required to surrender their seals to the court. In Florida, if you resign your commission, you must destroy your seal unless the Governor requests that you return it.

No Rules Or Guidance

Some states are silent on what to do with old Notary seal stamps. Delaware, Indiana, Iowa, Kansas and Kentucky are among states that don’t provide guidance on this matter.

If you’re in one of these states, the NNA recommends that you follow *The Notary Public Code Of Professional Responsibility* recommendation to destroy or deface your seal when your commission ends.



Representative Capacity, Starting a New Journal, Notarizing for a Co-Worker...

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

In Idaho, is a Notary legally allowed to notarize a signature of a person who claims they are representing an organization, such as a business or trust?
— R.T., Idaho

Yes. If an individual is signing in a representative capacity, the Notary must also know or have satisfactory evidence from a credible source that the individual is a corporate or governmental officer, or a partner in a partnership (IC 55-707).

Must I completely fill my current journal before I begin using my new journal? My new journal has places for fingerprints which I want to start using and the old one does not.
— J.A., Pennsylvania

You may start using your new journal before you finish the old one, but we recommend permanently retiring the old journal. (Pennsylvania refers to the journal as a "Register of Notarial Acts".)

As a professional practice, it is recommended that a Notary draw a diagonal line through the

remaining blank pages of the old journal with a note that you are continuing in a new journal.

I've been asked to notarize a real estate document to be signed by an "authorized signatory" for my company. Do I need to take any additional steps to perform this notarization? Or am I just performing a routine acknowledgment for the person who claims to be the authorized signatory?
— J.J., California

No further steps are required to take the acknowledgment of the authorized signatory, provided the act required is an acknowledgment and the form you're completing is the California statutory acknowledgment form. You

are correct in saying that you're taking the acknowledgment of a person who claims to be the authorized signatory. That's part of the authorized signatory's acknowledgment.

Could you advise me if I am authorized to notarize a will presented by a customer?
— S.N., Illinois

You may notarize a will or any document if requested to do so. A Notary should notarize a will only if a Notary certificate is provided or stipulated for each signer, and the signers are not asking you questions about how to proceed. Any such questions should properly be answered by an attorney.





Is it proper to notarize an auto title with an ink stamper or with an embosser that is more legible?

— *A.N., Ohio*

An embosser or ink stamp are both considered to be proper in Ohio. “The seal may be of either a type that will stamp ink onto a document or one that will emboss it” (Ohio Revised Code 147.04).

How long is a Notary required to retain their journal records?

— *L.M., Texas*

A Texas Notary is required to keep, in a safe and secure manner, copies of the records of notarizations performed for the longer of: 1) the term of the commission in which the notarization occurred; or 2) three years

following the date of notarization. (Tex. Admin. Code §87.44).

If a document I have been asked to notarize was prepared with the wrong date, can I cross out that date and put in the correct one? Also, do I initial that change?

— *S.S., Massachusetts*

It’s unclear just what you mean and there are at least three possibilities. If the date is at the top of the document or in the document text, usually you may notarize the document just as it is. You shouldn’t change the date. If the date appears opposite the place where the signer is supposed to sign, then the signer should correct the date so it reflects the date of signing. If the date

appears in the notarial certificate, then you must change the date to reflect the date on which you notarized the signature.

I’ve been asked by a person who lives part of the year in Pennsylvania to notarize his signature on a homeowner’s association document for a Florida homeowners’ association. The document was prepared in Florida. Is it acceptable for me to notarize this in Pennsylvania?

— *W.A., Pennsylvania*

Yes, you can notarize this document as long as you follow Pennsylvania law when you perform the notarization. Be sure that the venue on the notarial certificate wording indicates the state of Pennsylvania and the county in Pennsylvania where you performed the notarization.

My company files a quarterly report that traditionally has been notarized. However, when I read it, I don’t see wording describing how it should be notarized.

— *G.L., California*

When a document lacks a notarial certificate, you would need to ask whoever requested the notarization what type of notarial act they need. Once this is clarified, you can perform the notarization and attach the appropriate certificate.





Dealing with Expired Identification

Notaries often encounter signers who present expired identification documents. An elderly signer who needs a signature notarized, for example, may only have a long-expired driver's license. Others may simply have not realized their ID is no longer current. But can you accept it? Your answer is in the following guidelines:

Know Your State's Requirements

While some states offer clear direction, other states leave Notaries to determine for themselves whether an expired ID is acceptable. So make sure you're familiar with your state's requirements.

Some states, such as California, Florida and Tennessee, require an ID to be current or to have been issued in the past five years.

A number of states have adopted the standard in the Revised Uniform Law On Notarial Acts (RULONA), which allows an ID to be accepted up to three years after it has expired. If you're a Notary in Iowa, Montana, North Dakota, Oregon or West Virginia, then you may accept an expired ID that falls within the three-year grace period.

Thirteen states require Notaries to accept a "current" ID. Pennsylvania, for

example, requires "a current, government-issued identification card..." One state, Illinois, requires IDs to be "valid" at the time of the notarial act and Arizona, Delaware and Virginia require IDs to be "unexpired."

Many other states do not specify if an ID must be current, valid or unexpired.

If A Notary Cannot Accept An Expired ID

If your state's Notary laws aren't clear about expired IDs, then the NNA recommends that you accept only current IDs.

If you're not allowed to accept an expired ID, there may be alternatives to identify your signer, but these methods also vary by state.

You can ask if the signer has a current passport. U.S. passports are valid for 10 years, typically double that of most driver's licenses and state IDs. Considering that more than 121 million people, or almost half of all U.S. adults, currently hold passports, that is a workable option.

In most states, signers may also be identified through the use of one or more credible identifying witnesses, provided the witnesses meet all statutory requirements.

In Pennsylvania, for example, a credible witness must personally know both the signer

and the Notary. Florida, on the other hand, allows the use of two credible witnesses who do not personally know the Notary. In Florida, the witnesses must present valid, state approved ID to the Notary, and sign a sworn written statement. If a signer wishes to be identified by credible witnesses, be sure that any witnesses meet your state's statutory requirements.

You can learn more about your state's rules regarding expired ID from your state's Notary handbook, website or statutes. Or check out the NNA's *Notary Primers* or *U.S. Notary Reference Manual*, which is a member benefit. The NNA's Notary Essentials eLearning course guides you through your state's ID rules as well as identification best practices.

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