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at #NNA2015. That's
important to a shy person.
– Michelle

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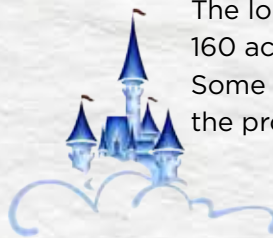


Anaheim literally translates to 'home by the river'. It got its name 'Ana' because of its proximity to the Santa Ana River. 'Heim' is a German word for 'home'.

Angel Stadium of Anaheim is the 4th oldest active Major League Baseball stadium.



The location of Disneyland was formerly 160 acres of orange and walnut trees. Some of these trees still remain inside the property today.



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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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ASSOCIATION NEWS

The Calvin Coolidge Notary Award Goes to...

THE NNA HONORED WEST VIRGINIA SECRETARY OF STATE

Natalie Tennant (pictured with Bill Anderson, the NNA's Vice President of Government Affairs) with its Calvin Coolidge Notary Award for her efforts in getting the Revised Uniform Law On Notarial Acts enacted and publishing administrative rules to clarify seal, bond and commissioning guidelines. She also published extensive rules about eNotarization based on the *Model Notary Act of 2010*.

The Calvin Coolidge Notary Award was established to honor public officials whose dedication and accomplishments result in significant progressive change for Notaries. It is named after President Calvin Coolidge, who was Notary Public and the only President sworn into office by a Notary Public — his father. His commitment to public service, his integrity and his impartiality set a powerful example for all public officials.



Notary of the Year Selects Simmons College for \$1,000 Scholarship

THE NATIONAL NOTARY FOUNDATION endowed a \$1,000 scholarship to Simmons College of Kentucky as part of the honors granted to LaQuita Gaskins for being named 2015 Notary of the Year. Representing the College, Executive Vice President Dr. Frank Smith, Jr. accepted the check during a brief ceremony on campus.

"Ms. Gaskins spent more than two decades serving our great country in the Army and we are proud to recognize her and to support a college that continues to enrich her life," said Tom Heymann, President and CEO of the NNA.



Add Diversity Business Certification to Your SigningAgent.com Profile

THE MORTGAGE INDUSTRY IS COMMITTED to working with Notary signing agents from diverse backgrounds, and that can translate into more business.

"Registering as a woman-, minority-, veteran- or disabled-owned business can potentially lead to more closings if you qualify," T.J. Harrington, vice president of vendor management for Bank of America, told attendees at NNA2015 Conference in June.

Last Call for 2016 Notary of the Year Nominations

LET US KNOW IF YOU, OR SOMEONE YOU KNOW, goes above and beyond the call of duty by adhering to the highest standards of the Notary office. Make sure to submit your 2016 Notary of the Year nominations (bitly.com/NOTYForm) by December 1. Submissions after that date will be considered for 2017.



YOUR COMMUNITY

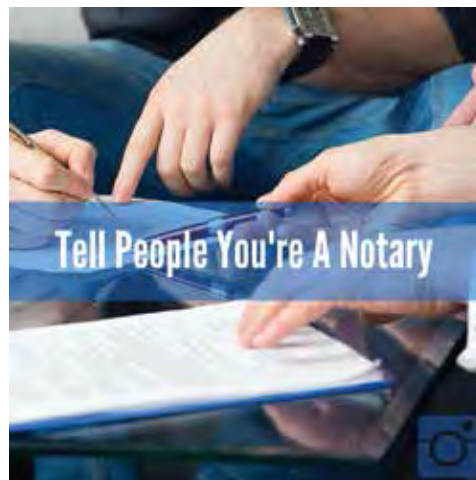


Celebrating All Pets

WE RECENTLY RELEASED our new Puppy Journal and asked our Notary community to share their fun pet photos with us. Photos were displayed on our site, and three lucky Notaries won Puppy Journals of their own. Catch all the fun at [www.bitly.com/NotaryPets!](http://www.bitly.com/NotaryPets)

Notary Tips on Instagram

NOTARIES ON INSTAGRAM agree that one of the most important, yet easily forgotten, ways to make money is to always tell people that you're a Notary. For more tips on the ways you can create opportunities for yourself, follow us on Instagram at www.instagram.com/nationalnotary.



Notaries Join the Celebration

HUNDREDS OF NOTARIES across the country celebrated World Emoji Day with the NNA! Join in on the fun by visiting www.bitly.com/emojitransportation.



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State Lawmakers Tackle Webcam Notarizations

THE CONCEPT OF ALLOWING SIGNERS to “appear” before a Notary via webcam is gaining momentum as several states passed online video-related legislation this year.

Montana Senate Bill 306 authorizes Notaries to perform some common notarial acts under limited circumstances for signers appearing via audio and video technology.

Florida Senate Bill 526 now allows correctional officers who have the power to administer oaths and affirmations to do so using “reliable electronic means”.

The Louisiana Legislature directed the Louisiana State Law Institute to study eNotarization, including provisions related to the use of “remote” presence before a Notary via audio-video technology.

Until this year, only Virginia had enacted a law allowing use of webcams when notarizing electronic documents. Notaries should always require personal appearance as defined in their state guidelines.

Picking the Right Cell Phone Plan for Mobile Notary Work

SMARTPHONES ARE CRITICAL for the daily business success of many Notaries. Whether you’re an Android, iPhone or BlackBerry fan, finding the right plan is as important as the right device. Several industry experts offer some points to ponder:

- Watch out for claims of unlimited data. Some plans say they offer unlimited data, but slow down after you use a certain amount.
- Ask fellow Notaries or other business people in your area which carriers they prefer.
- Look for a workable month-to-month plan rather than a long-term contract.
- Don’t be afraid to negotiate the price. It’s a competitive market, and you can find lots of options.

Tips for Notarizing International Adoption Documents

NOTARIES OFTEN ASK THE NNA® HOTLINE about dealing with adoption documents because they can involve a lot of notarizations — especially international adoptions. Veteran Notary Laura Biewer, who frequently takes on international adoption assignments, offers some pointers about handling these complex transactions.

Because documents will be sent to foreign agencies, there is zero tolerance for mistakes by the Notary. No strike-outs or overwrites will be accepted. If you make a mistake on your notarial certificate, you must start again on a clean copy. So review the documents and notarial certificates carefully.

Be careful of preprinted wording. If the certificate is preprinted on the document, read each word to assure it is correct. Missing even a small word, such as “to”, can cause it to be rejected.



CFPB Backs eClosings for Mortgages

THE CONSUMER FINANCIAL PROTECTION BUREAU gave fully electronic mortgage closings a major endorsement earlier this year, and that could spur wider use of electronic notarization in loan closings.

“We are ardent believers in the promise of electronic closing technologies,” CFPB Director Richard Cordray wrote in the report on the bureau’s pilot eClosing program.

The pilot program showed that eClosing technology can simplify the closing process and give borrowers more time to review the key information about their loans. A fully electronic closing would include eNotarizations.

In comparison to paper closings, the pilot program found that borrowers generally received the documents sooner and had more time to review them. eClosing’s loan signing appointments took less time on average.

Cordray said that eClosing technology eventually could help meet the requirements of the Bureau’s new Closing Disclosure. Under CFPB rules, borrowers must receive the Closing Disclosure at least three days before the loan closes.

THE IDENTITY PROTECTION CRISIS

By Michael Lewis



THE THREAT TO ALL OUR IDENTITIES and sensitive financial information is very real and growing. Consider the more than 121 million consumer records compromised in the first seven months of 2015, according to the

Privacy Rights Clearinghouse (PRC). That's nearly double the total for all of 2014. And several recent cybersecurity reports predict that the global cost of cybercrime will jump from more than \$400 billion in 2013 to \$2.1 trillion in 2019.

In fact, in the past decade, government agencies, schools, hospitals and private companies in the U.S. have suffered 4,575 data breaches in the U.S. involving 858 million records, according to PRC. That's 2.7 records for every man, woman and child in America.

While those numbers are staggering, they come from the countless daily activities of people doing business, sending and receiving emails, sharing documents and accessing databases of consumer or client information. And cybercriminals see all of it as fair game.

Apart from the fact that there's a very good chance cybercriminals have your personal information, why does this matter to you?

For decades, a Notary's responsibility for protecting consumer information meant little more than keeping your journal locked away when not in use. But that is no longer the case. Protecting the personal, non-public identity and financial information of consumers has become a global imperative, and Notaries in all walks of life are being asked to enter the fray.

At NNA 2015, leaders in the mortgage finance industry impressed upon Notaries the growing urgency to protect sensitive consumer information in loan closings — deals that amount to a trillion dollars in transactions each year.

"Notaries are representing all of us in the mortgage industry when handling borrowers' information," said Sally Freudenberg, Vice President of the Home and Consumer Finance Group at Wells Fargo. "We all need to work together to protect this information and keep our customers, and their transactions, secure."

Whether you work in a photocopy store or a large office, or you run your own mobile Notary business, your duties often include handling sensitive consumer information. That makes you a potential target of cybercriminals and identity thieves.

A Notary's data breach could start with something as simple as a lost journal, a stolen mobile device or computer you use for business, mislaid loan documents or an unencrypted email. Any of

those incidents could cost you as well as your clients.

Small Businesses Are the Largest Targets

Even though massive data breaches at large organizations such as the Office of Personnel Management, eBay and Anthem grab the headlines, they are unusual cases. A recent study by Verizon estimated that 72 percent of cyberattacks targeted small- and medium-sized businesses.

"Small business owners are entrepreneurs," said Andi Baritchi, Global Managing Principal of Payment Security and PCI Compliance Consulting Services for Verizon Enterprise Solutions. "They understand how to run their business, but they are not cybersecurity experts. Hackers know that."

According to the 2015 Internet Security Threat

Report from Symantec, many small businesses "are still not adopting basic best practices. This puts not only the businesses, but also their business partners, at higher risk."

Baritchi pointed to the way small businesses process credit card payments as a potential weakness. "Are they doing it through phone systems or swiping them into a computer? That's a threat,

because it can be hacked."

The same holds true for sharing information. How many of us use smartphones, mobile devices and home computers to check work emails or exchange documents?

Mobile Notaries, for example, depend on their smartphones and tablets to get borrower information, receive loan packages and even store client account information.

"Mobile devices are computers masquerading as phones," Baritchi noted. "And just like computers, they always have a vulnerability."

One of the more common tactics hackers use is phishing. This scheme typically involves bogus emails often purporting to be from a legitimate business or government agency asking you to confirm your Identity and account information. By now, most of us have come across some of the more obvious phishing schemes. But the ones supposedly from your bank or the IRS can be trickier to detect.

"Notaries are representing all of us in the mortgage industry when handling borrowers' information."

— Sally Freudenberg, Wells Fargo

A refinement of that tactic is called spear phishing, which targets a specific person by sending emails supposedly from a friend, relative or business the individual knows. This has proven to be a highly effective tactic, according to the Symantec report.

Another area of concern is unencrypted data — a particular risk for Notaries who work at home or share devices. Do your children share the computer you use for business? Do they know your passwords? If they do, they can read all your files unless they're encrypted.

Unencrypted emails may be an even greater risk.

"Unencrypted email is like putting a postcard in the mail box," Baritchi said. "Everybody can read it."

Illustrating this point, escrow officers in California noted that there have been numerous instances this year alone in which unencrypted emails containing wiring instructions for real estate transactions were intercepted and the funds diverted to the hackers.

Similar vulnerabilities exist for other small businesses that often employ Notaries, such as insurance agencies, car dealerships and photocopy shops.

Small businesses lag behind in cybersecurity because they have not been subjected to the rigorous compliance oversight that large

organizations face, Baritchi said.

That is changing, particularly in financial industries.

The Consumer Protection Mandate

Major financial institutions have long been subject to extensive consumer protection laws and regulation. Now the Consumer Financial Protection

Bureau is holding lenders responsible for everything that happens in the mortgage origination process — down to the signing table, according to mortgage industry executives who took part in a panel discussion at NNA 2015.

Panelist Ray Callahan, Chief Compliance Officer of Prospect Mortgage, LLC., described the need to keep

borrowers' information out of the wrong hands as "all important" and noted that every loan package an NSA gets is loaded with non-public personal information.

Consequently, lenders are requiring the settlement services they hire to have written consumer protection policies, and settlement services soon may require the same from NSAs.

A quick way to start drafting a policy is to ask three basic questions, said Michael Kaiser, Executive Director of the non-profit National Cyber Security Alliance.

"Every loan package an NSA gets is loaded with non-public personal information."

— Ray Callahan, Prospect Mortgage, LLC.

Common Data Security Terms

Antivirus — Software programs designed to detect and remove computer viruses. A good anti-virus application includes a regular update service allowing it to keep up with the latest viruses used by hackers.

Firewall — A system designed to prevent access to a private computer network. A firewall can be created either by a piece of hardware or software. Many firewalls combine both types.

Encryption — This is the process by which information is converted or scrambled into an unrecognizable form. The encrypted information is only available to people with the right password or key.

NPPI or NPI — These are acronyms used to refer to nonpublic personal information. The federal government defines NPI as any personally identifiable financial information that a financial institution collects about an individual in connection with providing a

financial product or service, unless that information is otherwise publicly available.

PCI or PCI Security Standards — This refers to Payment Card Industry Security Standards, which is a set of global standards and practices for protecting credit card transactions.

Phishing — This fraud technique uses a legitimate-looking email in an attempt to gather personal and financial information you. Typically, the messages appear to come from well-known and trustworthy companies, government agencies or other organizations.

Spear Phishing — This fraud technique uses an email that appears to be from an individual or business known to you. The email "sender" could appear to be a friend, relative or your bank.

- What data do I have?
- Where is it located on my various technology devices and elsewhere?
- What am I doing to protect it, and is it enough?

“The first element of cybersecurity is identifying the critical information you have that needs to be protected,” Kaiser says.

For Notaries, that includes all the paper you handle, such as journals and loan documents (see related article on page 14).

To help Notaries meet the requirements of the mortgage industry, the National Notary Association has developed a comprehensive Self-Assessment to use in evaluating their data security practices (see related article, right).

The Assessment is similar to one created by the American Land Title Association for its members, and could be very helpful to show hiring companies that you are taking steps to protect consumer information — and your clients’ interests.

The Assessment also could be used by Notaries in other businesses to check their practices.

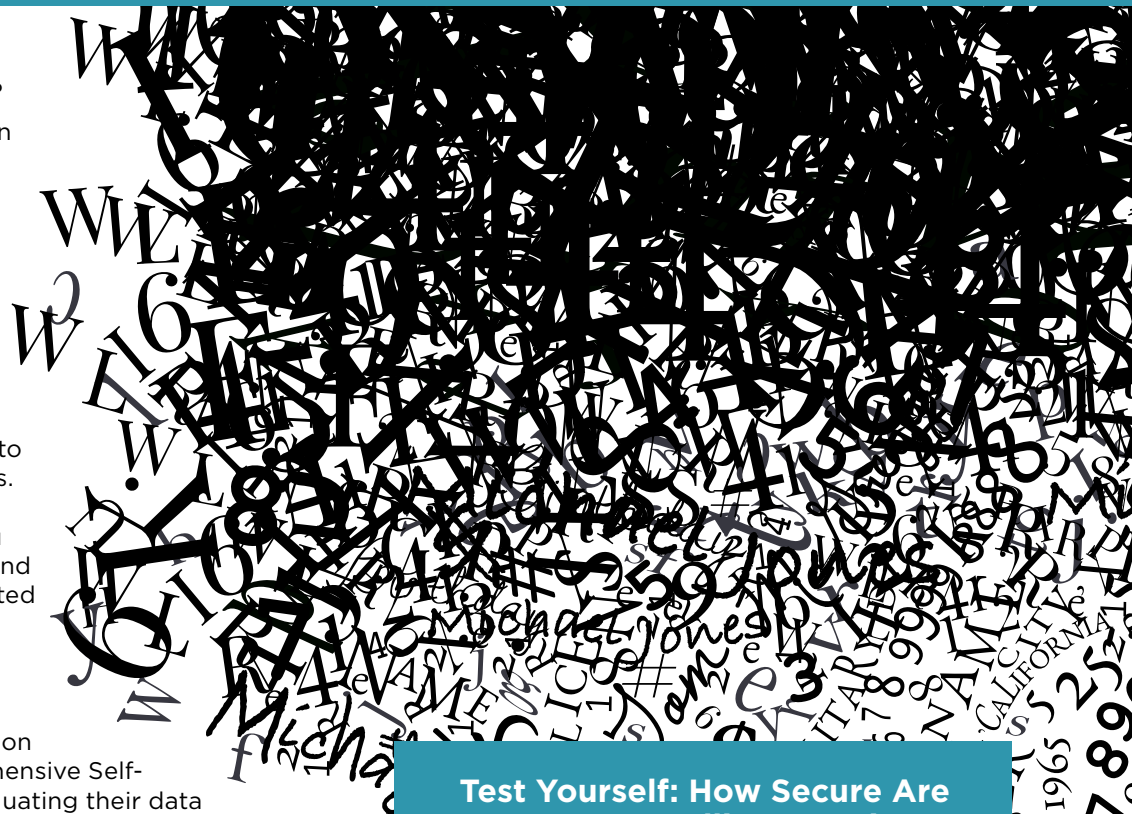
Data Security Practices

Protecting consumer information generally is a matter of taking commonsense precautions, such as always encrypting digital files and emails, and keeping printed documents secure until they are sent back, Callahan said.

Data security experts recommend a number of essential steps.

Update your security applications: Most of us have some type of protective software — such as an anti-virus application — loaded on our computers and mobile devices. But cybercriminals are constantly changing their viruses and other malware. So make sure your subscription is active and you have turned on your auto-update function. That way, whether you use McAfee, Norton, Kaspersky or another product, you’ll have the latest updates to fend off the newest hack attacks. (See related article on page 12.)

Encrypt everything: Every expert agrees that encryption is essential. Every document containing confidential information should be encrypted, wherever it is stored. The same goes for every hard drive, even if it is in a device that stays at home. (See related article on page 12.)



Test Yourself: How Secure Are Your Data Handling Practices?

Take this self assessment to find out: go to www.bitly.com/NSASelfAssessment

The NNA has developed a Notary Signing Agent data security self-assessment test so you can evaluate your own practices. Because Notaries play an essential role in the loan closing process, the mortgage finance industry is strengthening its requirements related to how you handle and store sensitive consumer information.

The comprehensive Assessment is divided into ten sections, each related to a data security need:

- Computer and Network Practices
- Mobile Devices
- Document Acceptance
- Documents Handling
- Signing Appointments
- Notary Journals
- Document Delivery
- Communications
- Credit Cards
- Miscellaneous

Each section asks a series of “Yes”, “No”, “N/A” questions and includes space to record any remediation efforts and other action you may be taking.

While the Assessment is geared toward NSAs, many of its sections are applicable to Notaries in every industry.

Always install the latest operating system

version: Whether you're Mac or PC, iPhone or Android, you get regular notices about updates to your operating system. While they can seem like a nuisance, the updates contain fixes to fend off the latest hack attack efforts.

Use strong passwords: Many companies already require employees and users alike to create passwords with a combination of upper and lowercase letters, numbers and symbols. That should be standard practice for everything, and use different passwords for every account and website. Most people use one or two passwords, noted Baritchi but if one website gets hacked, it opens the door to your other accounts. Use a password software program to generate strong passwords for your online accounts and keep them secure. There are several free or low-cost options you can choose from.

Use passcodes and touch IDs on mobile devices: Both will help if your smartphone or tablet is lost or stolen. Stephen Pao, General Manager of Security at Barracuda Networks, Inc., also recommends installing an app that can locate and wipe your device.

Avoid public WiFi: It might be nice to spend an hour at your local coffee house, perusing email or checking Twitter, but using public WiFi to access a consumer's personal information opens the door to your device, and anyone could walk in.

Don't keep unnecessary data: Delete, shred or otherwise get rid of any information you do not need. "That goes for absolutely any confidential document — email, paper, whatever," Baritchi said. "If you do not need it, keeping it creates a risk." After combing your computer, check the file cabinet you have for any unnecessary paper records.

These tips might seem to be basic, but failing to follow robust consumer protection practices could have serious consequences — for you as well as your clients.

"I don't think any (NSA) wants to call their hiring firm and say, 'My car was broken into, and the loan file was stolen along with my laptop that was not encrypted,'" Callahan said.

Baritchi also pointed out that small businesses advertise through word of mouth, and a data breach could be devastating. In fact, a 2013 report from Experian found that 60 percent of small businesses that suffered a data breach closed their doors within six months.

On the other hand, if your clients know you follow strong data security practices, they will be more inclined to do business with you.

At the end of the day, data security is simply a fact of business life. ■

Safeguarding Loan Packages

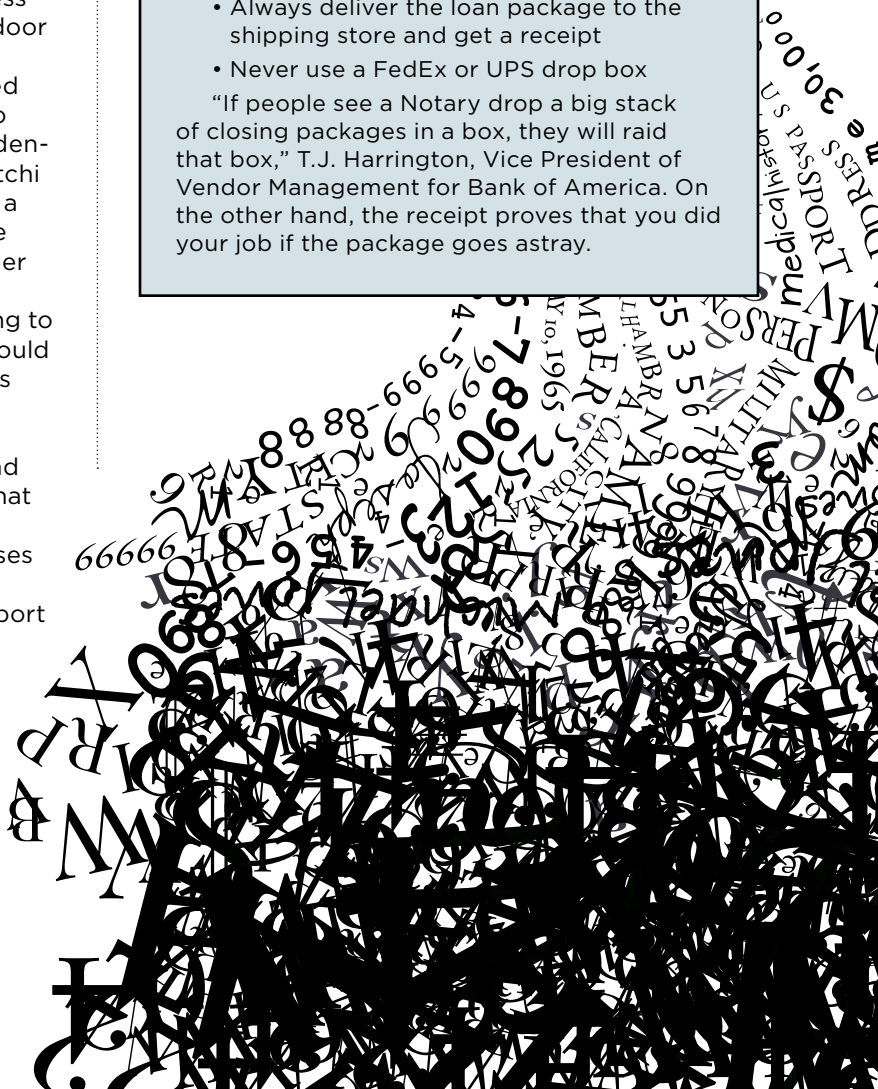
Apart from following the data security practices present in most industries, Notary signing agents have some special requirements because of the nature of loan-signing assignments.

The fact that most signings are still done on paper means you have to print out the loan package, take it with you to the assignment then ship it back to your hiring company.

And this process makes lenders nervous because loan packages contain a great deal of sensitive personal and financial information about borrowers. Here is some guidance from industry experts:

- Always keep loan documents in your possession from the time you get them until you send them back
- Avoid using public computers and printers to print out loan documents
- Delete loan documents from any computing device as soon as the assignment is done
- Don't leave loan documents outside to be picked up
- Always deliver the loan package to the shipping store and get a receipt
- Never use a FedEx or UPS drop box

"If people see a Notary drop a big stack of closing packages in a box, they will raid that box," T.J. Harrington, Vice President of Vendor Management for Bank of America. On the other hand, the receipt proves that you did your job if the package goes astray.



STEPS YOU CAN TAKE TO PREVENT BEING SUED

By David Thun



N **NO NOTARY EVER WANTS TO FACE** a bond or insurance claim due to a lawsuit. Defending yourself against charges of negligence or misconduct will cost you time, money and loss of business, even if the accusations are unfounded and you did everything right.

But there are basic precautions you can take in your everyday practice that can significantly reduce the risk of having a claim filed against you.

Protecting yourself starts with these basic steps:

Always Require Signers to Personally Appear for Notarizations

This may well be the most important step you can take to protect yourself because failing to require personal appearance as defined by your state's law is the most common reason Notaries get in trouble. Here are actual examples:

- A candidate was disqualified in a local election because the signature gatherers were not present before the Notary when

their signatures were notarized on his nominating papers.

- Thousands of borrowers lost their homes when employees of mortgage servicers notarized affidavits supporting a motion for judicial foreclosure without the signers present and then filed those affidavits with the court.
- A senior citizen lost his life savings when a "caregiver" had his signature on a power of attorney naming the caregiver notarized without the senior present before the Notary.

One of the reasons Notaries keep making this mistake is that the requests often come from people they know: bosses, co-workers, friends and neighbors. The consequences can be enormous.

Take Time to Check the Signer's ID

Your job as a Notary is to verify your signer's identity. Most of the time this entails checking a signer's identification, so make sure to familiarize yourself with the security features on your state's ID documents. This includes holograms, "ghost" photos, microprinting and raised lettering. This can help you recognize fakes. Follow a regular, identity-vetting protocol that includes these steps:

- Look at the photo on the ID, then at the signer, and do it again. Make sure the photo and physical description reasonably match the signer.
- Check the expiration date.
- Make sure all informational elements on the ID are present — both front and back.
- Use an ultraviolet light and magnifying glass to spot security features on the ID.

You're the one who controls the notarization process, so don't let anyone convince you to break the rules.

- Have the individual sign your journal so that you can compare the signature with the one on the ID. Like the photograph and physical description, they should be reasonably similar.

Look Out for the Scammer's Tactics

People pulling scams will try any number of tricks to get what they want. Some of the common tricks include:

- Trying to rush you, hoping to distract you and cause you to cut corners.
- Asking "for a favor" or playing on a Notary's sympathy. Unfortunately, this tactic often is used by someone you know. It can be as simple as a co-worker asking you to notarize a

deed putting her absent parent's home in her name. This actually happened. The co-worker forged her parents' signatures and took out a loan against the property.

Notaries At Risk

While any Notary can be a possible target of a bond or policy claim, Notaries working in the following fields may be particularly at risk:

Notaries who serve in retail establishments like mailbox shops may be more likely to encounter impostors perpetrating forgeries since any stranger can walk in off the street to request a notarization and they may think they stand a better chance of getting away with it.

Notaries who serve seniors presenting estate plans or powers of attorney for notarization may be at a higher risk. Seniors are often targets of exploitation. If a family member is cut out of a will or discovers an attorney in fact has squandered their loved one's resources, they will scrutinize the notarizations and, if necessary, sue for damages.

Notary signing agents may be at a higher risk because they handle high-value real property documents. If a transaction goes awry because of a flawed notarization — say the county recorder rejects a deed of trust, causing a mortgage to fall through — the NSA may be dragged into court.

Finally, Notaries who notarize for friends and family may be at greater risk. Individuals closest to a Notary have been known to exploit their relationship with the Notary by asking for "favors," such as notarizing their signature or the signature of someone they know when they are not present. This almost always ends badly.

What Claims Statistics Say

A review of hundreds of closed claims in the NNA's insurance and bond program revealed a number of key patterns.

Experience Matters

Most losses involve notarizations performed early in your commission or policy period.

- 60 percent occur in the first year
- 80 percent occur in the first two years

New Notaries are inexperienced and renewing Notaries might forget how to notarize correctly. So consider taking a course to brush up on performing notarizations properly at the beginning of your commission term.

Records Matter

On average, 22 months go by between the time a notarization is performed and a claim is filed. It's impossible to remember every notarization you performed, so a complete and accurate journal record is essential to defend yourself against the claim.

Errors and Omissions Insurance Matters

80 percent of the Notaries who suffer a payout from their bond do not have E&O insurance. So they face having to reimburse their bond company for the payout. The average payout equals 43 percent of the bond amount. If you have a \$10,000 bond, that's \$4,300. If you have E&O insurance, the policy pays that.

- Using charm to distract you from examining an ID too closely or make you forget a key procedure.

Don't forget that the best defense is a good offense. Let signers know they can come back when they have more time or the absent person can come in. You're the one who controls the notarization process, so don't let anyone convince you to break the rules. You can always remind signers that by following the rules, you're protecting them. You're also protecting yourself.

Keep Thorough Records of All Your Notarizations

Claims typically do not surface for months after the notarization at issue was performed. It's nearly impossible to recall important details from a single notarization that far back without some kind of written record to back you up.

Recording a complete entry in your journal for each notarization will show you performed the challenged notarization properly — even years later.

Even if your state does not require you to keep a journal, the NNA recommends it. In fact, our attorneys report that Notaries who keep meticulous and complete journals have better claim outcomes than those who do not. ■

High Risk Documents

While you should be careful and conscientious when notarizing any document, mistakes on some documents are more likely to result in a policy or bond claim than others. If you encounter any of the following, be especially alert:

- **Deeds** that convey property are risky. Real property transactions typically involve hundreds of thousands of dollars, and anyone may try to defraud the owners — even children, siblings or spouses. Even when no fraud is involved, a negligent error in notarizing the deed could prevent a property transaction from being recorded and cause harm to the parties involved. They, in turn, could file a claim against you.
- **Powers of attorney** can cause serious harm in the wrong hands. A fraudulent power of attorney can give a crook access to a victim's bank accounts and possessions.
- **Estate documents** carry risks because they determine who receives a deceased person's assets after death — and sometimes these assets are extremely valuable. The simplest notarization mistake — whether or not fraud is involved — could invalidate a key estate document, and those who lose out will seek recourse against you.




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THE CLOSING DISCLOSURE

FROM A NOTARY SIGNING AGENT'S PERSPECTIVE

By Daniel Lewis

These changes could be the start of an exciting time for Notary Signing Agents. What do you think? Join the discussion at NationalNotary.org/socialmedia



THIS MONTH, THE **MORTGAGE WORLD** will see a few forms change. As of October 3, the TILA-RESPA Integrated Disclosures Rule is in effect for most residential mortgages.

It has been described as a sea change for the mortgage industry. For Notary signing agents, this sea change is a welcome change.

Among other things, the rule combines the Initial Truth in Lending (TIL) Disclosure Form with the Good Faith Estimate into a single Loan Estimate; and the Final TIL Disclosure and HUD-1 Settlement Statement into a single Closing Disclosure.

As most NSAs know by now, the Closing Disclosure is the document that affects us the

most. (See the June 2015 cover story of *The National Notary* for full coverage of the Closing Disclosure.) Because of the time it takes to process a loan, we probably won't start seeing the new form until the end of the month or early November. So there's still time to prepare and become familiar with it.

I see the new Closing Disclosure as a real benefit for NSAs.

The Upside for NSAs

Real estate closing assignments are very complex and often confusing not only to the borrower, but to even the most experienced Notary signing agents. These new disclosure forms were created to simplify the process. There are also new guidelines that are part of this new process. For example, the borrower is to receive the Closing Disclosure at least three days before the closing.

One of the chronic complaints from borrowers and NSAs alike is the fact that borrowers generally don't see their loan documents until they sit down with the NSA at the signing table.

How many times has a borrower asked questions that you had to defer to the mortgage broker or settlement service? How many times have you had to deal with frustrated, angry borrowers?

While signings won't always go perfectly, the new Closing Disclosure should make them go more smoothly. Here's why.

The new forms have a better design with clearer language, which cuts down on questions at the closing. One of the things I like best about the Disclosure is that it highlights the top three questions from borrowers:

- What is the interest rate?
- What is my monthly payment?
- What are the closing costs?

The Closing Disclosure should eliminate the time we spend flipping through the HUD-1, TIL, and First Payment Letter to answer questions.

The Disclosure should remove more than 90 percent of the questions about insurance and taxes. It also states in very plain language if the payments will rise in the future.

Since the Closing Disclosure will be given three days before the closing, borrowers can get answers to their questions before the Notary signing agent arrives. This should mean less time at each closing and more closings each month.

The good news is that with proper planning and routing of assignments, we may be able to double our income. Several lenders I work with have already adopted these new guidelines by ensuring the borrower has the closing disclosures at least three days prior to closing.

To take advantage of the opportunity the Disclosure presents, we have to be ready.

Preparing for the Closing Disclosure

As John Wooden, the long-time coach of the UCLA men's basketball team, said, "Things work out best for those who make the best of how things work out."

That saying is very apt for the current environment of the mortgage industry. The companies that hire us are looking for NSAs who can show that they are prepared to handle the new Closing Disclosure.

There are a number of practical things NSAs can do to prepare:

- Network with other NSAs in your area and practice presenting the forms to each other. Check out SigningAgent.com for other Notary professionals in your area. This activity can also help you meet other signing agents in your area who take what they are doing seriously.

When in a pinch, they will refer business to you, and you can do the same for them.

- Get to know the new Closing Disclosure. The NNA has an interactive version of the form posted on its website (bitly.com/closingdisclosure). Review each section thoroughly. Make sure that you know each detail of the new form before they start showing up in loan packages.
- Contact local title companies in your area and offer to hold a local "Bring Your Own Lunch" practice session during lunch at their office. Setting this up with a local title company can help you in two ways. First, it will give you much needed practice with a local title company professional. Second, it will alert the title company that you are a professional in the area and understand the new forms.
- If you have a mentor, contact that mentor and discuss the new forms.

"The good news is that with proper planning, we may be able to double our income."

- Go to professional Notary sites, like SigningAgent.com, and update your profiles to show that you have reviewed the new Closing Disclosure and are prepared to conduct a professional closing assignment using it. This will be critical for companies that use Notaries to see this in your profile.
- Consider taking a training course. A number of companies have already indicated that they want the NSAs in their networks to go through some formal training, whether it's a course created by the company or offered by an education provider, such as the NNA's NSA Continuing Education Course.

While some NSAs may balk at taking additional training, it's a good way to prove to your clients that you're ready to handle their assignments.

One of the early lessons I learned in my career as an NSA is that this is a customer-service business. The way to succeed is to meet the needs of your clients. If a good client wants you to get extra training, you risk losing work if you refuse. And you'll keep getting work if you readily do what you're asked.

About the author: Daniel Lewis of Carmel, Indiana, is the founder of Lewis Notary Services Inc., a nationwide mobile Notary service. He also teaches Notary best practices and is the NNA's 2010 Notary of the Year.



HOW THINGS HAVE CHANGED:

EXPERIENCED NOTARIES SHARE THEIR STORIES

By David Thun

A LOT HAS CHANGED IN THE FOUR-PLUS DECADES since Joan Baffa and Valerie Burrowes became Notaries.

Baffa, of Lindenhurst, New York, received her first commission in 1969, the year we landed on the moon for the first time and the Beatles recorded their last album together. A gallon of gas cost 35 cents, a new home \$15,500 and you could buy a Toyota for less than \$2,000.

In 1972, when Burrowes of Moreno Valley, California, first became a Notary, the price of gas had risen to 55 cents a gallon, a new house cost \$27,600 but bell bottoms were still in style.

In those days, there were no cell phones or personal computers. There was no Internet or social media. And if you wanted to shop at home, you had to flip through a printed catalogue, fill out an order form and mail it in with your check.

And oh, yes, the office of Notary Public was different, too.

The two women recently shared their stories and perspectives with *The National Notary* about how they have seen the role of Notaries change since Richard Nixon was president.

The Biggest Changes for Notaries

Both Baffa and Burrowes agreed that the biggest change since they first received their commissions is how much harder it is today. Becoming a Notary in the 21st century requires a great deal more knowledge and training than it did four decades ago.

Burrowes got her commission after she'd been elected city clerk of El Segundo, California, and has been a Notary on and off for 33 years during that time.

At the time, there were no training requirements in California. You simply filled out an application and received your commission.

"Back in the 70s, being a Notary was uncomplicated," she said. "Today you've got to go through training. I think it's a lot harder to become a Notary today, which is good."

In fact, Burrowes believes California's education, testing and background screening requirements are one of the most positive changes to impact the office that she's seen.

"More testing, more requirements helps make sure you get the right people to become Notaries," she said. "I lived in Arizona a few years ago. Their Notary laws were very relaxed. I was shocked at the difference."

Modern Notaries have to be much "more in tune" with the law as well as changing social and political trends affecting it, said Baffa, who became Notary after going to work for Debevoise & Plimpton LLP, an international law firm headquartered in New York City. "You have to know about issues like *notario* fraud, advertising, physical appearance requirements for signers, and the do's and don'ts of notarizations."

Today Baffa, an NNA 2015 Notary of the Year Honoree, oversees the notarial activities of the firm's 200 Notary-employees.

Notary Education in the Internet Age

Both women are big believers in Notary training.

"You can't be lackadaisical about education," Burrowes said. She has consistently kept abreast of new laws and rules to make sure she has all the information necessary to notarize signatures properly.

That's all the more necessary because of something that hasn't changed over the years: the general lack of understanding of what Notaries do and the rules they must follow.

"Most people aren't aware of what is required when they need something notarized," Burrowes said. "They think it's a simple process of you signing a paper. They often don't even know about needing proof of identity."

For Baffa, working at an international law firm carries special demands. "It's very important that documents are prepared according to the law," she said, "It's not just New York law. We must consider the laws of the state or country where the document will ultimately be submitted."

In the 1970s, information about Notary laws and best practices would be hard to come by on short notice. There might be a handbook from the Secretary of State's office, or an occasional newsletter, but finding information about other states could be a challenge.

Fortunately, one world-changing development helps: the Internet.

"I worked at the law firm before there were computers," Baffa recalled wistfully. Today, instead of placing a long-distance phone call or writing a letter to a government agency seeking information, Baffa can conduct a simple Internet search to find what she needs.

"It's harder to become a Notary today, which is good."

— Valerie Burrowes

"The Internet is big plus," said Baffa. She can readily visit the NNA's Notary Laws database or other websites to look up the Notary laws for any state or find Notaries across the country if something needs to be notarized in another state.

For all the benefits of the Internet, Baffa, like Burrowes, notes that many people do not understand what Notaries do.

"The laws haven't changed much, but people aren't aware of them as they should be," she said.

She frequently hears about instances at other firms around the city where bosses or other superiors ask for an absent spouse's or client's signature to be notarized without the signer being present.

"It's not a problem at my office because the Notaries here come to me with their concerns, and I'm always available to intervene on their behalf," Baffa said. "Unfortunately, this type of 'intimidation' is prevalent in other firms."

Looking into the Future

Technology is an important development for

notarization not only for Baffa's present-day work, but for the future, she says. She is still going strong training and dealing with the 200 Notary-employees at her law firm, and says she'd like to see the state of New York implement laws addressing electronic document signatures and notarizations.

"I called the state to ask about it," she said. "It appeared that very little was known about it."

When asked about her future as a Notary, Burrowes said she just renewed in May, but may retire from serving as a Notary when her current commission expires. That said, she's not quite ready to stop yet, because she found a need for Notaries just outside her door.

"I live in a mobile home park with almost 300 units, and I post a notice in the park newsletter that I can notarize documents. Many people have told me how glad they are that I'm here, because they often need documents notarized and didn't know where to find a Notary. I keep on so these people can get the help they need." ■

"The laws haven't changed much, but people aren't aware of them as they should be."

— Joan Baffa

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BEYOND THE BASICS

Unfamiliar Certificate Wording: Tips for when you're presented with notarial wording you don't recognize



Does the following situation sound familiar? A signer walks into your office with a document. “I was told I need my signature on this form notarized,” he says. When you ask him what type of notarial act he’d like, he hesitates. “I’m not sure ... it’s from out of state and they just told me it needs to be notarized. There’s a statement for a Notary to sign.” He hands you the document ... and the notarial certificate wording is completely unfamiliar to you.

Each state authorizes its Notaries to perform a variety of services for the public ... but those services are different in every state. If you’re presented with a document bearing unfamiliar notarial wording, it may be hard to figure out if you’re authorized to perform the notarial act being requested, and if the wording is acceptable to use “as-is.” Here are some tips that can help when you are presented with unfamiliar wording.

Step One: Read the Certificate to Determine What it’s Asking You to Do

To avoid making mistakes, you must read the notarial wording to determine if it requires an act that you are authorized to perform. If you are presented with a document asking you to perform an act that is not authorized in your state, you will have to refuse the notarization.

For example, a Florida Notary

reads a notarial certificate from Washington state that asks the Notary to certify that an event occurred on such-and-such a date. A Florida Notary would have to refuse, because certifying an event took place (with the exception of solemnizing a marriage) is not an authorized notarial act under the Sunshine State’s laws.

Step Two: If You Can Perform the Act, Can You Use the Wording?

Even for common notarial acts such as acknowledgments and jurats, if the document contains unfamiliar notarial wording, don’t automatically assume you can complete it. Notarial certificate wording can be significantly different depending on where the document was prepared or is being sent. If your state does not prescribe exact certificate wording for an acknowledgment and jurat in statute, you may be able to complete out-of-state certificate wording for the act, as long as it meets any other requirements under your state’s laws.

California is the exception. Unlike many other states, California statute requires a jurat certificate completed by a California Notary to be in the exact form prescribed by law. Because of this specific requirement, a California Notary can’t complete an out-of-state jurat certificate.

California also has a unique requirement that could raise con-

cerns beyond its borders. Golden State Notaries are required to certify “under penalty of perjury under the laws of the State of California” that the information in a certificate is true and correct. It’s understandable that a Notary in another state would be reluctant to sign a certificate with this clause. The alternative is to substitute the California certificate with a form that complies with your state’s laws.

If you’re not sure whether you can complete an out-of-state certificate, you can contact your state Notary regulating office or the NNA Hotline.

Step Three: When in Doubt, Attach Your State’s Form

In situations where the notarization request is lawful, but you’re unable to confirm if the pre-printed wording is acceptable, it’s better to err on the side of caution. Complete and attach a certificate form with your own state’s wording instead. You may wish to note that you attached a new certificate form and the reason why in the “Additional Information” section of your journal entry.

The important thing to remember about unfamiliar notarial wording is to always confirm whether it’s acceptable under your state laws before proceeding. In the words of Davy Crockett, “Be sure you’re right — then go ahead.”



Moving to Another State, Seal Requirements, Signature Stamps...

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 am moving from Alabama to Florida in about a week, but my Notary commission has not expired, and I am wondering if it is possible to use it in another state? Or can I transfer it to Florida once I get down there?
— J.C., Talladega, Alabama

No. You cannot use your Alabama Notary commission outside of the borders of Alabama. When you move to Florida, you must obtain a new commission for the state of Florida if you wish to notarize in that state. Unfortunately, no U.S. state allows a Notary commission to be transferred from one state to another. You'll need to make a new application in Florida.

I am a fairly new Notary, and I will be notarizing trust documents. I have never done this before. Could you walk me through this process?
— L.H., Palmdale, California

The steps for notarizing a trust document as a California Notary are basically the same for all documents. These steps may differ for Notaries of other states.

1. Require every signer to personally appear before you at the time of notarization.
2. Identify the individual using satisfactory evidence.
3. Scan the document for completeness and have the signer complete any blank spaces.
4. Determine the notarial act for the document by looking at the notarial certificate on the document, if present. In most cases, the choices are an acknowledgment or jurat. If the document does not contain a notarial certificate, the signer must instruct you which to perform and then you can add the appropriate certificate form to the document.
5. Complete the journal entry. If the trust affects real property, you must obtain the signer's thumbprint in the journal.
6. If the document has not been signed, have the signer sign the document.
7. If the document has been signed and requires an acknowledgment, ask the signer if he or she acknowledges having signed the document freely for the purposes expressed in the document.
8. If the document requires you to perform a jurat, ask the signer to swear or affirm that the statements in the document are true and correct.
9. Complete the notarial certificate completely and accurately.
10. Sign and legibly affix your seal to the notarial certificate near your signature.





Is a seal required for Notaries in New Jersey? I was told it was no longer required as long as the Notary's ID number is on the document. Can you confirm?
— *M.G., Branchburg, New Jersey*

No, a seal is not required in the state of New Jersey (NJSA 41:1-7). However, on every certificate, you must print, type, or stamp your name in such a manner that the State Treasurer is able to read it clearly (NJSA 52:7-19). According to the *New Jersey Notary Public Manual*, Notaries also must print, type, or stamp their commission expiration date. While Notaries may legibly print this information near or below their signature on every document they notarize, many chose to use an inking or

embossing seal that contains this information because it saves time and effort. In addition, if the document is sent to another state or to a foreign nation, the absence of a seal may delay or, on occasion in foreign nations, even prevent its acceptance.

I am concerned about a deed to real estate that was notarized by a family member. Is this allowed?
— *C.R., Devon, Pennsylvania*

Yes. There is no law in Pennsylvania that says a Notary cannot notarize for a family member. However, although not addressed in statute, the NNA recommends against notarizing documents for a spouse, parent, sibling or other family member related by blood

or marriage because the financial affairs of family members are often intertwined. Such a notarization could be considered a conflict of interest. It is always the safest practice to avoid even the appearance of a conflict of interest and not notarize documents for immediate family.

My boss would like to use a signature stamp for signing lien waivers for our customers. Can I notarize a signature stamp if I witness him doing the actual stamping? Thank you for your time.
— *I.W., Commerce City, Colorado*

No, a signature stamp is not allowed in Colorado. In order for you to notarize a paper document, the document must include an original written signature.

If a person signing has multiple documents, do I need him to sign a separate line in my Notary log for each document? Or do I just need one line for his signature, and just list the documents signed in a single journal entry?
— *V.G., San Diego, California*

You must record a separate journal entry for every signature you notarize with all required informational elements for the entry. Journal entries must be completed at the time of notarization. California Notaries may not use ditto marks, abbreviations or other shortcuts in recording journal entries.



5 Steps to Properly Perform a Notarization



When it comes to properly performing a notarization, most Notaries are left to their own devices. Even states that have mandatory education requirements for commission applicants focus more on Notary law than Notary practices.

To help you carry out this essential task, here are 5 steps to a notarization:

Step 1: Require Personal Appearance

Almost every state either mandates in statute or through certificate wording that the signer must personally appear before you — as defined by your state's laws — during the notarization. This step helps protect your signer, your employer, anyone relying on the notarization and you against potential fraud and liability. Personal appearance also allows you to complete other steps.

Step 2: Scan Over the Document

Always scan over the document for a number of reasons:

- To check for blank spaces. Blank documents can be altered later in an attempt to commit fraud.
- Check to see if the document has certificate wording. If it does, review the wording to make sure it contains all the elements a Notary certificate should have and that

it conforms to the requirements of your state.

- To glean information (such as the document title) for recording in your journal.

If the document does not contain certificate wording, ask your signer what type of notarization is required and then attach a separate, or loose, certificate. If your signer is still uncertain, he or she should contact the issuing or receiving agency for instructions.

Scanning the document does not mean reading it for its details. Just glance over it sufficiently to get the information you need.

Step 3: Verify the Facts and Screen Your Signer

Verifying the facts means that you understand what is required of the notarization. If an acknowledgment is required, you will need to verify the signer's identity. If a jurat is required, you will need to administer an oath or affirmation. In some states, you may need to verify the signer's identity for a jurat.

Typically, you will use a government-issued ID to check your signer's identity. Personal knowledge also is another common option — but not California.

At this point, make sure your signer is aware of what's going on. You can do this with small talk and basic questions. To determine willingness, ask your signer if he or she is signing of his own free will. If you have

any reason to suspect that he or she is not, refuse to perform the notarization.

Step 4: Record Your Journal Entry

Most states either require or recommend Notaries to maintain a record of all notarizations. A good journal entry contains details of the notarization that are helpful in case a document or notarization is called into question.

It's a good idea to complete your journal entry before the notarization so you can make sure to collect all the necessary elements of the record, including your signer's signature.

Step 5: Complete the Notarial Certificate

Finally, take care to sign and affix your seal properly. Always sign exactly as your name appears on your commission. Place your seal close to your signature so it does not overlap. If your state does not require a seal, you may need to add your name and commission information below your signature.

Learn more about best practices and procedures in the NNA's Notary Essentials course
**NationalNotary.org/
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