

October 2016

# The National NOTARY®

[www.NationalNotary.org](http://www.NationalNotary.org)

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## THE STATE OF NOTARY FEES

and What You Can Do to Increase Earnings



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## The National NOTARY

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### OUR MISSION

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

### 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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*David Thun*

Whether you work in an office, a retail environment or as a mobile Notary, you perform a unique dual role as a state-commissioned public servant and private entrepreneur or employee. The fact that states regulate the maximum fees you can charge presents a challenge in pursuing a career as a Notary. But by being smart, creative and — most importantly — good at what you do, you can surpass those state fee caps and earn a significant amount of extra income, and even make a good living.

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## Boost Your Business with Commercial Real Estate Signings

*Kelly Rush*

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## Tips for Protecting a Borrower's Personal Information

*Marcy Tiberio*

While protecting a borrower's personal information has always been a priority, lenders, title companies and settlement services firms have ratcheted up their efforts to keep NPPI out of the wrong hands and expect NSAs to do the same.

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## Striking a Notary-Employee Balance

*Cindy Medrano*

For all of you who work in law offices, banks, insurance companies or any other industry, balancing your duties as a public official and employee can be challenging. We asked our Notary community on social media to express the biggest challenges they face in the office.

# YOUR COMMUNITY



## Notaries React to Fee Increases

**OUR NATIONWIDE COMMUNITY REJOICED** at news that two jurisdictions recently increased Notary fees. Effective January 1, 2017, California Notaries will be able to charge up to \$15 per notarization — a 50 percent increase ([bitly.com/califeeincrease](http://bitly.com/califeeincrease)).

**Leonor Gonzalez, Hialeah, FL:** “Congrats California Notaries, great news.”

**Heather Robertson, Forestville, CA:** “I am a “Retail Notary” — owning a small business in a small town that notarizes amongst other services (shipping, etc). Often I notarize multiple documents and the fee has seemed fair and equitable — occasionally I notarize one single document and yet I spend up to 30 minutes making sure that the customer is comfortable and confident in the process. This raise in fees has been a long time coming and I thank Governor Brown and the NNA for their support in making this long awaited change. Holding a Notary commission along with insurance is not a cheap undertaking.”

**Bobby King, Lubbock, TX:** “I think they did the right thing. It’s about time Texas was raising the Notary fees.”

District of Columbia Notaries were able to start charging \$5 per notarial act, up from \$2, as of July 1, 2016 ([bitly.com/feereaction](http://bitly.com/feereaction)).

**Esther Ghany, Coral Springs, FL:** “I agree on the fees!”

**Ramon Vazquez, Elizabeth, NJ:** “We need to put a minimum fee for loan closings, too.”

**Hugo Salazar, Irving, TX:** “We need an increase in Texas, too!”



## It’s Tough to Turn Down a Notarization Request

**THERE ARE TIMES WHEN** we have to do the unspeakable and say “no” to a notarization. Many of you shared your experiences with this on our social media pages ([bitly.com/refusinganotarization](http://bitly.com/refusinganotarization)).



**Judy Lopez, Rancho Cucamonga, CA:** “The only time I had to refuse a notarization was when I was called to go to a hospital; they told me the woman wanted to get married and needed a power of attorney prior to the marriage. I went there and the woman was in and out of consciousness and was dying from cancer. She had no idea who I was let alone what she was signing... I felt bad but after an hour of explanation, I said I would not be able to notarize because she did not understand and she could not even hold a pen.”

**Jerry Lucas, Chillicothe, MO:** “I might decline if I feel the environment poses a threat to my health. Filthy, contaminated or polluted location, foul odors, insects or rodents, signer is sick and might be contagious.”

**Harold Robertson, Redding, CA:** “In order to avoid interruptions [at my place of employment] by people wanting immediate notarizations, the best practice is to simply have a sign stating that notarizations are by appointment only. It is also a good idea to have that statement on your business cards as well.”

## Never Leave Home without Your Lucky Journal

**A LADYBUG IS KNOWN TO BRING LUCK**

and abundance wherever she goes. These three Notaries found that luck and won a new Ladybug



Journal! Congratulations to our giveaway winners: **Kimberly Grady, Bakersfield, CA; Tifani Estrada, Los Angeles, CA; and Evelyn Hall, Coppell, TX** ([bitly.com/ladybugjournalwinners](http://bitly.com/ladybugjournalwinners)).

## How Familiar Are You with Powers of Attorney?



### SIXTY-TWO PERCENT OF OUR NOTARY

community passed our Powers of Attorney quiz! How would you do? Test your knowledge at [www.bitly.com/poaquiz](http://www.bitly.com/poaquiz).



## Situations That Cause Notaries the Most Anxiety

**ONE OF OUR ROLES AT THE NNA** is to provide Notaries across the country with an opportunity to learn from their peers. One of the ways we do that is by bringing up discussion topics that affect us all. We encourage everyone to share their frustrations and to learn from one another on how to make the best of these situations. Learn from your peers at [www.bitly.com/notaryanxiety](http://www.bitly.com/notaryanxiety).

**Sonita Leak, Greenville, SC:** "Printing was my biggest obstacle in learning the ropes. Quite surprisingly, the documents and what was printed on the material itself was easier than knowing what to do when I had a paper jam at page 187!"

**Lori Mehrer, Cottonwood, CA:** "Dealing with arguing parties."

**Rhonda Anthony, Pasadena, CA:** "Signing services that refuse to take "No" for an answer by dropping work in your inbox regardless of your inability to accommodate them."

**Johanna Bermann, Farmington Hills, MI:** "Late documents are far and away the number one issue. When we are given little or no time to familiarize ourselves with the package it only increases the chance that something will go wrong. Getting docs ahead of time means smoother signings and happier borrowers (and Notaries)."

**Judith Brett, Newport News, VA:** "Trying to drive with a cell phone ringing when I tell people I don't drive and talk on the phone."

**Ilene Anderson Janecek, Ault, CO:** "Title companies calling me when I'm doing a closing. I'm giving the client my full attention and don't like to answer the phone. I feel it's disrespectful to them."

**Alison Marie, Seattle, WA:** "I became a Signing Agent earlier this year, and I find that my biggest challenge is knowing what to charge and how to get those figures."

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



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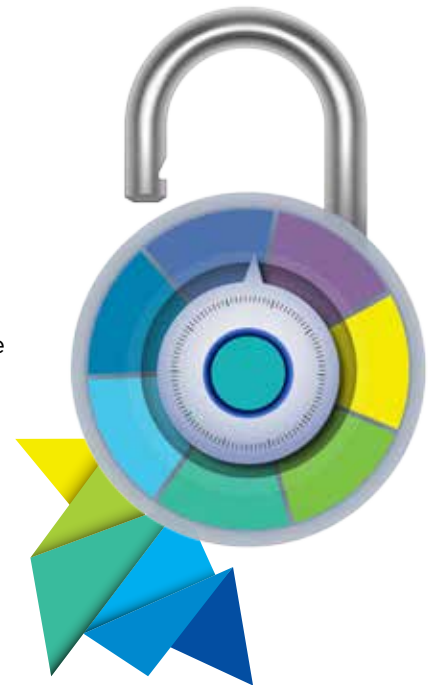
# ASSOCIATION NEWS

## NSA Training Updated with Privacy and Security Section

**TO HELP SIGNING AGENTS BE MORE COMPETITIVE**, the NNA has updated our NSA training course to include information about protecting borrowers' privacy and security. We've added a new click-and-explore section to the training course that covers non-public personal information (NPPI).

Developed in conjunction with leading title companies and signing services, this new section includes best practices for receiving an assignment, accessing a digital loan package, receiving a printed loan package, transporting document packages, handling the signing appointment from start to finish, and what to do after the assignment is completed.

We also have a downloadable self-assessment PDF with a scoring summary page that you can use to gauge your current best practices and areas where you can improve your level of service. This interactive document can be reused to track your progress over time and demonstrate to your clients that you are up to date on industry standards and consumer protection regulations.



## Make Your 2017 Notary of the Year Nominations

**WE'RE LOOKING FOR NOTARIES** who adhere to the highest standards of the Notary office and dedicate themselves to serving their community. All Notaries are eligible to be considered for the Notary of the Year Award program and NNA membership is not required.

If you know someone like our incredible Notaries of the Year including the ones in this photo from left to right: Daniel Lewis (2010), LaQuita Gaskins (2015), Elissa Davey (2016), Barbara Duckett (2000), Jamie Smith Liggins (2004) and David Shean (2014), please let us know.

You can nominate yourself, a friend, a family member, a coworker or any Notary you think deserves to be the NNA's 2017 Notary of the Year. Fill out the nomination form ([bitly.com/NOTYForm](http://bitly.com/NOTYForm)) by December 6. Join us at NNA 2017 in Dallas, Texas, to meet the Honorees and see who will be named 2017 Notary of the Year.

## NNA Releases eNotarization White Paper

**THE NNA PUBLISHED A WHITE PAPER** to help businesses better understand and evaluate how eNotarization can reduce their operating costs and add value for their customers. The white paper covers eNotarization, webcam notarization, the benefits of both, where it's legal and provides definitions for commonly used — and often misunderstood — terms.

To read and share the white paper with your colleagues, please visit [NationalNotary.org/knowledge-center/news/special-reports](http://NationalNotary.org/knowledge-center/news/special-reports).





## Notary's Journal Key Evidence in High-Profile Trial

**THE JOURNAL KEPT BY A NOTARY** working in the Pennsylvania Attorney General's office provided key evidence that helped convict her boss of perjury and several other charges.

Kathleen Kane, who was elected Pennsylvania's Attorney General in 2012, was convicted in August of nine counts of perjury, conspiracy and other charges, according to media reports. Prosecutors claimed that Kane leaked information to the media about a 2009 grand jury investigation in an attempt to retaliate against a political rival, and then tried to cover it up.



Notary Wanda Scheib, a long-time administrative assistant in the Attorney General's office, became involved when Kane testified before a grand jury in 2014 that she never signed secrecy oaths that required her to keep confidential information about state grand jury investigations.

Scheib had notarized Kane's secrecy oaths and duly recorded them in her journal, which she kept locked in a filing cabinet in her office.

## Webcam Notarization Gains Support

### THE CONTROVERSIAL PROCESS OF WEBCAM NOTARIZATION

received endorsements earlier this year from major organizations such as Fannie Mae, Quicken Loans and the Uniform Law Commission for use in mortgage closings.

In a joint letter to the National Association of Secretaries of State (NASS), mortgage giant Fannie Mae and its sister organization Freddie Mac wrote that they "strongly support" removing the barriers to "remote electronic notarization, whereby the requirement for the 'personal appearance' or the 'presence' of the signer is satisfied via a live audio and video connection."

Mortgage lender Quicken Loans also wrote a letter of support to NASS, in which it stated that remote notarization will help consumers close their loans electronically.

Then the Uniform Law Commission amended its the *Revised Uniform Law on Notarial Acts* (RULONA) to include a recommended provision allowing Notaries to perform webcam notarizations for signers outside the U.S. for certain types of documents and transactions.

To date, only Virginia, Montana and Florida have permitted webcam notarizations in any form. Advocates say webcam notarizations are more convenient and secure than a face-to-face meeting. Critics fear the technology could make notarizations more vulnerable to fraud.



## Three Questions about NSA Certification Answered

**"SIGNING AGENT CERTIFICATION"** is becoming a common requirement for NSAs to get loan signing assignments. But Notaries may not know what it means. Signing service owner Marcy Tiberio of Rochester, New York, answers three of the most common questions asked about certification.

- 1. What Does 'Notary Signing Agent Certification' Mean?** In general, a certification program demonstrates that an NSA has the necessary training and specialty skills required to handle loan document signings for lenders, title companies or signing services.
- 2. Is Certification Required To Be A Notary Signing Agent?** Certification isn't mandatory, but it is a critical factor for many companies when choosing an NSA for assignments.
- 3. What Should I Look For When Choosing A Certification Program?** Look for a reputable program that is recognized by companies you want to work with. Check out the company websites for their requirements, or reach out to your contacts.



# THE STATE OF NOTARY FEES

and What You Can Do to Increase Earnings

By David Thun

**W**HETHER YOU WORK IN AN OFFICE, a retail environment or as a mobile Notary, you perform a unique dual role as a state-commissioned public servant and private entrepreneur or employee. While your core motivation is rooted in altruism — a benevolent desire to ensure that life-changing transactions are authentic and executed properly — many of you also became Notaries to earn extra income.

But because your life as a Notary is sanctioned and regulated by your state, so, too, are the fees you are authorized to charge for notarizations. And therein lies the conundrum: Some states have set fair maximum fees, others are dismally low, and others allow a Notary's discretion to set fair fees based on their local market conditions.

The fact that states regulate the maximum fees you can charge presents a challenge in pursuing a career as a Notary. But making a good living with your commission is far from an exercise in futility. Despite fee caps, most states offer ways to go past those limits. And there are myriad opportunities in every community for entrepreneurial Notaries — from officiating at weddings to notarizing car titles to becoming an expert in trust or adoption documents.

By being smart, creative and — most importantly — good at what you do, you can surpass those state fee caps and earn a significant amount of extra income, and even make a good living.

## The State of Notary Fees

The U.S. economy continues to expand along with the cost of living, but in many states Notary fees haven't kept up with the rate of inflation. In fact, in some states the amount Notaries are allowed to charge hasn't changed since the 1800s, which means a single notarial act doesn't pay enough to buy a cup of coffee in 2016.

And consider, too, that over the years, states have increased application fees, bond amounts and added or increased education and testing requirements — all of which increases your cost of doing business. Though some states have increased the maximum fees you may charge in recent years, it's clear there's still a long way to go.

As the summary of maximum state Notary fees shows (see page 13), making a living as a Notary is easier in some states than others. A few states (including Iowa and Kansas) allow Notaries to charge a "reasonable fee" of their choice. At the other end of the spectrum, Rhode Island limits fees to no more than 25 cents per notarization. Vermont is only slightly less stingy with 50-cent fees.

In general, when fee increase proposals reach state legislatures, the opposition is often rooted in

a desire to keep notarization costs affordable for the public at all income levels. It's often overlooked that you have the discretion to charge any amount up to the maximum fee per notarization, including charging nothing for the needy. And this opposition demonstrates that state legislatures view what you do as a public service, not an income-generating enterprise like other entrepreneur classes.

That's a key point: The context in which your services are viewed have a direct correlation to their value and, ultimately, how much you can earn.

Fortunately, lawmakers in some states understand the rough spot Notaries are in and have taken action to bring rates closer to your perceived market value. The most recent example came in California where the maximum fee allowed per notarization was raised from \$10 to \$15.

The measure's author, State Assembly Member David Hadley, said he pushed for the increase after asking a Notary who was notarizing some documents for him why the fees were so low. As a small business owner himself, Hadley says he strongly believes Notaries should have more freedom to set fees appropriate to today's business climate.

"That doesn't mean I think Notaries should charge an infinite amount of money," he said. "You should set your own prices and compete in the market to serve your own customers. All small businesses should have a chance — not a guarantee, but a chance — to succeed."

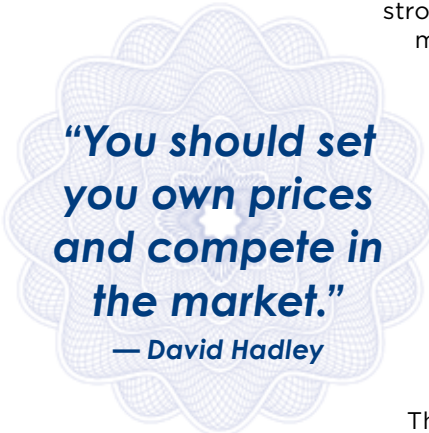
California isn't the only state to increase fees this year.

The District of Columbia raised the amount its Notaries may charge from \$2 to \$5 in July. And Kentucky removed its fee caps and now allows Notaries to set their own reasonable fees.

## What You Can Do to Increase Earnings

For some Notaries, fees are not top-of-mind because they use their commissions for their jobs and either provide their services for free or turn the fees over to their employers. Their salaries are their lifeblood.

But if you are trying to earn extra income or run a full-time Notary business, what you are allowed to charge clearly matters. While the state views you as a public servant, the private citizens or



**"You should set  
you own prices  
and compete in  
the market."**

— David Hadley

For a discussion of fees for loan signings, check out  
[bitly.com/signingagentfees](http://bitly.com/signingagentfees).

companies that hire you view your fraud-fighting services as essential to achieving their business goals. That's where your value really shines — and opens the door for earning more than your state-regulated fees.

Consider these proven strategies for making the most out of your Notary commission:

**Add 'Mobile' to your Notary title:** By becoming a mobile Notary, you travel to a customer's home or office to perform notarizations. And because of this personalized service, you may charge separate fees for your travel, office supplies, printing or other non-notarial services.

Depending on where you live (see [bitly.com/travelfeetips](http://bitly.com/travelfeetips)), you might be able to charge the standard IRS mileage rate of .54 cents per mile (2016 rate). Or you might charge flat fees for distances up to 25 miles, 50 miles and so on. Some mobile Notaries charge a flat fee for the entire visit based on travel, administrative services and the number of notarizations needed. How you break down your service fees beyond notarizations generally is up to you, but you should always make sure your client understands and accepts the fees before the appointment.

Valerie Barrett, an experienced mobile Notary in Orange County, California, also charges separate service fees if a mobile Notary request requires additional services or takes place under unusual conditions. For example, sometimes she will be asked to travel outside business hours (such as before 8 a.m. or after 7 p.m.), or the

notarization may take place on a holiday or at an unusual location such as a jail or airport. In these situations, Barrett contacts the signer in advance to let them know that there will be an additional service fee charged separately from the statutory notarization fee. Barrett prepared a personal fee checklist for special services that she uses as a reference when negotiating travel or other additional requests such as photocopying documents for a customer.

"It's important to factor in your expenses and keep them in mind when negotiating travel and service fees," Barrett said.

"For example, if I'm going to a jail facility to perform a notarization, I know I will usually be charged for parking. I add that to my travel fee for the trip."

A few states set limits or specific amounts that can be charged for travel — for example, Maryland allows mobile Notaries to charge \$5 plus 31 cents per mile for travel expenses. Always be sure to follow any state rules regarding travel or other service fees, such as photocopying fees.

It's also recommended that you explain to the signer that your travel or administrative fees are separate from the fee for the notarization. And be sure to let the signer know if you charge a travel fee even in the event the notarization can't be completed due to unforeseen circumstances.

**Become a Notary Signing Agent:** One of the most common, and lucrative, income paths for

**"It's important to factor in your expenses when negotiating fees."**

— Valerie Barrett

## Sample Service Options For Mobile Notaries


Valerie Barrett of Orange County, California, offers services for customers that includes both basic notarizations and special non-notarial services, such as the following:

- Each signature notarized
- Identity proofing
- Handling trust documents
- Notarizing loan documents
- Mailing marriage documents on behalf of a couple getting married
- Courier Service in Orange County
- Courier Service outside Orange County
- Service at jails/secured facilities
- Providing a declaration or other statement that certain services were performed for special transactions such as adoptions
- After hours/holiday charge (before 8 a.m. and after 7 p.m.)
- Copies
- Faxing
- Mileage

## State Maximum Fees for Common Notarial Acts

State	Acknowledgments	Jurats
Alabama	\$5	\$5
Alaska	No fee schedule	
Am. Samoa	\$10 per signature	\$10 per signature
Arizona	\$2 per signature	\$2 per signature
Arkansas	\$5	\$5
California	\$10 per signature (\$15 as of Jan. 1, 2017)	\$10 per signature (\$15 as of Jan. 1, 2017)
Colorado	\$5	\$5
Connecticut	\$5	\$5
Delaware	\$5	\$5
DC	\$5	\$5
Florida	\$10	\$10
Georgia	\$2	\$2
Guam	\$10 first two signatures; \$8 each additional signature	\$10 first two signatures; \$8 each additional signature
Hawaii	\$5 original+one duplicate, \$2.50 for each duplicate after	\$5 for original and four copies, \$2.50 for each extra copy
Idaho	\$2	\$2
Illinois	\$1	\$1
Indiana	\$2	\$2
Iowa	No fee schedule	
Kansas	No fee schedule	
Kentucky	No fee schedule	
Louisiana	No fee schedule	
Maine	No fee schedule	
Maryland	\$4	\$4
Massachusetts	No fee limits for acknowledgments or jurats.	
Michigan	\$10	\$10
Minnesota	\$5	\$5
Mississippi	\$5	\$5
Missouri	\$2	\$2

State	Acknowledgments	Jurats
Montana	\$10	\$10
Nebraska	\$5	\$2
Nevada	\$5 for first signature, \$2.50 for each additional signature	\$5 per signature
New Hampshire	\$10	\$10
New Jersey	\$2.50	\$2.50
New Mexico	\$5	\$5
New York	\$2	\$2
North Carolina	\$5	\$5
North Dakota	\$5	\$5
Northern Marianas	\$2	\$2
Ohio	\$2	\$2
Oklahoma	\$5	\$5
Oregon	\$10	\$10
Pennsylvania	\$5 first signature; \$2 for each additional signer	\$5
Puerto Rico	Fees vary depending on act	
Rhode Island	\$1	25 cents
South Carolina	\$5 per signature	\$5 per signature
South Dakota	\$10	\$10
Tennessee	No fee schedule	
Texas	\$6 first signature; \$1 each additional signature	\$6
US Virgin Islands	\$5	\$5
Utah	\$5	\$5
Vermont	50 cents	50 cents
Virginia	\$5	\$5
Washington	\$10	\$10
West Virginia	\$5	\$5
Wisconsin	\$5	\$5
Wyoming	\$5 per signature	\$5 per signature



**You can make  
a difference by  
being smart,  
creative and  
committed.**

Notaries working as a Notary Signing Agent, notarizing loan documents and couriering completed loan packages to lenders and title companies. Because these assignments involve more than simply notarizing documents, you are not constrained by state-mandated fee limits.

In general, becoming an NSA is a two-step process. First, most lenders, title companies and settlement services require Signing Agents to pass background screenings — typically on an annual basis. Second, a growing number of companies also want NSAs to have some type of educational certification.

Because NSAs are part of the mortgage industry, be aware of the extra requirements and rules. Some states require Notary Signing Agents to obtain a certification or extra credentials, such as a title insurance license, and a few states do not permit Notaries to work as Signing Agents at all. Because Signing Agents handle sensitive personal customer information, many companies ask Signing Agents they work with to be background screened and certified on an ongoing basis. You can learn more about the requirements to be a Signing Agent at [NationalNotary.org/Signing-Agent](http://NationalNotary.org/Signing-Agent).

Once prospective NSAs get the proper certifications, it becomes a simple matter of marketing. As with any business, that's an ongoing activity. Experienced NSAs also say that finding a mentor often helps newbies become successful.

However you approach your Notary career, you can make a difference for yourself and your clients by being smart, creative and committed. As with any career or vocation, if you put in the effort, provide top-notch customer service, and develop a solid reputation of trust, there's no limit to what you can earn. ■

## What You Can Do about Fee Limits

If you're a particularly dedicated Notary living in a state with low maximum fees, it's possible to become a champion for legislation to increase them. Many of the fee increases began as local grassroots campaigns that resulted in a lobbyist or state official taking up the cause. As California's fee increase shows, legislators just might listen if you speak up. ([bitly.com/CAFeeRaise](http://bitly.com/CAFeeRaise)).

California's bill (AB 2217) was fast-tracked through both the Assembly and Senate thanks to the efforts of more than 1,200 Notaries who answered the NNA's call and reached out to their local legislators to support it.

If you're interested in advocating for a state fee increase for Notaries, here's what you can do:

- Write your local state representative or state senator, and ask if they are willing to introduce or support a bill to raise fees in your state. If you send a physical letter, be sure that it is typed or printed legibly, and includes your contact information.
- You can stay abreast of current Notary bills in your state using the NNA's Online Law Database ([bitly.com/NotaryLaw](http://bitly.com/NotaryLaw)) as well as updates and breaking news about important Notary bills in the NNA's *Notary Bulletin* ([bitly.com/NotaryBulletin](http://bitly.com/NotaryBulletin)).
- If you want to reach out via email or your lawmaker's website to support Notary fee increases in your state, keep your message brief, on-topic, and be sure to check spelling and grammar. Be careful if sending a message via mobile phone — many phones have an "autocorrect" function when typing messages that can swap the wrong word for something you type if you're not careful.

Getting any kind of legislative change is not easy, but Notaries represent a sizeable constituency in most states. Texas, for example, has more than 400,000 Notaries. Vermont has more than 14,000 out of a population of about 626,000. And you are all of voting age.

For tips and guidance about building your business, check out  
[bitly.com/buildingbiz](http://bitly.com/buildingbiz).

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**BOOST**



WITH

# COMMERCIAL REAL ESTATE SIGNINGS

By Kelly Rush

**F**OR MOST MOBILE NOTARIES, **LOAN SIGNINGS** are an important part of their business. And while there are millions of signing assignments for residential property transactions, commercial real estate signings are often overlooked — and pay much more.

“This is where the big bucks are,” said Frank Marcial, a seasoned California Notary Signing Agent and the NNA’s 2006 Notary of the Year. “If you’re a commercial Notary and you get known, you get jobs from New York, Texas — all over.”

Marcial said commercial assignments can pay from \$200 to \$1,000, depending on the number of certificates to be signed, travel time and sitting time. (He charges up to \$18 an hour to sit and wait for everyone to be ready.)

Commercial signings often involve large-scale business transactions, from the sale or refinancing of various commercial properties to various types of partnership agreements and other business documents.

This line of work has been so lucrative for Marcial that it helped him buy several homes and build a nice portfolio for his retirement. But he stressed that commercial signings are no more difficult than residential signings, and the field isn’t any harder to break into. Nor does it require any special training or education.

## Breaking In

Marcial has been doing these types of signings for years, but he didn’t get into them intentionally. He got a phone call from a doctor at Kaiser Permanente who needed a notarization for a K1 distribution, a document used to report the incomes, losses and dividends of a partnership. The doctor asked if he was the man for the job, and Marcial said yes. His only caveat: “Just check with your attorney and make sure you have the proper notarial certificates to use.”

This one document, outside the scope of the typical NSA signing, led to more commercial-related signings through referrals, and the business took off from there.

But this opportunity was not purely a fluke. It came, he says, because of all the time and effort he put into building his brand. He says that’s how other NSAs can start getting commercial signings as well.

When you’re doing retail signings, you’re going to come across a certain percentage of people who are in business. They often need partnership agreements signed, K1 forms notarized, etc.

He hands out his business card, a pen and marketing literature at every signing, whether it’s for an individual homebuyer, a mom and pop store or a large corporation. He gets to signings early and places these items on the table. That way, the principals involved in the signing take the items with them and then spread the word.

“I would get there a half hour before the signers, and would have those three items, including the pen they were going to use, ready to go. That’s how I got my first commercial signing,” he said. “And that one led to another and another and another.”

He also looked the part at signings: “I didn’t care what they looked like. They were very powerful people; they were wearing sandals. I was in a tie, jacket, shoes, hair perfectly combed. That’s how they got to know me. They’d think ‘this isn’t any regular Notary.’”

## Learning the Ropes

Though a specialized education isn’t required, there are a few licenses and certifications NSAs should consider obtaining in order to be fully prepared.

Because his experience was in California, Marcial recommends getting a California insurance license and a department of real estate license. These licenses aren’t any more expensive or more difficult to obtain, in his opinion, than the California Notary license. Notaries in other states might consider their equivalents.

So what’s the secret to commercial signings? “You don’t say anything,” he said. “You’re not allowed to. All you do is smile and collect your fee at the end. You’re verifying that this person signed the document,” but leave the advice to the lawyers and the CPAs.

In fact, the NSA isn’t in charge of setting up the signings or coordinating people’s schedules to ensure smooth execution. The principals’ attorneys and other professionals will negotiate the day the signing will take place, the number of Notary certificates to be used, plus the time and location of the signing. You just show up.

The Signing Agent will then go over all the documents and determine there are no blank spaces, then ensure the principal has provided proper Notary certificates. Again, any questions signers may have are directed to professionals such as CPAs, attorneys, and financial advisors.

## Adding Up the Certificates

A big reason that the signings pay so well is the number of notarizations, Marcial said. For example, in a swap rate agreement — where two parties agree to exchange interest payments — there are so many certificates, multiple Notaries could be required for up to six hours.

“Every time you do a certificate, it’s like the checkout counter at Ralph’s. Every time the cashier rings up a jar of peanut butter the total goes up,” he said. He estimates there may be a

**“All you do is smile and collect your fee at the end.”**



few dozen notarial certificates involved in a typical transaction. It's not the complexity of the agreement that determines price but the number of required certificates to be signed.

Marcial has achieved a lot of success in his NSA career, and these types of signings were a large part of his success.

He says the business has only one downside: because of the complexity of these documents, and the need to coordinate multiple parties, sometimes the Notary has to sit and wait for a few hours. But, Marcial simply charges the extra fee to wait.

Commercial signings also taught him many valuable lessons, which he's used to buy personal properties and obtain deals. His main advice for breaking into the biz: take it seriously, and don't say 'no.'

"You can't have boundaries. You're a state of California Notary, not a city of Los Angeles Notary," he says. "If your business is serious, you'll grow financially and get known for your brand. It's going to happen. Business will come." ■

## Commercial Real Estate Signings Facts:

- Commercial signings often involve the sale or refinancing of various commercial properties, or documents related to business partnerships.
- Assignments can pay from \$200 to \$1,000, depending on the number of certificates, travel time and sitting time.
- You get assignments by marketing yourself to commercial real estate brokers and attorneys.
- No special training is needed, but having real estate or insurance licenses help.

## It Wasn't Me



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### POLICE REPORT

Victim: Stanley Bupkis

Crime: Tax-Related Identity Theft

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

### Perpetrated Crime:

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

### Resulting Impact:

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

\*Event and character represent a fictitious portrayal.

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

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

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



# HOW TO **PROTECT** YOUR SIGNERS, AND YOURSELF, FROM **DATA BREACHES**

By Marcy Tiberio

**T**HE EPIDEMIC OF CYBERCRIME has made nonpublic personal information (NPPI) a hot topic — and that is especially true for Notary Signing Agents and everyone else working in the mortgage lending industry.

While protecting a borrower's personal information has always been a priority, lenders, title companies and settlement services firms have ratcheted up their efforts to keep NPPI out of the wrong hands. Virtually every piece of information you receive — from the closing confirmation to the loan package — should be considered sensitive information. How Signing Agents treat that information has never been more crucial.

Items such as the borrower's phone number, loan amount, interest rate and email addresses now fall under the umbrella of NPPI. Just knowing that a person is refinancing and who their lender is could be considered NPPI.

There are a number of practices we should follow to help keep our customer's information safe and protect ourselves from suffering a data breach. They fall under two broad categories.

## **Technology Practices**

Computers, mobile devices and the internet have been a boon to business transactions the world over. But the convenience and efficiency of technology has also made it easier for criminals to target high-value transactions, such as mortgage originations. All it takes is a single lapse, and hundreds of thousands of dollars can be directed into the wrong hands. So the companies that contract with NSAs expect us to be diligent. The following practices will go a long way toward meeting those expectations:

- Never take a picture of a borrower's ID. I cannot stress this enough. You should never store any personal information about a consumer on your phone. It could accidentally be saved to a SIM card or your Dropbox account, or you may just forget to delete it. If your phone is hacked or stolen, a

thief will get a photo of someone's driver's license. Many Notaries email the photo of the license from their phone. If you use a public Wi-Fi network or unencrypted email, that email could easily be intercepted and fall into the wrong hands.

- All emails with NPPI should be either encrypted or password protected.
- Never send documents back to title or the lender by email unless they are password protected. If you don't have the ability to do so, then faxing is the better option.
- Pay close attention to the emails you receive from the title company, lender or anyone else involved in the loan. Does the sender's address look correct? Does the signature line look correct? Are they asking you for something that seems a bit off? When in doubt, call the sending party and verify.
- Use strong passwords that involve lower case and upper case letters, numbers and special characters. Don't use the same password over and over, but try to use a new one each time. Also change your passwords frequently, at least every 180 days.
- Never write your passwords down where someone can find them.
- All technology items should be password protected, including computers, smartphones and tablets.
- Your computer should be set to lock out automatically after a short interval of time, such as 15 minutes.
- Make sure to encrypt the data on your smartphone. Many phones have encryption options, and there are numerous apps that can be downloaded.
- Do not use public Wi-Fi access because it typically is not secure. You should also hide your home Wi-Fi network and change the default password to a more secure one.
- Many NSAs are tempted to print or copy loan packages at Staples, OfficeMax or other retail stores. But most printers and copiers have hard drives that store information long after you have departed. That allows multiple parties to access your borrower's information.
- Limit access to any technology you use for work. That includes keeping your home computer and other devices secure from you own family. They might inadvertently do something that exposes NPPI. It's also a good idea to avoid surfing the web on the same computer you use for work because that can increase exposure to viruses,

malware and other cyberattacks, which could lead to a potential breach.

## Low-Tech Practices

Not every risk comes from a cybercriminal. And not every data breach involves the internet. A borrower's NPPI can be compromised by a variety of old-fashioned lapses.

- Any documents you print, such as the closing confirmation or loan package, should be stored securely in a locked cabinet — but only as long as you need them. Once those documents are no longer necessary, dispose of them using a shredder or reputable shredding service. A loan package in your trash can is a data breach waiting to happen.
- Use caution with utilizing outside services such as computer repairmen, shredding services and copier repair companies. Make certain you have fully vetted them, and limit their access to what could be considered NPPI.
- Never share details of a closing with someone outside of the transaction. Saying something as simple as, "Hey I closed a loan for Mrs. X. Remember her? She was our old lunch lady," could be considered a breach of information.
- Make sure you handle all of your packages yourself, and keep them secure until you drop them. Never leave them with a receptionist who keeps a stack of packages on their desk or with a friend who is going drive by FedEx anyway. Documents should be locked in the trunk of your car or in a locked file cabinet at all times. Try to use a FedEx or UPS location instead of a drop box whenever possible.

Finally, take a look around your work space on a regular basis. Review your processes. Ask someone else to take a look and share their thoughts. Try to find potential weaknesses and tighten up your security.

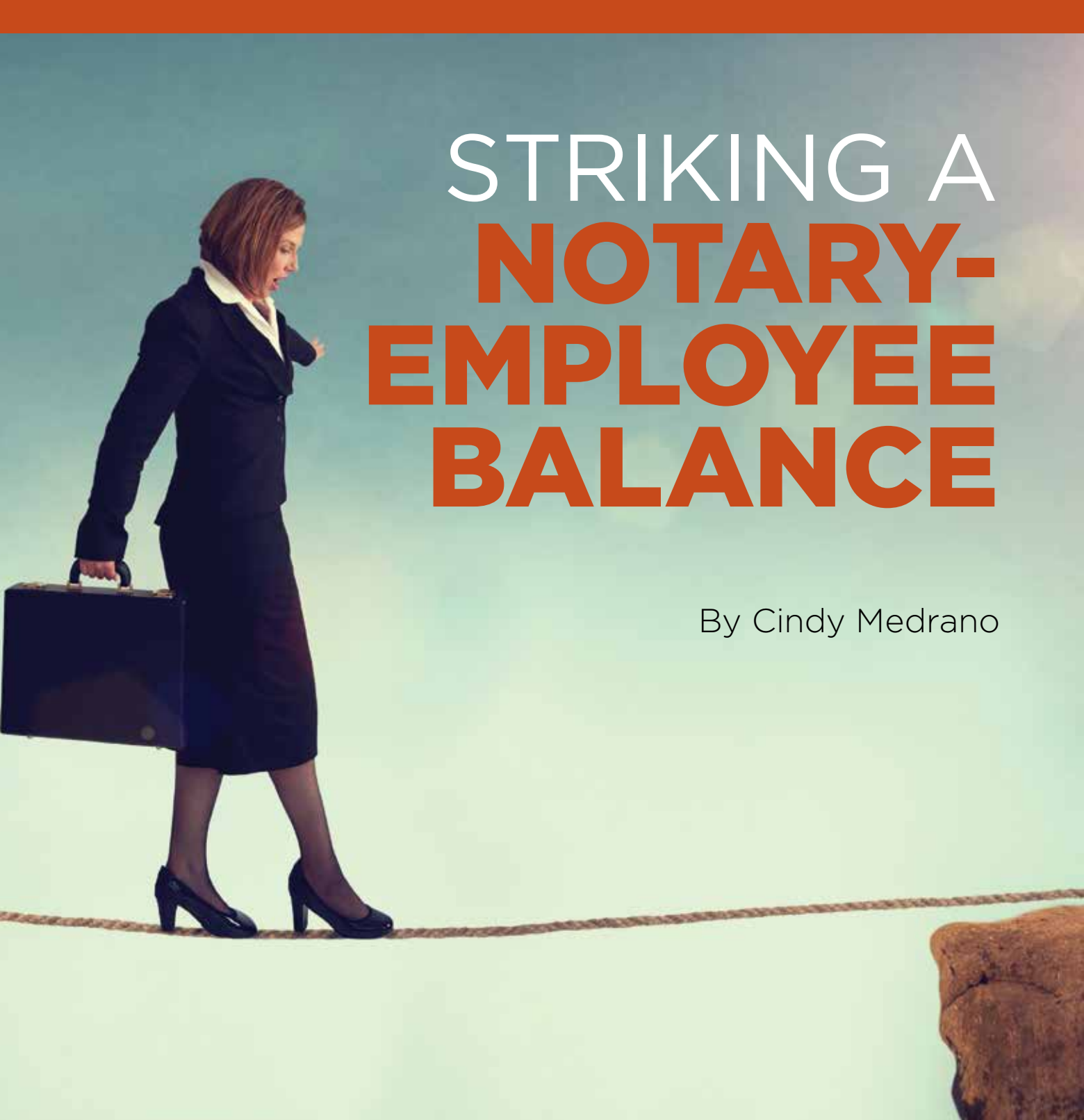
A data breach could have disastrous results — from destroying your reputation, to a financial loss for your customers to a potential lawsuit. Most breaches of technology are not covered under your E&O insurance and the expense of defending a lawsuit could be exorbitant, and potentially close the doors on your business. Don't let that happen to you.

One of the best ways to approach protecting your customer's information is to treat it as though it were yours.

*About the author: Marcy Tiberio is an NNA 2015 Notary of the Year Honoree and owner of Professional Notary Services, Inc., in Rochester, New York. She can be reached at [marcy@professionalnotaryservices.biz](mailto:marcy@professionalnotaryservices.biz).*



**Treat your customer's  
information as  
though it were yours.**



# STRIKING A NOTARY- EMPLOYEE BALANCE

By Cindy Medrano

**T**HE OVERWHELMING MAJORITY OF AMERICAN NOTARIES get their commissions at the request of their employers. Whether you work in a law office, bank, insurance company or any other industry, balancing your duties as a public official and employee can be challenging.

We asked our Notary community on social media to express the biggest challenges they face in the office. Here are their concerns:

### **Pressures From Boss and Coworkers**

In a recent online survey, 30 percent of Notaries said that pressure to ignore or break state laws while notarizing is an important or very important issue they face.

Arizona Notary Bonnie Purtill, says she encounters the "but you know me..." statement when coworkers leave paperwork to be notarized without having proper identification with them or wanting to be there when the notarization is performed.

Some employers assume they can direct their employee to look past laws and rules when notarizing in the office. Bosses will even ask the employee to notarize a document without the signer personally appearing or showing ID. However, it does not matter how often you notarize documents for your coworkers or supervisors, personally appearing before you and verifying their identity is always required. For Notaries in California, that always means requiring signers to present acceptable ID.

Many times coworkers will bring in their personal documents for notarization, which can add to your workload and stress.

Evelyn Hall, an Executive Assistant for Charter Communications in Dallas, Texas, said she encounters these situations on a daily basis, and many coworkers show up without proper ID. Hall, one of three Notaries in her office, handles personal requests by making an appointment with the coworker for a later time and reminding them to bring their ID.

Although it can be intimidating to tell your boss or coworkers you can't perform the notarial act they want, stand your ground and follow all rules despite added pressures. It is up to you to educate your supervisors about what is and what is not a legal notarization request.

### **Mishandling Notary Seal and Journal**

A question that the NNA Hotline often gets involves the proper storage of Notary seals and journals. It's easy for an office Notary to leave their seal and journal on their desk during the work day. But leaving them out in the open is risky because they might end up in the wrong hands and used to commit fraud.

"It is important for employers to understand the Notary's personal liability in the event the Notary's seal is used fraudulently," said Christine Wissbrun, NNA 2016 Notary of the Year Honoree, who is the go-to Notary in the clerk's office in Rochester Hills, Michigan.

Your seal and journal are your responsibility as a state-commissioned Notary, and should be stored in a locked, secure place under your sole control when not in use.

Employers sometimes expect — even demand — to keep custody of their staff Notaries' tools, especially if they paid for them. But your seal belongs to you and cannot be turned over to anyone.

While that also is generally true for Notary journals, there are some states with exceptions.

Arizona allows Notaries working under limited circumstances to keep two journals. One for public records and the other for nonpublic records protected by the attorney-client privilege or that are confidential pursuant to state or federal law. The journal containing nonpublic records is the property of the employer. The employer may keep the journal containing only nonpublic entries, if the Notary leaves the job.

In Oregon, Notaries may sign an agreement with their company allowing the employer to keep the journal if the Notary leaves the employer's service. The Notary must keep a copy of the agreement.

**Some employers assume they can direct their employee to look past rules.**

### **Public Misconceptions**

Cathy Betts of Renton, Washington, wrote on Facebook that clients misunderstand the role Notaries play in protecting people. Clients, coworkers and supervisors often don't know what being a Notary entails. Some will also question why a Notary is needed for certain documentation.

This was echoed in the online survey, which found that 62 percent of the office Notary respondents said that "signers who don't understand what I can and can't do as a Notary" was an important or very important concern.

One of the most common issues is the signer who doesn't know what type of notarial act they need, and doesn't understand why you can't tell them. They often don't want to hear that something as simple as recommending a notarial act would be unauthorized practice of law. And crossing that line could potentially result in serious consequences for you, including financial losses as well as the loss of your commission.

At best, you can assist signers without engaging in UPL by explaining what you can and

cannot do as a Notary, describing the different types of notarial acts, and letting them choose or referring them to someone who can give them proper advice.

"It can be very frustrating to try and assist customers who do not fully understand the Notary process," said Wissbrun.

## Clients misunderstand the role Notaries play.

### When and Where to Notarize

There's often confusion over how much employers may control when and where employees may perform notarizations.

Some states permit employers to limit the notarizations employees can perform during business hours to customers only. Other states, however, prohibit companies from restricting services to

customers and clients. So it's important to be familiar with the requirements of your state.

When it comes to offering your services outside of business hours — including lunch breaks — you may perform any lawful notarization if requested by a member of the public.

### Be Proactive

The best way to avoid problems in the workplace is by staying up to date on state laws and notarial practices while educating coworkers of the legal risks of improper notarizations. Creating formal office policies for notarizations will bring ease to the environment and reduce legal risks.

Remember, you are the Notary expert in your workplace. It's a good idea to keep your state Notary handbook and other reference material handy to refer to so signers know exactly what is needed or why you're refusing the notarization.

"Notaries who demonstrate personal integrity, flexibility and willingness to put in extra effort to perform impeccable services are the ones who build reputations that ensure success," said Hall. ■

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## Understanding ‘Apostilles’ and Authentication Certificates



Notaries often encounter documents that will be sent to another country. While you notarize these documents the same as any other, they may require an additional level of authentication in order to be accepted in the destination country.

This authentication is a certificate — often known as an *apostille* — attached to the document by an appropriate government official after it is notarized. While you are not responsible for obtaining an *apostille*, signers often ask about them, so it’s helpful to understand what they are and how they work.

### Apostille or Authentication Certificates?

*Apostilles* and authentication certificates validate the seal and signature of a Notary on a document so that it can be accepted in a foreign country. Both verify that you held a Notary commission at the time you notarized the document.

*Apostilles* are used when public documents are being transferred between countries that are party to the Hague Apostille Convention of 1961. This international treaty streamlined the cumbersome, traditional procedure for authenticating documents.

An *apostille* is issued by your Secretary of State’s office or Notary commissioning agency. The single *apostille* is the only

certification needed. Once prepared and verified, the *apostille* is attached to and sent along with the notarized documents. This all happens after the notarization, and requires no action on your part.

Authentication certificates are used for destination nations that are not part of the Hague Convention. Instead of a single *apostille*, the document needs several authentication certificates, including those from your commissioning agency, the U.S. Department of State, the consul of the destination country and potentially another government official in the destination country.

### Getting a Notarization Authenticated

According to the U.S. Department of State, documents that may require authentication for use abroad include: affidavits, agreements, articles of incorporation, company bylaws, deeds of assignment, diplomas, home study, income verification, powers of attorney, single status, transcripts, trademarks, warrants, extraditions, certificates of good standing, and other general business documents. Also, parents wanting to adopt a child living in another country must have their adoption dossiers properly authenticated.

But your client is responsible for requesting the authentication — not you.

Requests for an *apostille* or authentication certificate are generally submitted in writing to your state’s Notary commissioning authority (usually the Secretary of State’s office) and should contain:

- An explanation of why the *apostille* or authentication is needed
- The original document, including the Notary’s completed notarial certificate
- The final destination of the document
- A postage-paid return envelope addressed to either the document custodian or the document’s final destination
- The required fee (varies by state)

The commissioning office determines whether the document requires an *apostille* or authentication certificate, based on the document’s final destination.

### What’s the Notary’s Role?

Your only responsibility is to notarize the document itself. Because the document is destined for another country, the notarization must be performed perfectly to ensure that there aren’t any problems on the receiving end. For example, some judges presiding over adoption cases in other countries may reject documents not properly notarized.



## *No Notarial Wording, Credible Witnesses, Jurats...*

*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.*

**One of our clients came to us after another Notary told her that she could not perform the notarization because the document did not indicate what type of notarization was needed. Are we supposed to refuse the request in this circumstance?**  
— L.M., California

It depends. You may notarize a document that does not have pre-printed notarial wording provided the signer tells you what type of notarization is needed. You would then attach the appropriate certificate wording. If the signer can't tell you that and can't find out from the issuing or receiving agency, then you'll have to refuse the notarization. As nonattorneys, Notaries cannot decide the type of notarization to perform on a document because the choice can have important legal ramifications.

**May a 91-year-old woman in a nursing home use two credible witnesses I don't know personally to identify her when she signs a Durable Power of Attorney?**  
— K.M., Florida

A Florida Notary may rely upon the sworn written statement of one or two credible identifying witness(es) when identifying a signer, irrespective of the signer's age. The two witnesses must present acceptable identification to the Notary.

**If a Notary performs a jurat and the signer takes an oath that the information is correct in the document, is the Notary responsible if the information in the document turns out to be incorrect?**  
— T. W., Florida

No. The Notary is not responsible for the contents of the document — the signer is. The Notary must perform the notarial act being requested, in this case adminis-

tering an oath and witnessing the signer sign the document.

**If a signer presents you with an ID, and the address on their ID is not the same as their current address, which address do you record in your journal?**  
— R.S., Arizona

The statute (ARS 41-319) only requires the "address" of each person for whom a notarial act is performed. However, the Arizona Secretary of State's *Notary Public Reference Manual* suggests, "To ensure accurate documentation of identification information, the Notary should record the signer's name and address in his or her journal as provided on the ID."







**A co-worker wants me to notarize her signature on a document to replace a “Consular Report of Birth Abroad (FS-240)”. As I have never seen this type of form before, can I notarize it?**

**— R.W., California**

Yes. You are not responsible for the content of the document, only for completing the requested notarization. The signer would tell you whether they need an acknowledgment or jurat. If the signer is unaware of what type of notarization they require, they would need to consult with the agency that requested the notarized letter, as Notaries are not allowed to advise or choose the notarial act for them.

**In New York, is notarial wording required if the document is not going to be recorded? Can I take an acknowledgment of a document with no wording and not attach a loose certificate?**

**— S.K., New York**

No. A New York Notary must always complete, sign, and affix their seal to notarial wording regardless of whether or not the document will be recorded.

**Am I allowed to notarize a power of attorney involving my mother-in-law, father-in-law and sister-in-law? Neither my husband nor myself are named in the documents and will not benefit from this agreement.**

**— K.P., Massachusetts**

No. A Massachusetts Notary may not notarize for a spouse, domestic partner, parent, guardian, child, or sibling, including in-law, step-, or half-relatives.

**I am going to notarize documents for a person in jail. What form of ID can I accept from him?**

**— J.J., California**

For incarcerated individuals, you may accept any of the following IDs:

- California Department of Corrections and Rehabilitation (CDCR) identification card for an inmate in custody in an institution in the state of California correctional system
- Any form of ID issued by a sheriff's department for a prisoner in custody in a county jail or local detention facility.

**A client has a court hearing by telephone with a Florida court and has asked to be sworn in during that phone hearing. Is this possible?**

**— L.C., Michigan**

Yes, as long as the affiant appears in person before you, you are able to administer an oath to her with someone else on the phone listening.





## *Avoid Common Notary Certificate Mistakes*

While minor errors on a notarial certificate might not seem to be a big deal, they can lead to major headaches down the road — including rejection of the documents by the receiving agency. Factor in potential late fees, penalties, and other costly consequences, and you could be dealing with a very angry, and possibly litigious, client.

Many of the most common errors are easily avoided. The key is recognizing — and fixing — the mistake, before it becomes a problem.

### **Mistake #1: Misreading certificate wording**

Read all notarial certificates carefully to make sure you understand what you are being asked to do, and then enter the information accurately. If you don't, you won't know how to complete the certificate. One common mistake occurs when a Notary writes his/her own name in a blank that is meant for the signer's name.

### **Mistake #2: Not matching your name to your commission**

The name you write on a notarial certificate must exactly match the name on your official Notary commission. Also, you must sign each certificate with the signature that you filed with your commissioning official. For example, don't leave out or add an initial to your signature if it

doesn't match your commission name on file.

### **Mistake #3: Not entering the correct venue**

The venue space on a certificate refers to where the notarization took place. Always make sure this space is filled in accurately. If the certificate comes to you pre-printed with the wrong location, cross it out and write in the place where the notarization occurred.

### **Mistake #4: Improperly dating a certificate**

Mistakenly entering the wrong date or post-dating a certificate is a serious error. Check the calendar and make sure the date is the day you perform the notarization.

### **Mistake #5: Bad Notary seal impressions**

Documents containing upside down, blurred, or partial Notary seal or stamp impressions are likely to get rejected.

### **Mistake #6: Correcting expired stamps**

Sometimes Notaries think they can use a seal from their expired Notary commission. If your state requires your seal to include the expiration date, you must obtain a seal with your current commission expiration date. Even if not required by law, correcting a commission expiration date in a seal impression could cause the document

to be rejected. Either way, it's time to order a new stamp.

### **Mistake #7: Stamping over text or writing**

In this case the seal or stamp impression covers other parts of the document, including the notarial wording or signature, making them illegible.

### **Bonus Mistake: Not including your title**

California Notaries must include their title in the California acknowledgment form after printing their commission name: "Notary Name, Notary Public." Notaries in other states may also encounter Notary certificates that require them to print their title after their name.

### **Tips for Avoiding Certificate Errors**

- **Know Your State Requirements:** Certificate wording can change, so keep up to date with the requirements for your state.
- **Don't Rush:** Take the time to read the certificate to make sure you know what it is asking for. Double-check each entry for errors or other problems.
- **Be Prepared:** Make sure your notarial tools are current, especially your official Notary seal.

Learn more about best practices and procedures in the NNA's Notary Essentials course:  
[NationalNotary.org/notary-essentials](http://NationalNotary.org/notary-essentials)



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