

April 2015

The National NOTARY®

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THE NEXT IMMIGRATION WAVE

Why The
President's
Executive Order
Matters To You



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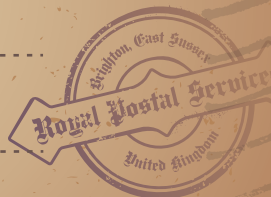
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A. Dudley

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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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The Next Immigration Wave

David Thun

Historically, only a tiny fraction of Notaries have been directly involved in immigration-related matters. Following President Obama's executive order that drastically reshapes U.S. immigration policy, millions of undocumented residents likely will seek to change their status. That's just the tip of the iceberg. Currently 13 percent of the U.S. population was born somewhere else, and that ratio is growing. Like native-born Americans, they will open bank accounts, purchase homes and vehicles, and more — all of which will increase the need for notarizations. So there is a good chance that most Notaries will cross paths with immigrant signers and have to deal with any number of issues, from unfamiliar IDs to language barriers.

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Minimize Your Data Security Risk

Kenya McCullum

Data security has been a hot topic in light of recent hacking scandals. As a Notary, you may think data breaches are something you don't need to worry about. Experts show how small businesses are prime hacker targets and explain how Notary entrepreneurs can protect themselves and their clients.

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Getting to Know the New Closing Disclosure

Bill Anderson and Steven Bastian

Coming in August of this year, Notary signing agents will begin to see the Consumer Financial Protection Bureau's new Closing Disclosure form in loan document packages. The NNA's Notary experts have gone over the new form and provide a detailed, illustrated overview of what it will look like along with explanations for each section.

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Introducing Our Honorees for 2015 Notary of the Year

NNA Staff

Each year, the NNA celebrates the accomplishments of a select group of truly special Notaries. They represent the best traditions of the office combined with a commitment to serving their communities. We proudly introduce this year's five outstanding honorees.

ASSOCIATION NEWS

2014 Coolidge Prize for Journalism Presented in New York

THE CALVIN COOLIDGE PRESIDENTIAL FOUNDATION has named Dr. Donald Boudreaux of George Mason University as the 2014 recipient of its Coolidge Prize for Journalism. The award is presented to a writer whose work best embodies the “spirit and values” of Calvin Coolidge, our nation’s 30th President. Coolidge, who was a Notary Public and also the only President to be sworn into office by a Notary Public, was well known for his deep dedication to public service, impartiality, integrity and his centrist approach to cross-party politics. NNA Chairman Milt Valera, a Foundation Trustee, served as the jury chair for the distinguished panel of judges for the Coolidge Prize for Journalism. The presentation to Dr. Boudreaux was made at the Foundation’s 2nd Annual Gala in New York City at the Metropolitan Club.



From Left: Christopher Coolidge Jeter, great-grandson of President Calvin Coolidge; Dr. Donald Boudreaux, recipient of the 2014 Coolidge Prize for Journalism; and Milt Valera, Calvin Coolidge Presidential Foundation Trustee and National Notary Association Chairman.

State Primers Getting a Makeover

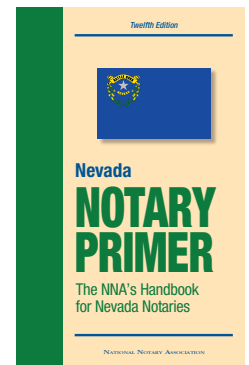
THE NNA IS HARD AT WORK

revising our state primer content to reflect newly enacted legislation and regulations that affect your role as a Notary.

One-by-one, these state-specific guides are getting a visual makeover to match the updated and easy-to-read content.

The first state getting its streamlined primer is Nevada. And remember, our *U.S. Notary Primer* explains the laws and procedures in all U.S. states and territories.

Anyone interested in keeping up with the most current law updates can access our free Notary law database anytime and on any device at bitly.com/LawUpdates.



Your SigningAgent.com Profile Can Be Your Website

FOR MOBILE NOTARIES, A WEBSITE IS ESSENTIAL for marketing and promoting their services, but building and maintaining one can be daunting for tech-challenged entrepreneurs. SigningAgent.com, however, helps solve the problem because each person’s profile is assigned a unique URL and can be used as your personal website.

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Veterans Program Returns to NNA 2015

NOW IN ITS THIRD YEAR, THE VETERANS PROGRAM offered during our annual Conference is expanding to include complimentary Notary training and application assistance. The 2015 Veterans Program is geared toward Florida-specific education because the state requires Notary applicants to undergo a three-hour, state-approved education course.

Following the training on Sunday, May 31, NNA staff will be available to provide application assistance to any veteran who would like to take the next step toward becoming a Florida Notary. Veteran attendees are also invited to our Welcome Reception where they can make valuable connections and network with the national Notary community.

The complimentary veterans program is fully funded by the National Notary Foundation and is open to all honorably discharged U.S. military veterans.

For more information about the conference, please visit NationalNotary.org/Conference or email Veterans@nationalnotary.org. If you would like to register to attend, please be sure to select the "Veteran Pass" option.

USCIS Answers Live: Notary I-9 Questions

TWO REPRESENTATIVES FROM U.S. CITIZENSHIP and Immigration Services (USCIS) recently joined Alabama Notaries for a comprehensive Form I-9 discussion. Mark Camacho and Renee Farris, management and program analysts at the U.S. Department of Homeland Security, dedicated more than an hour of their time to a live-online I-9 overview. They also answered questions about requirements for Notaries to follow when completing Form I-9 as an Employer Representative.

The training session was coordinated by Michelle Riley, a 2014 Notary of the Year Honoree and founder of Notaries For Alabama — the only networking organization for Notaries Public in the state.

Members of the national Notary community also dialed-in for this special presentation including 2013 Notary of the Year Kathy Fletcher from Phoenix, Arizona, and Brenda Stone from the American Association of Notaries in Texas.

Interactive Map of Notary Laws in the Works

OUR FREE NOTARY LAW DATABASE has been so well-received that we are testing a new feature to allow our Notary community to easily stay up-to-date on the legislation and regulations the NNA is tracking in every state — before bills are signed into law or regulations are adopted.

Thousands of you responded to our recent Notary law survey and 93 percent confirmed that a free feature like this one would be valuable. We encourage you to test it and share your feedback with us. Please let us know what you like about it and how you think the feature could be improved.

After logging into My NNA, a link to the U.S. map of Notary-Laws and rules that are "in the works" can be found under Quick Links or directly on the Law Updates page at bitly.com/LawUpdates. Access to the map is password-protected and will only be viewable after you login.





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Vacation to Notary History

SUMMER'S FAST APPROACHING, and anyone planning a road trip might want to include some destinations where Notaries helped shape American history. Our top suggestions:

- **The National Archives**, Washington, D.C. The original Declaration of Independence is on display. Thomas McKean, the last person to sign the Declaration, was a prominent lawyer and Notary during the colonial era.
- **Judge Roy Bean Visitor Center**, Langtry, Texas. Bean was one of the Wild West's most colorful Notaries. He served as a barkeep, justice and Notary in the late 1800s.
- **Mark Twain Museum**, Virginia City, Nevada. The famous writer, journalist and riverboat pilot held many different jobs in his life, including a stint as a Notary in Nevada.
- **Calvin Coolidge Homestead**, Plymouth Notch, Vermont. Calvin Coolidge was a Notary and, also, was the only U.S. President to be sworn into office by a Notary — his father. The Homestead is where Coolidge took the Oath of Office in 1923.

'Electronic' Appearance Issue Rising in More States

TWO STATES ARE CONSIDERING LEGISLATION that would allow signers to electronically “personally appear” before a Notary. Currently, only Virginia allows this practice.

The Montana legislature is considering a broad Notary reform bill (SB 306) that includes a provision allowing Notaries to perform acknowledgments and jurats “by means of real time, two-way audio-visual communication” under specific circumstances.

And the Florida legislature is considering a limited bill (HB 523) permitting law enforcement officers in the field to have their investigative statements notarized “through reliable electronic means.”

Using technology to satisfy personal appearance has been controversial since Virginia passed its law authorizing webcam notarizations in 2011. A number of states have issued warnings that notarizations using virtual communications are prohibited and signers are still required to physically appear before Notaries.

You can follow the progress of these and other bills at the Notary Law database on your My NNA profiles (see article on page 7).

4 Qualities of a Great Printer

A RELIABLE PRINTER IS A MUST for any mobile Notary. But what should you look for when selecting a printer to handle high-volume output? We asked our Notary community for their must-have specs:

Dual tray capability. Printing legal and letter-sized paper is crucial.

Print speed and quality. Printing high-quality documents quickly is a must.

Multifunction capability. Many of you need to scan and fax documents as well as print. It also helps to have an automatic document feeder.

Toner/Ink cost. Printers that use affordable toner or ink are essential to keeping costs down.

Reverse Mortgages Are Tricky

MANY MOBILE NOTARIES ARE LOOKING to add reverse mortgage signings to their business offerings. But these loans come with some issues that signing agents may encounter. And don't expect these loans to be a mainstay of your business.

Reverse mortgage lenders see huge potential because 32 million baby boomers own their homes. However, the Federal Housing Administration expects to see around 78,000 reverse mortgages by 2020.

But the Consumer Financial Protection Bureau recently reported that it has heard many complaints about reverse mortgages. Approximately 10 percent of the complaints were about loan signings.

The terms of these loans can be complicated. So borrowers tend to ask a lot more questions, which often can come up at the signing table.

THE NEXT IMMIGRATION WAVE



Why The President's Executive Order Matters To You

By David Thun

At press time, a federal judge in Texas put a temporary stay on the President's executive order. The NNA will continue to follow this important issue. Look for updates at NationalNotary.org/Notary-Bulletin. — Editor's Note

HISTORICALLY, ONLY A TINY FRACTION of Notaries are directly involved in immigration-related matters. Following President Obama's executive order that drastically reshapes U.S. immigration policy, however, a much larger chunk of the nation's 4.4 million Notaries will be handling notarizations for immigrants in the not-too-distant future.

The President's executive order, which is being challenged in federal court in Texas, currently outlines a plan to provide work authorization and temporary residency for qualifying undocumented immigrants. Like native-born Americans, they will conduct financial transactions, purchase homes and vehicles and fill out forms and permission slips so their children can participate in school activities — all transactions which will increase the need for notarizations.

At least 25 other states have sued to block the program claiming that the President's unilateral lawmaking violates Constitutional separation of powers. The Justice Department has countered with its own court challenge, arguing that the injunction should be lifted because it also violates the separation of powers. The Department of Homeland Security, which will be responsible for processing these immigration requests, remains in limbo until the matter is settled.

In any event, whether you work in a retail or financial services environment, or as a mobile Notary, it is highly likely that you will encounter signers from other countries who may bring any number of issues to the signing table, including language barriers, identification challenges and the risk of the unauthorized practice of law.

Consider the following immigration issues:

- We are in the midst of an historical immigration explosion that began in 1970, when the foreign-born population made up only 4.7 percent of the total — the lowest level on record.
- The U.S. Census Bureau now estimates that there are currently 43.3 million foreign-born residents in the U.S. — or nearly 13.5 percent of the total population, including an estimated 12 million undocumented immigrants.
- The foreign-born population is projected to grow roughly three times faster than the native-born population through the next three decades.

As the national landscape of immigration policy continues to evolve, it's important to know how you can avoid common but potentially harmful mistakes and how to provide notarial services to immigrant communities "the right way," which can grow your business and help establish trust with your customers.

It's important to know how you can avoid common but potentially harmful mistakes and how to provide notarial services to immigrant communities "the right way."

Verifying Identity for Undocumented Signers

Immigrants — undocumented or not — often lack the traditional forms of identification needed to establish satisfactory evidence of identity for a notarization.

Many only possess IDs issued in their home countries, which generally are in their native language and may be unfamiliar to you. If you

can't understand the information on the ID, how can you rely on it to verify your signer's identity?

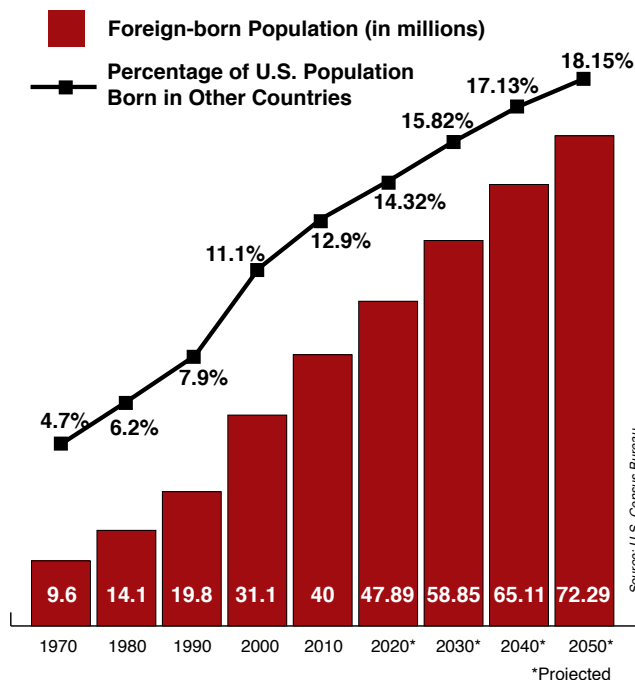
Complicating matters, immigrants also often lack birth certificates or other source documents that would enable them to obtain IDs in the U.S. But that doesn't mean you always have to turn them away empty-handed; there are other options.

Every state but California permits Notaries to rely on their personal knowledge of signers to verify their identity, so you can refer signers to Notaries they

know. A number of states allow signers without ID to bring two credible witnesses. In general the witnesses possess acceptable ID, know the signer and verify the signer's identity.

One of the more common IDs immigrants present is a consular identification card that is obtained from embassies or consulates of the

Immigrants in America



immigrant's home country. However, consular identification cards, known in Spanish as *matricula consular* IDs, have been criticized by law enforcement agencies in the past as lacking thorough security and screening procedures.

While for over a decade major U.S. banks have allowed immigrants to open bank accounts with consular ID cards, these IDs aren't universally acceptable for notarization. Currently, only Nevada and Illinois specifically say that *matricula* cards are acceptable. The Secretaries of State of California, Colorado and Oregon have warned its Notaries that they cannot rely on a *matricula* ID to verify the identity of a signer. Notaries in these and many other states have to ask for alternative IDs.

And yet, other states give Notaries wide discretion to decide what ID is acceptable, so accepting a *matricula* card is a judgment call.

To help overcome the identification obstacle, a number of states have started issuing IDs (such as driver's licenses) to immigrants who lack the types of proof of identity — such as birth certificates — required of native-born residents. But this has raised concerns of identity fraud. In New Mexico, for instance, authorities have shut down numerous scams selling fraudulent IDs to immigrants around the country.

These IDs often come with limits. Illinois, Utah and Nevada issue a special license for

undocumented drivers, but specify that the license is for driving only and may not be used for identification purposes. On January 1, California became the latest state to issue a special driver's license to undocumented immigrants. The special licenses are marked with the words "Federal Limits Apply" and are acceptable as proof of a signer's identity for notarization.

Overcoming Language Barriers

When offering services to immigrant signers, be prepared for possible language issues. You are likely to encounter signers whose English skills are limited or who do not speak English at all. If you are fluent in a language the signer understands, you can communicate in that language instead. However, if you and the signer can't find a way to communicate directly, an alternative is necessary.

The best solution is to refer the signer to a reputable Notary who is fluent in the language.

After all, most states do not permit Notaries to use a third-party interpreter to communicate with a signer because of the risk that a dishonest interpreter may not correctly convey what is being said between the signer and the Notary.

Arizona is an exception, allowing Notaries and signers to communicate through a translator who is physically present with the signer and Notary at the time of notarization.

Of course, communicating with the signer isn't the only language issue. What happens when your client has a document written in an unfamiliar language? In such situations, be sure to follow state law or the recommendations of your state Notary-regulating agency. For example, North Dakota requires a foreign language document to include a permanently affixed, accurate English translation in order to be notarized. And Arizona law states that documents must be signed in characters the Notary can read and understand — otherwise, the Notary cannot notarize the signature.

Avoiding the Unauthorized Practice of Law

Changes in immigration policy tend to attract con artists and phony "service providers" seeking to take advantage of immigrants hoping to benefit from the new policy.

Most states have laws in place restricting how immigration service providers and Notaries advertise their services in foreign languages. These help prevent con artists from advertising fraudulent legal assistance to immigrants. (See related article on page 13.)

Scammers aren't the only ones who can cross

Immigrants often misunderstand the role of U.S. Notaries, so they are more likely to ask you for advice with their affairs.

Notario Publico and Notary Fraud

Con artists targeting immigrant victims commonly advertise fraudulent legal services using the Spanish title "*Notario Publico*" or other foreign-language translations of "Notary Public." Unlike U.S. Notaries (who perform very specific and defined duties), Notaries in other countries are often asked to perform duties closer to those of attorneys.

Notarios in the United States often promise immigrant customers legal assistance with obtaining residency status, citizenship or other help with immigration-related matters in exchange for a fee. Unfortunately, they may also market themselves as low-cost alternatives to immigration attorneys.

In reality, *Notarios* typically collect fees from victims while providing little or no real service. Victims often discover that a *Notario* has either provided incorrect advice or failed to actually perform any legal work whatsoever. Many victims find themselves in legal trouble or face deportation after depending on the advice of a *Notario*.

Legitimate U.S. Notaries who are not attorneys or authorized specialists are prohibited from offering legal advice or assisting in the preparation of immigration-related documents.

the line, of course. Because immigrants often misunderstand the role of U.S. Notaries, they are more likely to ask their local Notary for advice with their affairs. “There are well-intentioned Notaries in the community who want to be helpful to immigrants, but the law doesn’t allow them to even help fill out forms,” says Reid Trautz, director of Practice and Professionalism with the American Immigration Lawyers Association (AILA).

Unauthorized assistance — even suggesting what form an immigrant signer needs or helping complete information on a form — is a serious breach of law and ethics unless you are an attorney. “Don’t try to take on more responsibility than you’re allowed to under the immigration system and U.S. laws,” Trautz says.

“Immigration law and regulation is very unforgiving. If you do something wrong even inadvertently — a box is checked wrong, or a question is answered the wrong way — it can come back to prevent a person from ever getting the status they are seeking,” says Trautz.

The immigration process is extremely lengthy, and it can be years before an error resulting from unauthorized advice is discovered. By then it’s too late to remedy the situation, Trautz says.

He suggests that Notaries may assist immigrants in a safer and more effective way by referring signers with questions about the immigration process to a qualified, reputable immigration attorney or accredited specialist.

Building Trust with Immigrant Signers

The rapid growth of the immigrant population will create opportunities for Notaries who can build relationships and establish trust with immigrants.

Still, immigrants are wary about doing business with strangers because of the large number of scammers trying to take advantage of them, says Dr. Jay Gonzalez, professor of Government at Golden Gate University and a former Commissioner for Immigrant Rights with the city and county of San Francisco.

“Building trust is the key,” Gonzalez says. “I would suggest connecting with trusted immigration support groups, churches and volunteer organizations.” By networking and volunteering with legitimate community groups, you can demonstrate your reliability and build your reputation, he says.

Immigrant signers will remember Notaries who follow the law and refer signers to the right people who can help them, agrees Trautz. “You won’t always get the fee, but you will have helped that person, and that business will come back to you because you did the right thing.”

“There are millions of immigrants out there looking for necessary services,” says Trautz. “Someone is bound to knock on your door that is a fit for your business model.” ■

State Laws Related to Notaries and Immigration

To curb immigration-related fraud, many states have laws in place strictly regulating how Notaries and immigration consultants may advertise and provide their services. Below are some examples of state-specific statutes affecting Notaries and immigration policy. Information on other states is available through the NNA’s searchable online Law Updates database at <http://www.nationalnotary.org/knowledge-center/news/law-updates> by entering “notario” or “immigration” in the Search field.



ARIZONA: Non-attorney Notaries who advertise in a foreign language must post a notice in both English and the foreign language that the Notary is not an attorney (ARS 41-329). Notaries may have their commissions revoked or suspended for advertising that misleads customers about the Notary’s duties and authority (ARS 41-330[A][5]).



CALIFORNIA: No person who advertises as an immigration expert or counselor is permitted to also advertise as a Notary Public (GC 8223[a]). A non-attorney Notary who advertises in a foreign language must post disclaimers in English and the foreign language stating the Notary is not an attorney and may not give legal advice, along with a schedule of the fees the Notary is allowed to charge by law. They are also prohibited from using the Spanish term “*Notario Publico*” or “*Notario*” in writing or orally (GC 8219.5[a] and [c]). A non-attorney Notary must be registered and bonded as an immigration consultant in order to enter information provided by a client on immigration forms (GC 8223[b] and [c]).



FLORIDA: Non-attorney Notaries who advertise in a foreign language must post a notice in both English and the foreign language that the Notary is not an attorney and may not translate “Notary Public” literally in foreign language advertising (FS 117.05[10]-[11]).



NEW YORK: Non-attorney Notaries who advertise in a foreign language must post a notice in both English and the other language that the Notary is not an attorney. Non-attorney Notaries may not use advertising that states or implies the Notary is an attorney (EL 135-b).



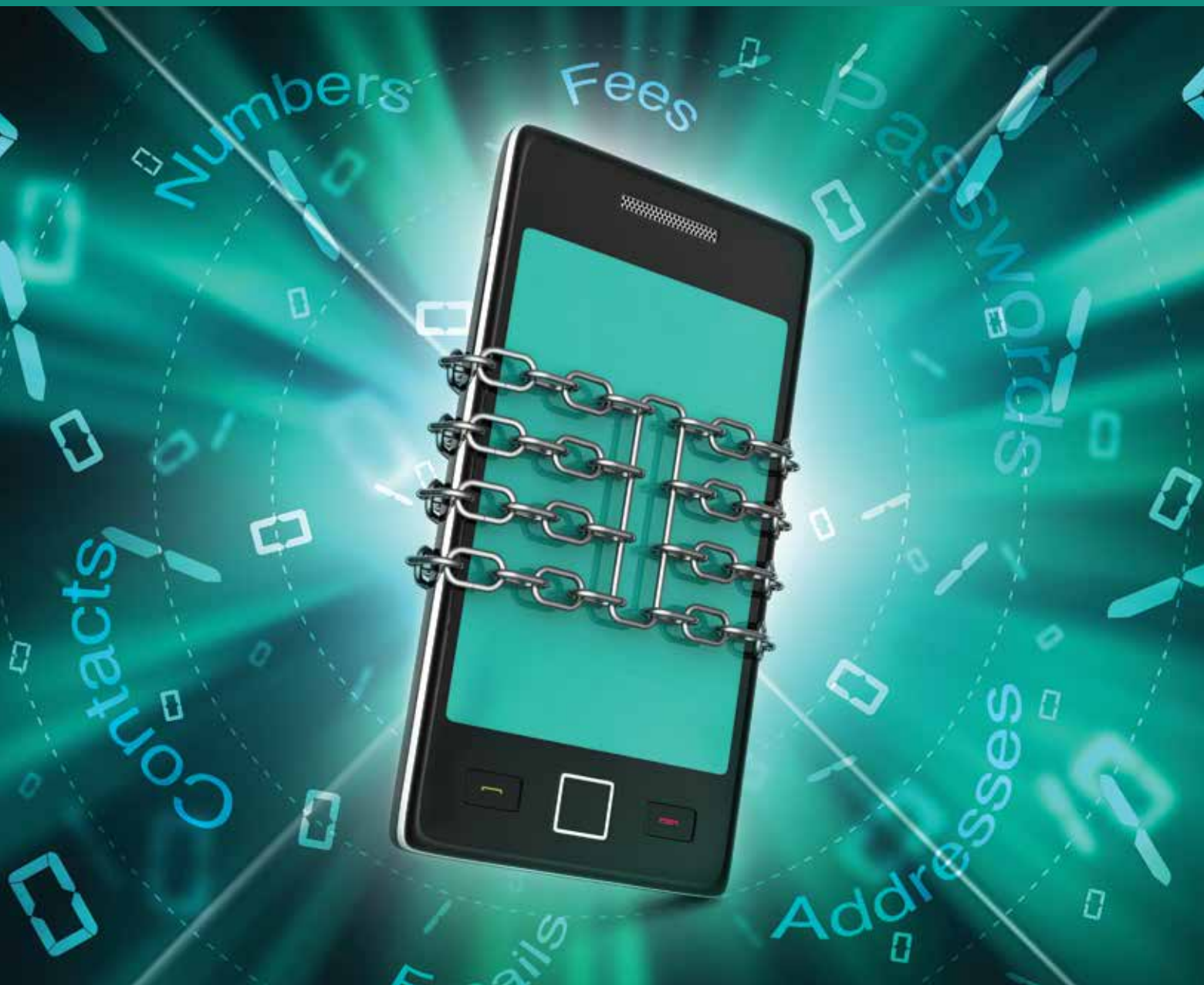
TEXAS: Non-attorney Notaries who advertise in a foreign language must post a notice in both English and the foreign language that the Notary is not an attorney. Non-attorney Notaries may not use the term “*Notario*” or “*Notario Publico*” in advertising (GC 406.17) and may not advertise as immigration consultants or immigration service providers (1 TAC 87.11).

USCIS information on immigration scams:

<http://www.uscis.gov/avoid-scams>

FTC links on immigration scams:

www.ftc.gov/immigration
www.ftc.gov/complaint



DATA SECURITY: HOW MOBILE NOTARIES CAN **MINIMIZE RISK**

By Kenya McCullum

HACKERS HAVE BEEN A HOT TOPIC, particularly in light of the Sony hacking scandal and the security breach that led to a number of celebrities' photos being made public. As a mobile Notary, you may think data security breaches are something you don't need to worry about. After all, it's not like you're a huge corporation or a movie star.

But you should think again, according to Morgan Tremper, senior manager of support and research on the security and compliance team of Sikich LLC, a professional security firm that provides technology support to small businesses. In fact, small businesses today are ripe targets for hackers.

"We hear about the big companies being hit, but what you don't hear is that the chief target of most hackers has become small businesses," he says. "Partly because they don't have a sufficient level of data security, so they are the low-hanging fruit."

In addition, small businesses are often targeted because of their mistakes, like falling victim to phishing schemes. That's where someone inadvertently gives out their financial information to scammers who send cleverly masked emails purporting to be from banks or credit card companies. Also, using public WiFi and having weak passwords can put a small business's data at risk.

Keeping your data secure is crucial for the success of your business and the safety of your clients. While you may be aware of some of the more common behaviors that leave you vulnerable to data security breaches, there are other behaviors you may not have considered that can leave you exposed. Here are some of them and what you can do to avoid them:

You're storing information that you don't need

As a small business owner, make sure that your client records are as complete as possible. However, according to Tremper, sometimes people can take that well-meaning business practice a little bit too far, which can put all of their client's information at risk.

"The mantra that we always go by is, 'If you don't need it, don't store it,'" Tremper says. "If you have a laptop or a phone and you're storing all of your customer's information in case you need to reference it, you're basically setting yourself up to be a target for theft."

The solution: Only digitally store the information you absolutely need to have at any given

time, particularly if you're working on a mobile device. In addition, Tremper also suggested storing sensitive documents as hard copies instead of digital files. Although that may sound arcane, Tremper says it's a great way of handling legal and financial documents.

Your data is not encrypted

Data encryption, the process of changing data into a secret code that can only be deciphered with a password, is the best way to ensure that your

Keeping your data secure is crucial for the success of your business and the safety of your clients.

valued client information cannot be accessed by someone else, even if a hacker does manage to get into your system.

The solution: Any device that you use for business, whether it's a mobile device or your desktop computer, should be set up so it encrypts all of your data. For example, tablets have a setting you can use to encrypt data, so if you lose it or it's stolen or hacked, someone would need your PIN number in order to see what's on the hard drive. Also, for your desktop or laptop computer, there are features for both Apple and Windows that allow you to encrypt information.

Your wireless network is not secure

Although you may already protect yourself by not logging into a wireless network in public places accessible to anyone, you also should protect your home network so no unauthorized person can get into it.

The solution: Make sure your wireless router is using at least a minimum WPA (Wi-Fi Protected Access) security protocol, which regulates access to your network and scrambles your data when you use the Internet.

You have no plan for disaster recovery

You may have a plan in place to keep your data secure from outside hackers, but what about your computer itself? Michael Wright, a professor of information security at Harrisburg University of Science and Technology, says that it's just as

“If all of your information is in a single device, what if you lost that device? There should be a method in place to recover your data quickly.”

— Michael Wright, professor of information security at Harrisburg University of Science and Technology

important to protect the device you use to store your data as it is to protect the data itself.

“If all of your information is in a single device, what if you lost that device?” he says. It could be something as simple as a broken water pipe

flooding your house. “There should be a method in place to recover your data quickly,” he says. “That’s something people miss a lot of times.”

The solution: Wright advises against storing your data on an external hard drive. Unless you keep it in a separate location, it’s just as vulnerable as your laptop. Even storing your external hard drive outside of your office comes with risks; if the device is stolen and your data is not encrypted, all of the information can still get into the wrong hands.

Instead, Wright suggests using a data backup service, like Carbonite or Crashplan, which will automatically encrypt and store your data in the cloud. Companies like these have safeguards in place to ensure that information is secure and accessible whenever you need it.

You love apps

Whether you are downloading apps to help you with your business, or you’re addicted to the latest

It Wasn't Me



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TAX FRAUD

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.

 **LifeLock**
Relentlessly Protecting Your Identity

No one can prevent all forms of identity theft.

*Network does not cover all transactions.

†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

*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.

hot game, this can lead to a data security risk that you may not have considered. When you download an app, you are granting it permission to have access to certain parts of your mobile device. Although this is generally not going to cause a security breach, if the app was created by scammers, it may be programmed to detect information like credit card or bank account numbers. As a result, if you enter a client's financial information, or your own, into the device, the app will immediately transmit it to the scammer.

The solution: Be sure to do your due diligence before downloading an app. Find out what the app requires access to before you download it, research the company that developed it and read customer reviews. If anything about the app makes you uncomfortable, don't put it on your device.

Effective data security practices are not easy and often can be downright inconvenient. But keeping your data safe is still a priority in order to conduct your business with peace of mind and to maintain the trust of your clients. ■

Kenya McCullum is a freelance writer from San Francisco.



Did you know a group of kittens is called an *intrigue*?

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GETTING TO KNOW THE NEW CLOSING DISCLOSURE

By Bill Anderson
and Steven Bastian

COMING IN AUGUST OF THIS YEAR, Notary signing agents will begin to see the Consumer Financial Protection Bureau's new Closing Disclosure form in loan document packages. The Closing Disclosure replaces the final Truth in Lending (TIL) Disclosure and HUD-1 Settlement Statement, and must be provided to borrowers three days before consummation or closing of their transaction. Versions of the Closing Disclosure will vary depending upon the type of transaction. Home equity lines of credit and reverse mortgages will continue to use the HUD-1 form. Here is an overview of the new Closing Disclosure.

Closing Disclosure *This form is a statement of the loan terms and closing costs. Compare this document with your Loan Estimate.*

Closing Information	Transaction Information	Loan Information
Date Issued 9/15/2015	Borrower Michael Jones and Mary Stone	Loan Term 30 years
Closing Date 9/15/2015	123 Anywhere Street	Purpose Refinance
Disbursement Date 9/15/2015	Anytown, ST 12345	Product Fixed Rate
Settlement Agent Zeta Title	Lender Ficus Bank	Loan Type <input checked="" type="checkbox"/> Conventional <input type="checkbox"/> FHA
File # 12-3456		Loan ID # 123456789
Property 123 Anywhere Street		MIC # 009874513
Appraised Prop. Value \$180,000		

Loan Terms	Can this amount increase after closing?	
Loan Amount	\$150,000	NO
Interest Rate	4.25%	NO
Monthly Principal & Interest <small>See Projected Payments below for your Estimated Total Monthly Payment</small>	\$737.91	NO
Prepayment Penalty		NO
Balloon Payment		NO

Projected Payments	Does the loan have these features?	
Payment Calculation	Years 1-4	Years 5-30
Principal & Interest	\$737.91	\$737.91
Mortgage Insurance	+ 82.35	+ —
Estimated Escrow <small>Amount can increase over time</small>	+ 206.13	+ 206.13
Estimated Total Monthly Payment	\$1,026.39	\$944.04

Costs at Closing	This estimate includes		In escrow?
Estimated Taxes, Insurance & Assessments <small>Amount can increase over time. See details on page 4</small>	\$356.13 a month	<input checked="" type="checkbox"/> Property Taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input checked="" type="checkbox"/> Other: HOA Dues	YES YES NO

Closing Costs	\$5,757.57	Includes \$3,495.50 in Loan Costs + \$2,762.07 in Other Costs - \$500 in Lender Credits. See page 2 for details.
Cash to Close	\$29,677.43	Includes Closing Costs. See Calculating Cash to Close on page 3 for details. <input type="checkbox"/> From <input checked="" type="checkbox"/> To Borrower

CLOSING DISCLOSURE PAGE 1 OF 5 - LOAN ID # 123456789

- 1 Every Closing Disclosure has the essential "Closing," "Transaction" and "Loan" details at the top of **page 1**.
- 2 The Disbursement Date for each loan appears on the Closing Disclosure.
- 3 Refinance loans will read "Appraised Property Value"; purchase transactions, "Sale Price."
- 4 "Loan Terms," "Projected Payments" and "Costs at Closing" present information previously found on the TIL and HUD-1.
- 5 Loan Terms and "Yes" and "No" answers previously found on the HUD-1, page 3.
- 6 Projected payments previously found on the TIL.
- 7 Property taxes and other charges previously found on the HUD-1, page 3.
- 8 Cash to Close previously found on the HUD-1 line 303.

For more details visit
The National Notary *digital edition* at
nationalnotary.org/knowledge-center/news/the-national-notary.

Closing Cost Details		Borrower-Paid	
Loan Costs		At Closing	Before Closing
A. Origination Charges			
01	% of Loan Amount (Points)		
02			
03			
04			
05			
06			
07			
08			
B. Services Borrower Did Not Shop For			
01			
02			
03			
04			
05			
06			
07			
08			
09			
10			
C. Services Borrower Did Shop For			
01			
02			
03			
04			
05			
06			
07			
08			
D. TOTAL LOAN COSTS (Borrower-Paid)			
Loan Costs Subtotals (A + B + C)			
Other Costs			
E. Taxes and Other Government Fees			
01	Recording Fees	Deed:	Mortgage:
02			
F. Prepays			
01	Homeowner's Insurance Premium (mo.)		
02	Mortgage Insurance Premium (mo.)		
03	Prepaid Interest (per day to)		

Page 2 of the Closing Disclosure is a complete redesign of the itemization of closing costs for the loan formerly presented on the HUD-1. Closing costs are grouped in new categories with new line numbers. The total of closing costs at the bottom of page 2 is carried forward and appears at the bottom of page 1.

Payoffs and Payments		Use this table to see a summary of your payoffs and payments to others for	
TO	AMOUNT		
01			
02			
03			

Calculating Cash to Close		Use this table to see what has changed from your Loan Estimate.	
	Loan Estimate	Final	Did this change?
Loan Amount			
Total Closing Costs (J)			
Closing Costs Paid Before Closing			
Total Payoffs and Payments (K)			
Cash to Close			
	<input type="checkbox"/> From <input type="checkbox"/> To	<input type="checkbox"/> From <input type="checkbox"/> To	Closing Costs Financed (Paid from your Loan Amount)

This version of **page 3** is for a transaction without a seller, such as a refinance typically handled by NSAs.

- 1 The "Payoffs and Payments" section itemizes the payoffs of old loans with the proceeds of the loan amount.
- 2 The "Calculating Cash to Close" section allows borrowers to compare figures from the Loan Estimate to see what has changed. The bottom-line amount is carried forward to page 1.

Loan Disclosures		Escrow Account	
Assumption If you sell or transfer this property to another person, your lender will allow, under certain conditions, this person to assume this loan on the original terms. <input type="checkbox"/> will not allow assumption of this loan on the original terms.		For now , your loan will have an escrow account (also called an account) to pay the property costs listed below. You would pay them directly, possibly payments a year. Your lender may be liable for failing to make a payment.	
Demand Feature			
Adjustable Payment (AP) Table		Adjustable Interest Rate (AIR) Table	
Interest Only Payments?		Index + Margin	
Optional Payments?		Initial Interest Rate	
Step Payments?		Minimum/Maximum Interest Rate	
Seasonal Payments?		Change Frequency	
Monthly Principal and Interest Payments		First Change	
First Change/Amount		Subsequent Changes	
Subsequent Changes		Limits on Interest Rate Changes	
Maximum Payment		First Change	
		Subsequent Changes	

- 1 This version of **page 4** presents disclosures about the loan previously found on the TIL.
- 2 The "Adjustable Payments Table" will appear for certain loans.
- 3 The "Adjustable Interest Rate Table" will appear for loans that have an adjustable interest rate. The table will not appear for fixed-rate loans.

Loan Calculations		Other Disclosures	
Total of Payments. Total you will have paid after you make all payments of principal, interest, mortgage insurance, and loan costs, as scheduled.		Appraisal If the property was appraised for your loan, you give you a copy at no additional cost at least 30 days before closing. If you have not yet received it, please contact your lender for more information.	
Finance Charge. The dollar amount the loan will cost you.		Contract Details See your note and security instrument for information on: • what happens if you fail to make your payments • what is a default on the loan, • situations in which your lender can require you to prepay the loan, and • the rules for making payments before the end of the loan term.	
Amount Financed. The loan amount available after paying your upfront finance charge.		Liability after Foreclosure If your lender forecloses on this property and the sale of the property does not pay off the loan balance, you may be liable for the unpaid balance.	
Annual Percentage Rate (APR). Your costs over the loan term expressed as a rate. This is not your interest rate.			
Contact Information			
Name		Lender	Mortgage Broker
Address			Settlement
NMLS ID			
License ID			
Contact			
Contact NMLS ID			
Contact License ID			
Email			
Phone			
Confirm Receipt			
By signing, you are only confirming that you have received this form. You do not have to accept this loan because you are not required to do so.			
Applicant Signature		Date	Co-Applicant Signature

Page 5 sections may not appear on all forms.

- 1 The "Loan Calculations" has the Annual Percentage Rate (APR) previously found on the TIL and adds a new "Total Interest Percentage."
- 2 The lender's, mortgage and real estate broker's and settlement agent's contact information.
- 3 The "Confirm Receipt" with borrower's signature is optional. If it does not appear, a separate "Loan Acceptance" disclosure must appear. ■

INTRODUCING
YOUR

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NOTARY OF THE YEAR HONOREES

EVERY YEAR THE NNA HONORS a truly remarkable group of individuals who epitomize the best traditions and highest level of professionalism of the Notary Public office. Join us at the **NNA 2015 Conference in Orlando, Florida**, this June to honor these dedicated individuals and find out who will be named Notary of the Year.



“Live with a good sincere heart, and watch as that sincerity flows over to everything else in your life.”

Joan Ann Baffa

A Passion For Law And Notary Best Practices

Home: Lindenhurst, New York

Occupation: Senior Assistant Managing Clerk, Notary
Years She Has Been A Notary: 46

Working for an international law firm requires careful attention to details — down to every detail of every notarial act performed by the 165 Notaries at the firm. For Joan Ann Baffa, who has been a Notary for 46 years, that is second nature. So much so that she has become the internal Notary Hotline Counselor for Debevoise & Plimpton LLP, and her supervisors and colleagues trust her implicitly, whether notarizing a tricky out-of-state document, dealing with apostilles or calming down an irate signer with an urgent acknowledgment or jurat request.

Baffa has become known as the in-house Notary “mom” because she advises and teaches co-workers on best practices and procedures. Her main responsibility is to help others avoid notarial mistakes.

“She’s diligent, supremely well-organized and a superb communicator,” says Baffa’s supervisor, Timothy Beeken. “She’s very mindful of rules and observes all formalities very carefully. At the same time, she has a great ability to do her job and meet notarization requirements without ruffling feathers or upsetting people.”

“I’m a Notary myself, and I still go to her for information,” says Gabriella Sarnoff, assistant managing attorney at Debevoise & Plimpton.

Her willingness to help goes beyond the office environment. She is a Eucharist Minister and Lector with the OLPH Catholic Church. Baffa also taught religious education, and was a Suffolk County Girl Scout leader. She also has assisted with various women’s organizations through her firm.



“Success doesn’t come by what you do for yourself, but how you’re able to change the lives of others.”

LaQuita Gaskins

Protecting Citizens As A Veteran And Notary

Home: Radcliff, Kentucky

Occupation: Church Apostle, Notary Signing Agent

Years She Has Been Notary: 29

LaQuita Gaskins gives new meaning to the slogan “Army of One.” Gaskins became a Notary while serving in the U.S. Army. During her 21 years in service, she helped fellow troops with powers of attorney and other important documents. She was the go-to person for anyone who needed a Notary on the base. She currently owns a signing agent business with her husband who is also a Notary.

In 2006, she co-founded the Shiloh City of Peace Foundation — a non-profit dedicated to improving family and community aid.

She turned over several of her own homes to use as shelters where clients can stay as long as they need to make sure they can care for themselves. “I help the homeless, less fortunate and forgotten to get back on their feet and find their own place in the

world,” Gaskins adds.

One of her Notary mentees in Texas asked for help with an elderly homeless woman, so she arranged for a bus ticket and met the woman at the station in Kentucky. Gaskins brought her to the shelter, got her medical treatment and proceeded to track down her family. Starting with a doctor’s name on an empty prescription bottle, it took Gaskins two years and countless phone calls but she was successful in reuniting the woman with her family.

An ardent believer in education and constant improvement, Gaskins has master’s degrees in Mental Health Counseling and Education and is currently working on her doctorate degree. Not only is she familiar with Kentucky Notary laws but 40 other state laws and regulations as well.



“It’s our fiduciary duty not to compromise our integrity for money or other things.”

Bridget Outlaw

Serving, Educating And Inspiring Her Community With Unwavering Integrity

Home: Chicago, Illinois

Occupation: Apostle Bishop, Non-Profit Founder

Years She Has Been A Notary: 5

Five years ago, Bridget Outlaw received her calling. She was a project manager at a construction company when her faith, and her mother, called her to a life of service. Her passion for education, the law and helping people led her to the path of becoming an Apostle Bishop, a Notary Public and a certified Homeland Security Chaplain.

She spends countless hours educating at-risk young men and women and has inspired several people to follow her footsteps by becoming Notaries Public. Outlaw holds her mentees to the highest standards. “It’s our fiduciary duty not to compromise our integrity for money or other things. The community relies on us to remain impartial and I make sure they understand that,” Outlaw adds.

Outlaw has founded several charitable

organizations in her community including Daughters of Destiny Hunger Relief, which feeds an average of 3,000 people every month. Her charitable work was featured in the Chicago Citizen Weekly Newspaper, The Neighbor, and on Examiner.com after she received a President’s Lifetime Achievement Award from the White House in 2014 for hunger relief advocacy.

She also volunteers with After School Charter Academy, a safe haven for children to eat healthy meals, do their homework, learn computer skills and play. Last November, she received an honorary street name for her social change advocacy. If you find yourself in the neighborhood, look for Apostle Bridget C. Outlaw Way from 116th through 117th and Princeton Avenue in Chicago.



“Anyone who sees a document notarized should be able to trust it, and Notaries have to be worthy of that trust.”

Mike Phillips

Giving Others The Tools To Make Their Lives Better

Home: San Diego, California

Occupation: Attorney, Patient Advocate

Years He Has Been Notary: 11

Ever since Mike Phillips was a kid, he has been a fan of Superman. Not because the Man of Steel was faster than a speeding bullet or could leap tall buildings in a single bound, but because he helped people in trouble and inspired others to make their lives better.

Phillips is an attorney who works as an advocate for mental health consumers to ensure they are treated ethically and humanely. He volunteers to mentor former prison inmates to help them successfully reintegrate into society. And as a Notary, he works as a professional educator and mentor, ensuring that his students follow the highest ethical and professional standards when notarizing.

Phillips first became a Notary in 2004 while finishing law school. He thought it would be a helpful

tool for marketing his services as an attorney — and was surprised to find how few of his colleagues held commissions. He took a training class, but felt he needed to study further. Eventually, he started teaching his own Notary training course in addition to his work as a signing agent and attorney with the Jewish Family Services Patient Advocacy Program.

“I love helping other people in a way that empowers them to be the best person they can be,” he says. “I want to give them tools to make their lives better.”

Though he is a practicing attorney, Phillips feels impartiality is a vital part of notarization. “Even though I’m an attorney, I may not always have the right expertise for a signer’s particular field,” he says. “When I notarize, I’m not an attorney, I am 100 percent Notary.”



“There’s no greater feeling than helping a family tie up loose ends with my seal. The role of a Notary is greater than a fiduciary responsibility, it’s social responsibility.”

Marcy Tiberio

Going Above And Beyond For Her Community

Home: Rochester, New York

Occupation: Mobile Notary, Signing Agent

Years She Has Been Notary: 5

Marcy Tiberio spent years working in the title industry, becoming an assistant vice president of a national company. But the lure of being her own boss inspired her to take the leap and become a full-time Notary signing agent. As a Notary, she wears many hats in her community — she’s a successful Notary entrepreneur, a tireless volunteer who works with veterans, foster children and the poor, and still finds times to educate local officials about proper notarial procedures.

Legal and real estate industry professionals who work with Tiberio have nothing but praise for her professionalism and work ethic.

“She is probably the only person I know who always gets the job done correctly,” says Ellie Pisegna of New York Title Agency Services. “We’ve

worked together for a long time. I always turn to her when I have a question regarding notarization.”

Tiberio is a board member of Samaritan Women, Inc., an organization that provides social, physical and emotional services to empower individuals and transform the community one family at a time. She teaches her local county government officials on Notary best practices. She donates a portion of her notarization fees to a local charity every month. She also performs free notarizations for military personnel, first responders and hospitalized patients in New York.

Whether it’s helping others start their own Notary business or pursuing other goals, Tiberio inspires others to be passionate about what they’re doing, no matter how old they are. ■

5 Important Tips about Charging Travel Fees



If you're a mobile Notary, chances are you charge a travel fee to cover your auto and fuel expenses. Here are five important tips Notaries should follow when setting travel fees.

Travel fees are separate from notarization fees

Fees for notarizations are regulated by state law. But travel fees are considered separate, and you will need to treat them as such. If the maximum fee your state allows for an acknowledgment is \$5 and a signer asks you to drive to their town, you could charge a maximum of \$5 for the notarial act, but the amount for driving to the signers' location would have to remain separate and shouldn't be lumped together with the notarization fee.

If your state law specifies how much you may charge for a travel fee, you should follow those guidelines. For example, Missouri Notaries may charge up to the approved Federal mileage rate (currently 57.5 cents per mile) and an expedited convenience fee of up to \$25. Maryland allows Notaries to charge 31 cents per mile, plus a flat fee of \$5 for travel.

Agree on the travel fee in advance

Whether your state sets the amount Notaries may charge for travel fees, it's always a good practice to agree upon the

amount with the signer before the notarization takes place. Some states require this under the law. South Carolina, for example, does not set specific travel fees but does require the Notary and signer to agree on the fee in advance.

Even if not required by state law, agreeing on the amount of the travel fee up front helps prevent problems with payment for your services. You can do this when the signer contacts you to set up the appointment, or later when confirming the time and meeting place. As mentioned above, make it clear to the signer that the travel fee is separate from the fee you charge for the notarial act.

If your state requires Notaries to post or present their fee in writing, make sure to include the travel fee in the fee schedule you post or provide to customers.

Explain your policy if the notarization is not completed

You should also let the signer know in advance of your policy regarding charging travel fees if the notarization can't be completed. For example, do you still charge your travel fee if you arrive at the appointment but the notarization has to be rescheduled or canceled? It could be that the signer's ID is expired or the transaction has been canceled.

Here again, let the signer know beforehand. When setting up an appointment to travel to a signer's location:

A. Clarify the travel fee is separate from the fee for notarizing any signatures.

B. Let the signer know the amount you charge for travel. Be sure the signer agrees to this travel fee before the notarization takes place.

C. Before the appointment, let the signer know whether you still charge the travel fee if the notarization can't be completed.

Clear communication is the best way to avoid any disputes with your signers.

Request payment in advance

One option to help avoid travel fee disputes with a signer is to request payment of the travel fee in advance. That way, you are sure to receive payment for your driving time and fuel expenses even if the notarization cannot be completed. Before doing so, check to see if your state laws prohibit asking for advance payment.

Record the travel fee

It's always a good practice to record the travel fee in your Notary journal and on any invoice or receipt you provide to the signer. Make sure that the fee amount is clearly identified as "travel" and is listed separately from the notarization fee.



Appearance via Video, No Room for Seal, Incomplete Documents...

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.

I have a customer who needs her grandmother's signature notarized. The grandmother has issues with dementia. The customer has had issues scheduling an appointment with a Notary, so she recorded a video of her grandmother signing the document instead. Is showing me the video sufficient for me to notarize the grandmother's signature?

— C.S., Salt Lake City, Utah

Using a video recording is not an acceptable substitute for a signer's personal appearance before the Notary in Utah. At this point, the customer may need to consult with an attorney to assist with the grandmother's needs.

The use of video technology in place of personal appearance during a notarization is permissible only in Virginia, which allows the use of "video and audio conference technology" to virtually appear before a Notary. Several states and territories — including California, Colorado, Nevada, New Jersey, Ohio, Oklahoma, Oregon, the Northern Marianas, Rhode Island

and Washington — have issued public statements or consumer alerts that notarizations using online communication technology are prohibited and signers must still appear in person before the Notary in those states.

Can I notarize a document that does not have a place for the Notary to sign? Is it okay to simply sign and place a seal anywhere?

— C.E., Upper Chichester, Pennsylvania

No, a Pennsylvania Notary should never simply "stamp and sign" a document that does not contain a Notary certificate. This certificate is typically preprinted on the document below the place where

the document signer signs his or her name. If the document does not contain a preprinted certificate, as in the case you describe, ask the signer which type of notarization to perform. You can briefly mention the possibilities — perform an acknowledgment, administer an oath or affirmation, take an affidavit or verification upon oath or affirmation — and provide a sample of each certificate. Once the signer chooses the notarial act, you may attach, complete, sign and seal a notarial certificate for that act.

I have a question regarding witnessing and notarizing a document. Can a Notary both witness and notarize documents?
— D.S., Mount Laurel, New Jersey





It depends. Acting as a witness and a Notary on any given document is not expressly prohibited by New Jersey's Notary law. However, if the signature of the witness must be notarized, this would automatically disqualify the Notary from signing as a witness since Notaries cannot notarize documents in which they are named.

Notaries in other states should check the Notary handbook or the commissioning official's website for specific guidance on whether Notaries can be both a witness and Notary to the same document. For example, in Florida and Georgia, Notaries may serve as both a witness and Notary to the same document, but in North Carolina, they may not.

I have been asked by a signing company to have a client sign a document in which none of the blanks have been completed. It does not even contain the name of the client. The company wanted me to take the incomplete document to the client, have the client sign, and then notarize it. Is this legal? Or ethical?
— J.C., Westcliffe, Colorado

It is neither legal nor ethical. Notarizing blank or incomplete documents is grounds for disciplinary action against a Notary. Colorado Revised Statutes 12-55-107 states, "The secretary of state or the secretary of state's designee may deny the application of any person for appointment or reappointment or take

disciplinary or nondisciplinary action against a notary public if the notary public: ... (g) Notarizes any blank document."

I lost my Notary journal. What do I do?
— K.M., Houston, Texas

If your Notary journal has been misplaced or lost, send a letter to the Secretary of State's Legal Support Unit (see the address below), detailing the circumstances in which the journal went missing, the last time you used it, and any other relevant information.

If your Notary seal or journal have been stolen, you should file a report with your local law enforcement office and enclose a copy of that report with your letter to the Secretary. Send the letter to the Legal Support Unit, P.O. Box 13550, Austin, Texas 78711-3550.

Notaries in other states should follow their own state's rules and procedures for reporting a missing or stolen journal.



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— *Tiffany J., Los Angeles, CA*

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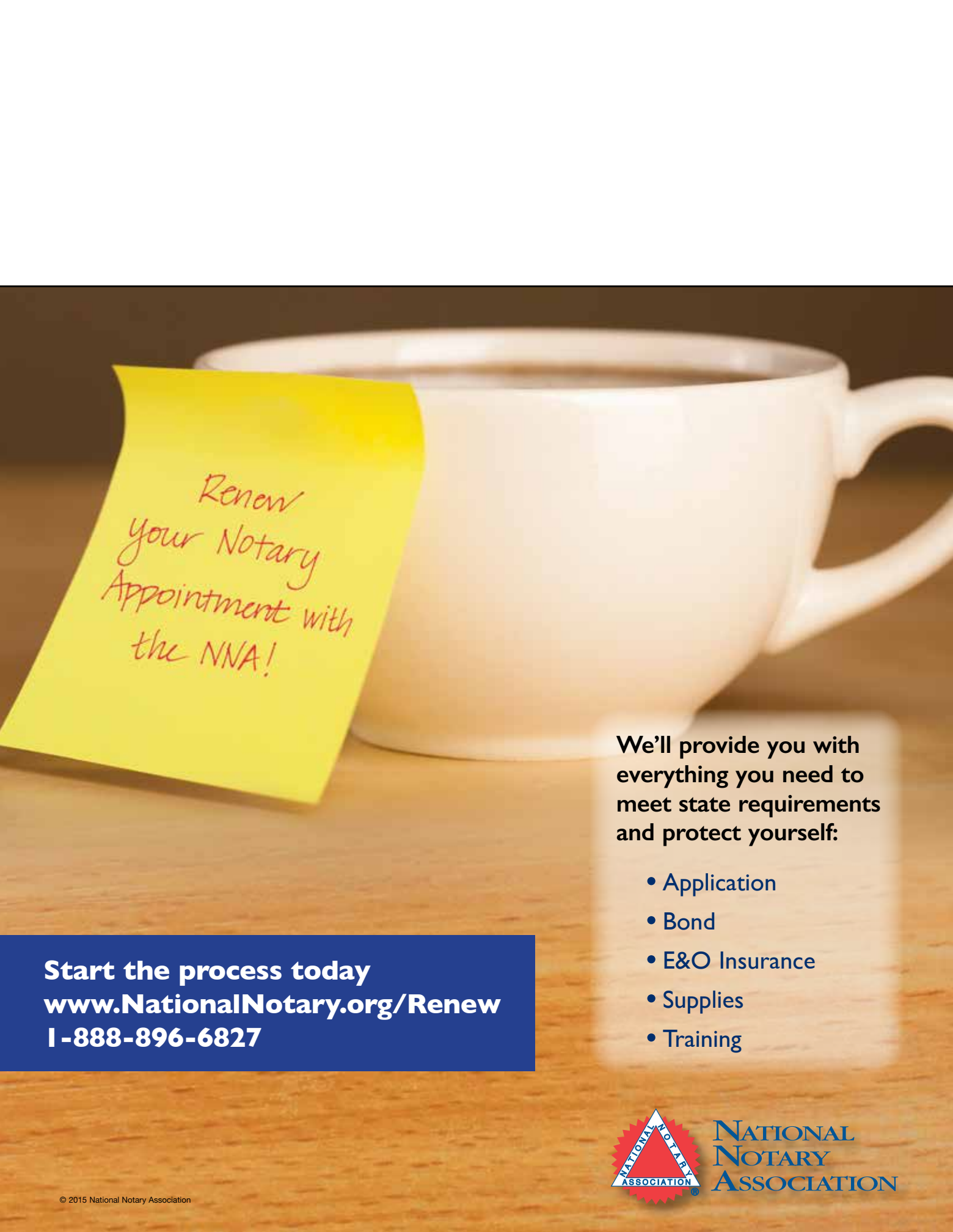
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