



NOTARY WEBINAR

Secretary of State
Corporation Division

Advanced Notary Presentation

CorporationDivision.SOS@sos.oregon.gov

sos.oregon.gov/business

[503-986-2200](tel:503-986-2200)

Monique Bourque

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Agenda

- Notarizing at Work
- Protecting Yourself
- Protecting Others
- Journaling Witnesses

Break!



Agenda

- Acts & Certificates
- IPEN & RON Notarizations
- The Notary Business



Notarizing at Work

Employer Notarization Policy

(Notary Public Guide, Chapter 2)

- What times the notary will be available.
- What types of documents.
- What fees, if any, and where posted.
- Responsibility and procedures for renewal.
- Notarization for colleagues on work premises.
- Security & disposition of journal & stamp.
- Any liability coverage under employer's insurance.

Employer can not control notarizations done after work hours.

Putting it in Place

- Deliberate –
 - ❖ Decide on your policies and procedures ahead of time.
- Educate –
 - ❖ Everyone should understand what's required.
- Cooperate –
 - ❖ Work with others to make it work.

Goal: Proper Notarizations Done Efficiently

I-9 Verifications

- Require verification of identity, so employees often sent to notaries
- Do not have notary certificate wording
- Do not require notary stamp
- I-9 verification is not a notarial act
- Notary may only perform I-9 verification as a representative of the hiring company



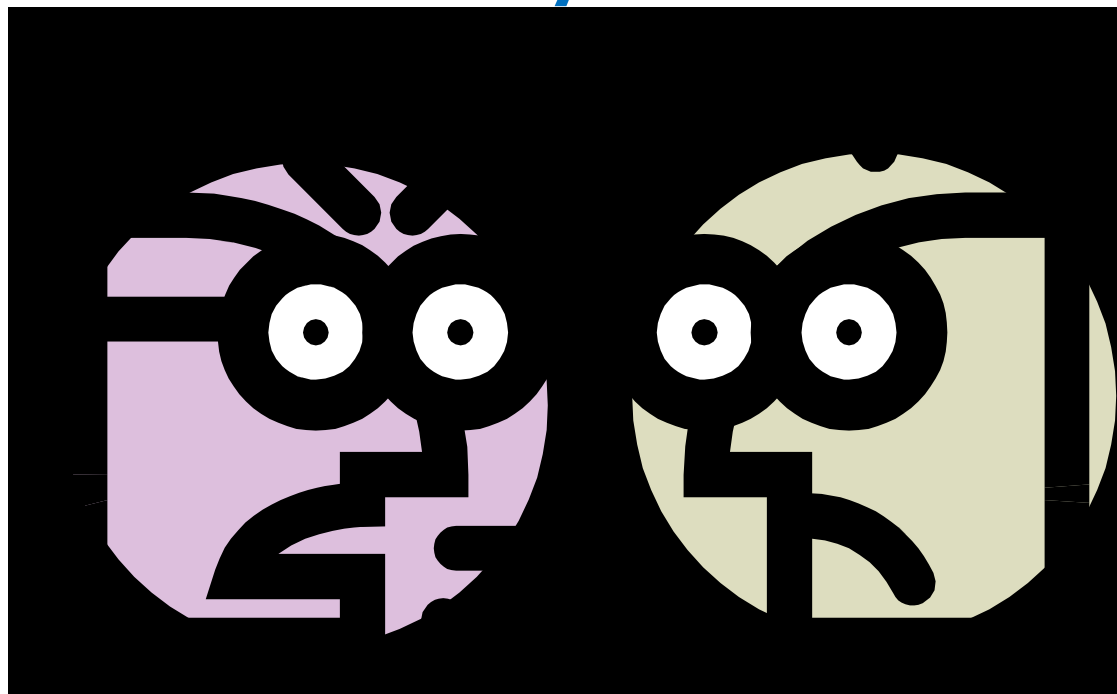
Protecting Yourself



Grey Areas = Grey Hairs

- Ask!
- Take Reasonable Care
- Assess Your Risk
- You can always say, “No.”

But They Insist!



➤ Show Your Backup



➤ Stand your Ground



➤ Give 'em options



➤ Appeal to a Higher Power





Document, document, document

- Journal Entry proves “Reasonable Care.”
- Take your time, take the space.
- Write legibly.
- Describe the unusual.



Protecting Others



Financial Exploitation

Improper use of another's resources for personal gain.

Use notaries to drain accounts and take property.

- Proven financial abuse cases are rapidly increasing.
- 54% abused by family member or spouse.
- Underreported! 44:1 cases to reports.



Watch Out For

- Likely documents
 - POAs, Property Deeds and Titles
- Troubled situation
 - Signer medical condition, family issues, “urgency”
- Signer issues
 - Lethargy, confusion, uninterested, not speaking, outside pressure



Talk with the signer

- Send others away, if necessary
- Take your time
- General conversation that may wander
- Ask open-ended questions
 - “Why are we here today?”
- It’s okay to say, “No.”
- Be sensitive to privacy, situation

Reporting Elder Abuse

- Contact local Aging & People with Disabilities (APD) office or local law enforcement.
- Or **Call 1-855-503-SAFE (7233)**
- Or click on www.oregon.gov/dhs/abuse
- Preventing Elder Financial Exploitation
www.oregonbankers.com/preventing-elder-financial-exploitation-toolkit.html

Notary Public \neq *Notario Publico*

- ❖ **An Oregon Notary Public** may
 - Take acknowledgements
 - Administer oaths
 - Witness signatures
 - Certify copies of documents not recordable in the public records
 - Verify the signer's willingness, competence and identity.
- ❖ **Notary Public is usually not a lawyer**
- ❖ **Fee = \$10 per act**

- ❖ **A Notario Publico** may
 - Be an arbitrator
 - Be a mediator
 - Issue judicial opinions
 - Intervene in judicial proceedings
 - Ensure that documents such as bylaws of companies, wills, deeds, powers of attorney, real estate purchases and establishments of trusts conform to the law
 - Ensure payment of taxes
- ❖ **Notario Publico *must* be a lawyer**
- ❖ **Fee = % of the transaction, potentially thousands of dollars**



Unfamiliar Language

- Document in an unfamiliar language
- Document in English AND another language
- Options
 - Network
 - Internet
 - Consulate
 - Translation?

Advertising

- **All** non-attorney Notary advertisements must include a “can’t practice law” statement in the language of the ad.
- If it won’t fit on a sign, the statement must be prominently displayed or provided before the notarization.

Notarizations Here!

I am not an attorney licensed to practice law. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

\$10/act



Journaling Witnesses



Credible Witness

John Jones has had his wallet stolen but needs to get a Limited Power of Attorney notarized.

His friendly neighbor will help.

Credible Witness

- Witness identifies **Signer**
- Notary identifies **Witness** – ID or knowledge
- Witness is credible through **Oath**



Do you solemnly (swear)(affirm),
under penalties of perjury,
that you personally know this
person as

_____,
that he/she is the person named in
the document, and
that you have no financial interest
in and are not a party to this
transaction (*so help you, God*)?

Journal: Credible Witness

Date/Time of Act	Type of Act	Doc. Date	Doc. Type	Printed Name Contact Address	Signature	ID	Additional Info	Fee
01/16/2017 10:30 a.m.	Oath	N/A	N/A	Marla May 2468 Neighborly Ln Yourtown, OR 97888	Marla May	ODL 5/21/20 23	Credible Witness for John Jones	\$10
01/16/2017 10:30 a.m.	Indiv Ack	01/16/2017	Limited POA	John Jones 2458 Neighborly Ln Yourtown, OR 97888	John Jones	Marla May, Credible Witness	N/A	\$10

Signature by 3rd Party

“If an individual is physically unable to sign a record ... The notarial officer shall insert “Signature affixed by (name of other individual) at the direction of (name of individual)” or words of similar import.

ORS 194.250



3rd Party Signature

Sherman Peabody broke his arm fixing the WayBack Machine. Jenny will help him sign the insurance form.

Signature by 3rd Party

State of Oregon
County of Lincoln

Signed before me on Jan. 25, 2017, by Sherman Peabody.

**Signature affixed by Jenny James at the direction of
Sherman Peabody.**

Heather S Wilson
Notary Public – State of Oregon



OFFICIAL STAMP
HEATHER SUE WILSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 123456
MY COMMISSION EXPIRES JULY 11, 2020

Journal: 3rd Party Signature

Date/Time of Act	Type of Act	Doc. Date	Doc. Type	Printed Name Contact Address	Signature	ID	Additional Info	Fee
01/25/2017 11:30 a.m.	N/A	N/A	N/A	Jenny James 2200 Neighborly Ln Yourtown, OR 97888	Jenny James	ODL 7/4/2023	Signer for Sherman Peabody	N/C
01/25/2017 11:30 a.m.	Witness	01/25/17	Insurance claim	Sherman Peabody 2220 Neighborly Ln Yourtown, OR 97888	Sherman Peabody by Jenny James	US Passport 1/11/2025	N/A	\$10

Break!



One person, Many docs

Date/Time of Act	Type of Act	Date of Document	Type of Document	Printed Name Contact Address	Signature	ID	Additional Information	Fee
1/1/18 9:30 AM	Ack.	1/1/18	POA	Jane Doe Jane's Address	<i>Jane Doe</i>	Jane's ID		None
" "	Jurat	" "	Contract	" "		" "		" "
" "	Copy	" "	Corp. Resolution	" "		" "		" "
" "	Wit. Sig	" "	Order	" "		" "		" "

One person, Many appearances

Date/Time Of Act	Type of Act	Date of Document	Type of Document	Printed Name Contact Address	Signature	ID	Additional Information	Fee
5/17/19	Ack.	5/17/19	POA	Jane Doe See page 2 Line 3	<i>Jane Doe</i>	See page 2 Line 3	3 Copies	\$30

One person, Two docs

Date/Time Of Act	Type of Act	Date of Document	Type of Document	Printed Name Contact Address	Signature	ID	Additional Information	Fee
9/23/19	Witness Oath	9/23/19 9/23/19	Grant Deed Affidavit	Jane Doe Jane's Address	<i>Jane Doe</i>	ODL 8/21/25	Two separate documents notarized	\$20



Acts & Certificates

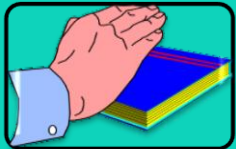
Notarial Acts



Acknowledgment (Individual & Representative)



Administering Oath



Verification Upon Oath or Affirmation (Jurat)



Witnessing Signature



Copy Certification

Components of a Certificate

6 Elements Every Time

WHERE

(State & County)

WHAT

(Act)

WHEN

(Date of Notarization)

WHO

(Signer)

Official Stamp

(legible &
reproducible)

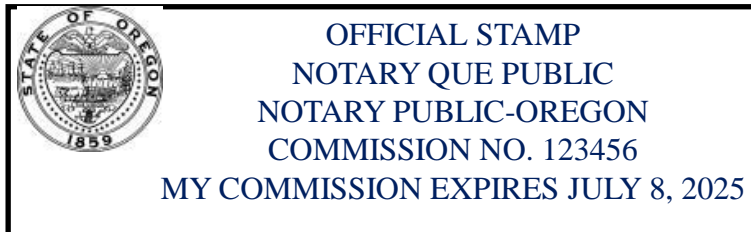
**Official
Signature**

Filling Out a Certificate

State of Oregon

County of Klamath

On this 7th day of Sept. 2021, before me Monique Bourque, a notary public, personally appeared John Doe, ~~personally known to me~~, or known by ID, to be the person(~~s~~) whose name(~~s~~) is(~~are~~) subscribed to this record, and acknowledged that he(~~she/they~~) executed the same.



Notary Public

Notary Public

My Commission expires: 7/8/25



Scenario 1: Certificate is Provided

- Determine the Act.
- It's *your* statement; conform it to the law
- It's *your* statement; make it true.

Certificates

➤ Just watch me sign:

Witness Signature

➤ Copy my birth letter:

Certified Copy

➤ My company's contract:

Representative Acknowledgment

➤ Affidavit:

Verification on Oath/Affirmation



Which Act?

“...appeared and acknowledged before me...”

Individual Acknowledgment



Which Act?

“signed by _____ as _____ for _____”

**Acknowledgment in Representative
Capacity**



Which Act?

“Subscribed and sworn”

Jurat

(verification on oath or affirmation)



Which Act?

“signed and attested before me...”

Witness Signature



Which Act?

“...true and correct copy of _____ in the possession of....”

Certified Copy



Which Act?

“...and executed said instrument”

Witness Signature



Which Act?

“upon the oath of”

Jurat



Which Act?

“signed and acknowledged before me”

Acknowledgment (hybrid)



Scenario 2: No Certificate Provided

- Which Act am I Witnessing?
- Match Certificate to Act
- Apply to Document

State of OREGON

County of Marion

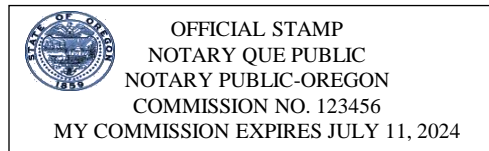
This record was acknowledged before me on (date) December 12, 2015 by

(name(s)) of individual(s) Sandra Brown.

Notary Public

Notary Public - State of Oregon

Official Stamp



Document Description

This certificate is attached to page - 1 - of a Grant Deed (title or type of document), dated December 12, 2015, consisting of - 1 - pages.



Hybrid Certificates and *Wrong* Certificates

Jurat & Acknowledgment

ASSIGNMENT OF DEED OF TRUST

FOR VALUE RECEIVED, The undersigned hereby grants, assigns and transfers to Oregon Board of Housing, whose address is PO Box 20000, Portland, OR, all beneficial interest under that certain Deed of Trust dated 1/7/2016, executed by John Q Public and Susie Q Public, Grantors, to ABC Bank, Trustee, recorded on

Together with the note or notes described or referred to, the money due or to become due thereon with interest, and all rights accrued or to accrue to the said beneficiary under said Trust Indenture.

Dated: _____

XYZ BANK OF OREGON

Robert Smith, VP

Mary Johnson, VP

Where

STATE OF OREGON

County of _____

When

Who

On this _____, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared _____ and _____ to me personally known or identified by satisfactory evidence, being duly sworn by me did say that he/she is the _____ and _____ of the corporation named herein which executed the within instrument, that said instrument was signed and sealed on behalf of the corporation pursuant to its by-laws or a resolution of its Board of Directors and that he/she acknowledges said instrument to be the free act and deed of the corporation.

What Act

Notary Public

Jurat / Acknowledgment

State of Oregon

County of Multnomah

On this 12th day of May, 2016, George Johnson appeared before me and did swear/affirm that he/she acknowledged his/~~her~~ signature on the attached document freely and willingly.

Notary Public

Signature/Acknowledgment

State of Oregon

County of _____

On the ____ day of _____, 20____, there appeared _____,
who freely and willingly subscribed and acknowledged h____
signature before me.

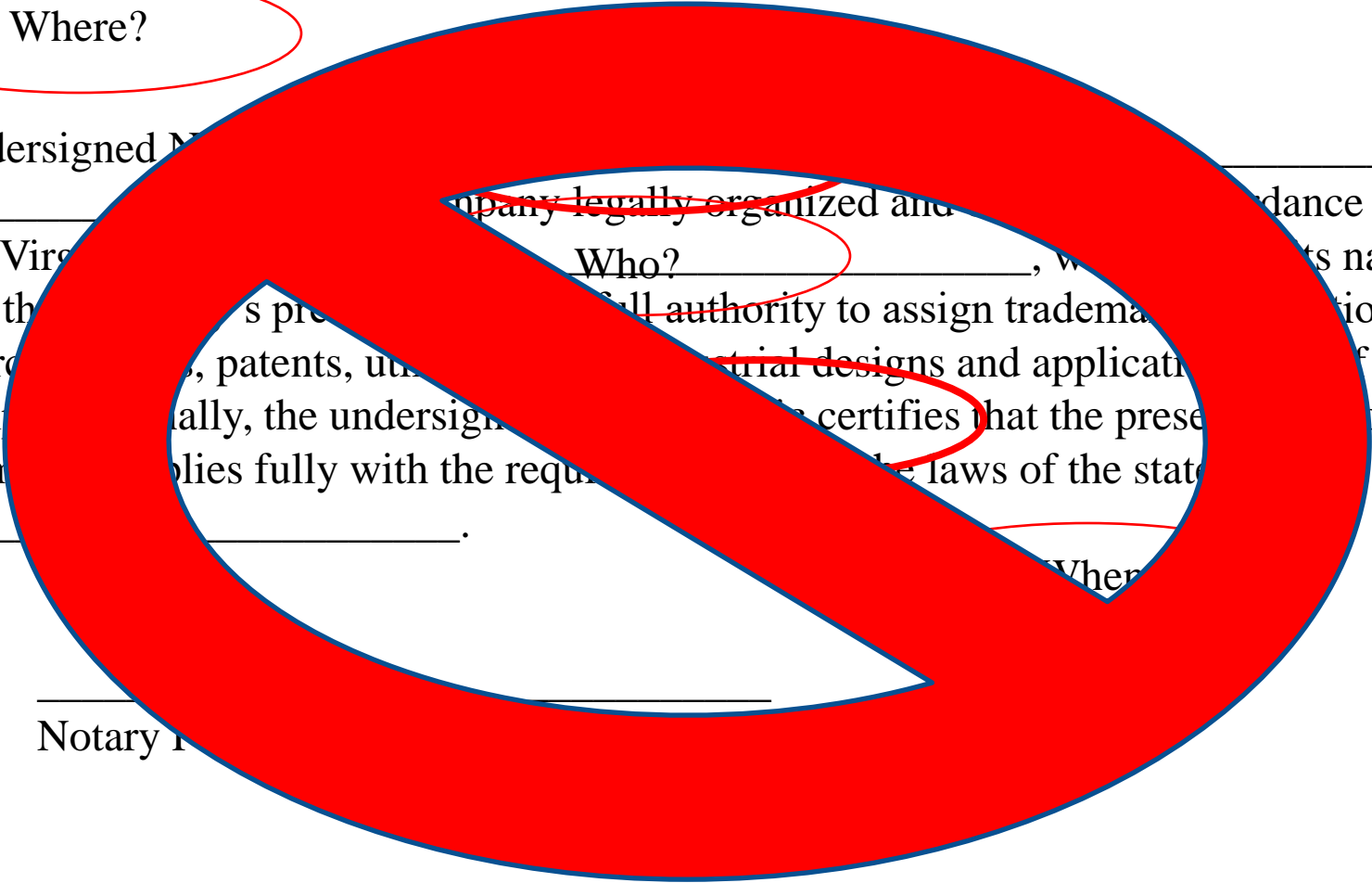
Notary Public

Commission Expires

Where?

The undersigned M _____
_____ company ~~legally organized and~~ _____ in accordance with the
laws of Virg _____, who _____ its name and
stead is th _____ s pre _____ full authority to assign tradema _____, slogans,
commerc _____, patents, ut _____ industrial designs and applicati _____ of belonging to
the com _____ ally, the undersign _____ certifies that the prese _____ of
Assignm _____ lies fully with the requ _____ the laws of the state _____
_____.

Notary _____



ID VERIFICATION CERTIFICATE

On _____, _____ County of _____
and _____ personally appeared _____
WHO?

I have examined the documents listed below. These documents were presented by the named person and appear to be genuine and relate to the person. Please list the documents presented to you below:

Witness my hand

Notary Public

Date

California Certificate

State of ~~California~~

County of _____

On _____ before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

~~I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.~~

WITNESS my hand and official seal.

Signature of Notary Public (Notary Seal)

In Person Electronic Notarizations (IPEN)



=



Notarization by remote presence

- Webcam, Skype, Zoom, FaceTime, etc. -

not acceptable



The Process

1. Presence.
2. Screen.
3. Sign: Document.
4. Sign: Journal.
5. Certificate.
6. Stamp and Sign.
7. Send.

Registration

- **First:** find a NENS – compliant vendor
- **Second:** notify the Secretary of State.
 - Send example in PDF format.
- More info:
www.sos.oregon.gov/business/Pages/electronic-notarization.aspx

Remote Online Notarization (RON)



Notarization by remote presence

Meet signer via audio-visual platform i.e.
DocVerify, Pavaso, NotaryCam, SIGNiX, etc.

Please note:

Skype, Zoom, FaceTime, GoToMeeting, etc. - **NOT** acceptable.



The Process

1. Meet via audio-visual technology.
 - Notary must be in Oregon, signer can be located outside of Oregon.
2. ID signer via KBA & regular ID.
3. Document uploaded to RON platform.
4. Journal entry created via RON platform.
5. Customer signs via RON platform.
6. Notary stamp and signature via RON platform.
7. Document returned to signer via RON platform.

Registration

- **First:** Complete the required RON training
- **Second:** Choose a RON Platform
- **Third:** Notify the Secretary of State
 - Send in Remote Notification Form
 - You must receive approval from SOS before you begin RON notarization
- More info:
www.sos.oregon.gov/business/Pages/remote-online-notarization.aspx



The Notary Business

NSA & Mobile Notary

- Mobile Notary – notary willing to travel
- Notary Signing Agent – mobile notary specializing in loan document signings
 - Independent contractor
 - Fees through lender and title companies, not signer
- Notary + Business Owner
- **Private** certification



Things to Remember

- **Job 1: Notarize properly**
- Get training
- Run your business well
 - Proper licenses, registration, taxes, insurance
 - Market and network
 - Get organized: records, supplies, tools
 - Get help: Business Xpress, SBDC, SCORE

Other Resources

- **American Society of Notaries:** www.asnnotary.org
- **National Notary Association:** www.nationalnotary.org
- **Notary Forums:** [LinkedIn](#), [Notary Cafe](#)
- **Laws and Rules, Notary Guide and more:**
www.sos.oregon.gov/business/Pages/resources-aids-notarization.aspx



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