ORESGON NOTARY TRAINING

Verifying Identity, Preventing Fraud

How Oregon notaries public confirm identity, guard against fraudulent notarizations, and stay compliant with ORS Chapter 194

A Fraud-Prevention & Legal Compliance Briefing

Presented to Oregon Notaries Public

OVERVIEW

What We'll Cover

01 **The Legal Foundation**

Oregon's Uniform Law on Notarial Acts, ORS Chapter 194

02 **Verifying Identity**

Personal knowledge, ID documents, and credible witnesses

03 **Recognizing Fraud**

Red flags and common schemes targeting notaries

04 **Protecting Yourself**

Refusal rights, journal records, and best practices

WHY IT MATTERS

A notary's signature and seal tell the world an identity was verified in person. When that trust is exploited, victims can lose homes, savings, and legal standing — and the notary can face civil penalties, criminal charges, and loss of commission.

THE LEGAL FOUNDATION

Oregon Revised Statutes, Chapter 194

Oregon's Uniform Law on Notarial Acts governs every notarial act performed in the state — including how identity must be confirmed.

ORS 194.235	Personal appearance required
ORS 194.240	Identification of individual
ORS 194.245	Authority to refuse to perform a notarial act
ORS 194.300	Journal recordkeeping requirements
ORS 194.350	Prohibited acts (fraud, deceit, unauthorized practice of law)
ORS 194.340	Grounds to deny, revoke, suspend a commission
ORS 194.980	Civil penalties for official misconduct
ORS 194.990	Criminal penalties

VERIFYING IDENTITY

Acceptable Identification Documents

QUALIFYING DOCUMENTS — ORS 194.240(2)(a)

- ✓ U.S. passport or an officially recognized foreign passport
- ✓ Oregon driver license or ID card (ORS 807.400), or a comparable license/ID from another state
- ✓ Military identification card
- ✓ Identity card issued by a federally recognized Indian tribe
- ✓ Other government-issued document bearing both a signature and a photograph

THE 3-YEAR RULE

A qualifying ID may be expired — but not by more than three years — at the time of the notarial act.

PRO TIP

You may always require additional information or a second credential if something feels off — this is your authority, not just a courtesy. A free barcode-reader app can scan the back of a driver license or state ID to check that the encoded data matches what's printed.

CAN YOU TELL WHAT IS REAL?

You have a difficult job!

Federal Case – Fake driver licenses manufacture in China.

State Case – AI created driver license used in fraudulent deed transfer via eRecordings.

AI: The New Fraud Frontier

AI can generate some aspects of a physical ID. It cannot supplement the specialized components required for physical documents, such as optically variable ink (OVI) ink and specialized paper types. Several forms of AI models can be used, such as generative AI, which creates new data, and discriminative AI, which separates and labels data.

AUTOMATED LAYER

Discriminative AI can insert and assemble information at a large scale.

GENERATED LAYER

Generative AI can be endlessly creative when generating these elements because consistency is not required.

SIGNATURE

Generative AI can learn how to plausibly recreate an individual's signature that may not be detected as fraudulent.

HOLOGRAM

Discriminative AI can assemble the overall ID, including the hologram. It cannot generate the hologram or place it onto the ID.

PORTRAIT

Generative AI can create an image of an individual that may be hard to identify by the naked eye as AI generated. This could be used for multiple purposes, such as matching the image to the details on the ID or adding a person to an ID that is not their own.

BACKGROUND

Generative AI can create a background containing the specific details used as security measures for an ID. It cannot replace OVI ink or specialized paper types.

TEXT

Discriminative AI can organize and assemble information used in the text of an ID. It cannot print the text onto the ID.

ID TEMPLATE

Discriminative AI can assign a pre-existing ID template to an ID in the assembly process. It cannot generate the ID template because these are created by the country or state that issues the ID.

Example of an AI-generated image of a physical ID

PROTECTING YOURSELF

Extra Verification Tools

Beyond what the statute requires, these practical habits create a stronger record if a notarization is ever challenged.

BARCODE / ID SCANNING APPS

Many driver licenses and state IDs carry a PDF417 barcode on the back. Free smartphone apps can read it and compare the encoded data — name, DOB, license number — against what's printed on the front, quickly surfacing altered or fraudulent cards.

This is a helpful screening habit, not a legal requirement — it doesn't replace your ORS 194.240 identification duties.

RECORDING A SIGNING

For a high-stakes or uneasy signing, an audio or video recording can be valuable evidence later. But Oregon law treats in-person recording differently than you might expect.

Secretly recording a face-to-face conversation is illegal in Oregon, even for a participant. You must give clear notice — simply announcing "I'm recording this" is enough. If people continue after hearing that, their continued participation counts as consent. (ORS 165.540(1)(c))

THE GUT CHECK

Common Sense Is a Legal Standard

THE REASONABLE-CARE STANDARD

Courts and regulators judge a notary's conduct against the degree of care an ordinarily prudent person would use in the same circumstances — not perfection, but genuine attention.

THE “IS IT STINKY?” TEST (SPECIAL AGENT CROSBY TEST)

If something about the circumstance, the behavior, or the tone of the interaction leaves you uneasy — trust that instinct. Discomfort is data, not an inconvenience to push past.

WEIGHT OF RESPONSIBILITY

- Your role is important and necessary to the public
- Your duty can be used against you, and against a fraud victim, if you don't exercise it
- Always do your due diligence to help prevent exploitation — not just to check a box

Red Flags Worth Slowing Down For

ID looks altered or mismatched

Photo doesn't match the person, laminate is lifted, fonts or spacing look inconsistent, or the physical description doesn't fit.

Signer seems coached or pressured

A third-party answers questions for the signer, hovers nearby, or the signer seems unsure what they're signing.

Urgency with no clear reason

“It has to be done right now” with resistance to reviewing the document or verifying identity properly.

Blank or incomplete documents

You're asked to notarize a signature on a document that isn't fully filled in or asked to notarize blank spaces “to save time.”

Signer resists showing ID

Reluctance to produce ID, or an insistence that you accept a credential that doesn't meet ORS 194.240.

Confusion or diminished capacity

The signer appears unable to understand the transaction or communicate it in their own words.

None of these automatically mean fraud — but each is a reason to slow down, ask questions, and document your reasoning.

RECOGNIZING FRAUD

Fraud Schemes That Target Notaries

Deed & Title Fraud

A fraudster poses as a property owner — or forges an absent owner's signature — to transfer or encumber real estate the notary never truly witnessed.

Power of Attorney Abuse

A POA is used to sign on behalf of someone who never authorized it, or who lacked the capacity to grant it in the first place.

Undue Influence & Coercion

A caregiver, relative, or acquaintance pressures or isolates a signer to sign documents that transfer assets or authority against their own interests.

Loan & Refinance Fraud

Borrower identity or signatures are falsified on mortgage or loan documents to push a fraudulent transaction through underwriting.

Signature-by-Proxy Requests

Someone asks you to notarize “on behalf of” an absent signer or presents a pre-signed document with the signer nowhere in sight.

Document Substitution

Pages are swapped or added to a document after notarization, or you're asked to notarize a signature page detached from its contract.

YOUR STRONGEST PROTECTION

You Have the Authority to Refuse

ORS 194.245 gives every notarial officer the right — and the responsibility — to decline a notarial act.

- ✓ You are not satisfied the signer is competent or has the capacity to execute the record
- ✓ You are not satisfied the signature is being made knowingly and voluntarily
- ✓ The signer has not provided sufficient information or credentials to confirm identity
- ✓ Refusal is not otherwise prohibited by law — you may generally decline for any legitimate concern

Refusing a suspicious signing is never a violation of your duties — proceeding when something feels wrong is far riskier.

PROTECTING YOURSELF

Your Best-Practices Checklist

- ✓ Insist on personal appearance — no exceptions, no matter how trusted the requester
- ✓ Examine ID closely: photo, physical description, signature, and expiration
- ✓ Slow down and ask questions if anything about the signing feels rushed or scripted
- ✓ Complete your journal entry fully, at the time of the act — not from memory later
- ✓ Keep your seal, stamp, and journal secured; never pre-sign or pre-stamp documents
- ✓ Decline the act in writing (in your journal) when you cannot satisfy ORS 194.245
- ✓ Never notarize a signature that was not made in your presence
- ✓ When in doubt, contact the Secretary of State's notary division before proceeding

RESOURCES

Where to Get Help or Report Concerns

Oregon Secretary of State — Notary Public Program

Commission questions, rule interpretation, complaints, and the notary public database (ORS 194.345).

Oregon Department of Justice

The Attorney General may investigate or prosecute violations of the notary statutes (ORS 194.415).

Local Law Enforcement

Report suspected identity fraud or forgery connected to a notarial act as you would any other crime.

Your Errors & Omissions Insurer

If you carry E&O coverage, notify your carrier promptly if you suspect a notarization was used fraudulently.

shane.winder@mcda.us
(971) 284-4389
www.mcda.us

Shane Winder
Investigator at Multnomah County District Attorney's Office

Your Signature Is a Promise

Verify carefully. Document thoroughly. Refuse when you must.
That's what protects the public — and protects you.

“Notarization is a fraud-deterrent process that assures the receiver of the document that the signer appeared before a notary, was properly identified, and signed the document willingly.”

— Pennsylvania Association of Notaries (PAN)