

# Virginia Association of Notaries

## Notary News



January, 2024

## Welcome to the Virginia Association of Notaries

Welcome and thank you for becoming a member of VAN! The Virginia Association of Notaries' mission is to educate, empower and support Virginia Notaries by guiding them in executing duties following the Virginia Notary Laws. We represent Virginia Notaries at the local and state levels. We are a trustworthy resource for Notaries to learn the best practices and enhance their knowledge as credible public officials. This quarterly newsletter will be made available to members to assist you in finding answers to common questions.



### NOTARY KNOW-HOW

#### PROPER NOTARIZATION PROCEDURE - IDENTIFICATION

The main function of a Notary Public is to properly identify the signer beyond a shadow of a doubt. Unless you have personal knowledge of this person, you must require the signer to present a valid, unexpired form of identification at the time of the notarization. According to the Virginia Notary Law, the following are acceptable forms of identification:

United States Passport	United States Passport Card	Certificate of United States Citizenship
Certificate of Naturalization	Foreign Passport	Alien Registration Card with Photo
State Issued Driver's License	State Issued Identification Card	United States Military Identification

For a minor's signature, you can use a current passport or if the minor is between 16 and 18 and has one, you can accept a driver's license. Examine the identification for signs of tampering with such as raised letters or symbols, missing parts, misspelled information, and examine the watermarks and holograms. Make sure that the description information, photo and signature match that of the signer. If you are uncertain of the ID's validity, you may ask the date of birth, zip code or the state capital while you still have the ID in your hand to test the signer.

If the signer is unable to produce a valid identification, the Notary may utilize a Credible Witness to identify the signer provided the Credible Witness knows the signer and is personally known by the Notary. The Credible Witness must be unaffected by the transaction and must appear at the time of the signing in order to take an oath or affirmation (stating that they attest that the signer is the correct person). If the Credible Witness knows the signer but is not

known to the Notary, then two Credible Witnesses must be present who are not affected by the transaction and must produce satisfactory identification. The Credible Witness/Witnesses may be used in the case of a minor signer. Same rules apply.

Note: There is an exception to the expiration date of an identification document and that applies to elderly signers who live in an assisted living facility or nursing home. They may use an expired ID provided the expiration date is within five (5) years of the date you are performing the notarization.



## NOTARY TIPS

### Foreign Documents and Languages

On occasion your work as a Notary Public may lead you to a situation where the signer and/or the document you are to notarize may be from a foreign country. If it is the document that is in a foreign language that you nor the signer can understand, you cannot notarize the document. The signer would be signing a document that they can not understand or have knowledge of what it truly includes. They may have been told by someone what the document states, but how do they know for sure? Inform the signer of the consequences of executing the document and why you cannot complete the notarization.

You can use an interpreter. That person can redo the document in English and can attest to the correctness and completeness of the translation. An affidavit can be attached for the translator to sign. You must, however, require that the notarial certificate is in English.

Communication is imperative between the Notary Public and the signer. If the signer does not speak English and you cannot speak their language, you would be unable to determine if the signer is signing the document willingly and for the purposes stated in the document. Additionally, you cannot administer an oath or affirmation to the signer. Refer the signer to a Notary Public who speaks the same language.

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### Notary Fees and Accepting Tips

Notary Fees charged are determined by the state Notary law. It is important to charge only what the state mandates. The Notary, however, can charge for travel and additional fees for extra services. Notaries who act as Electronic Notaries can charge a specific fee, also mandated by the state. Notary Signing Agents have a list of other fees. It would be in your best interest to never accept tips from anyone, monetary or gift. Also, do not accept a Notary fee that is more than the maximum allowed by state law. This could be considered improper influence making your transaction at risk for legal action.

### Unauthorized Practice of Law

Notaries everywhere must be very careful when answering questions. Sometimes the questions run dangerously close to requests for legal advice. All of these actions are considered to be unauthorized practices of law, an illegal act which can land a Notary Public in trouble:

A decorative graphic at the bottom right of the page consisting of several overlapping triangles in shades of red and pink.

- If you are not an attorney, you never, ever offer legal advice to anyone. The following are examples of things that could land you into trouble for unauthorized practice of law:
- Do not ever draft legal documents even if requested to do so
- In the case of a missing Notary certificate, ask the signer what type of certificate to use. Do not tell the client which certificate to use even if you are certain which one is correct.
- Do not use the word “notario” in any advertising, on your website, business card, or any other publication unless you are legally permitted to do so.



## SPECIAL REPORT

### SCAMS: A FOUR-PART REPORT

#### Part 1: Tactics to Watch Out For

Scammers, hackers, identity thieves - threats to us all and they are becoming increasingly bold and brazen. Anyone can fall prey to their deception. These cunning criminals use mailings, emails, texts and letterheads that look nearly identical to the real thing but differ by one letter or word. They use look-alike logos, seals, photographs and graphics. They pretend to be a tech or customer support representative from a legitimate company or financial institution, or a home repair person or claim to be from a government agency. In this five-part report, we will provide information about the tactics these scammers use, types of scams, what to do, what not to do and how to avoid becoming a victim.

#### Tactics of a Scammer

##### The Terror Tactic

One way scammers will terrorize a victim is through the use of voice cloning. This terroristic tactic almost guarantees that the scammer will have no trouble extorting money from their victim. They call someone and obtain an audio sample of a person's voice. It can be as simple as asking if this is the “Smith” residence, just enough to get any response. That voice recording is then run through an AI (artificial intelligence) program. Using that person's voice the scammer can have the AI voice say whatever they want in that person's actual voice. Their target will then get a call from a loved one stating that they were in an accident or in some sort of trouble. That voice is the voice of that loved one but it has been cloned. There is usually a follow up call from someone claiming to be from a court of law, probation office, public defender's office or a police department who is offering assistance in the form of bail or admittance to a program to avoid sending your loved one to jail. Of course this costs money in amounts such as \$15,000.00.

##### The Anxiety Tactic

Scammers will use their target's anxiety to get them to do whatever they want. They make you believe that your financial well-being is at risk. You may receive emails that are supposed to be from your bank, PayPal, Zelle, or other financial institutions that you may use stating that there is a charge of, for example, \$400. You know you didn't buy anything from the named seller. The first thing you do is open the email and maybe click on a link that is supposed to assist you in denying that charge. It's a scam. You've just linked your phone, tablet or computer to the scammer who is more than likely able to access your device and information.

### The Intimidation Tactic

Posing as authority figures such as police officers, government officials, etc., these scammers prey on the fear factor of their potential victim. They will call you to inform you that you missed jury duty. They will then ask for personal information to confirm your identity and now your identity has been stolen. They will call you saying they are from your bank or other financial institution and that there is a problem with your account. It can be fixed but they need your personal information to confirm you are the account holder. They will say they are from the IRS and inform you that you owe back taxes and demand payment immediately to avoid going to jail. Someone posing as a utility employee may call or even come to the door threatening to shut off your utility within 24 hours if you don't pay now.

### The Seduction Tactic

Online dating apps are another avenue for scammers to rip-off people. They use romance for identity theft. Using malicious code embedded in dating apps that appear to be legitimate gives them access to an unsuspecting victim's personal information. The same technique is used in networking apps.

### The FOMO Tactic

Yes, the fear of missing out is used for nefarious reasons. You may get a call, email or mailing that says that you have unclaimed property or you have won a lottery or other contest. So exciting, but you need to act now to claim your property or winnings. If you don't, the property goes to a warehouse for public auction or the winnings go into another drawing. They require that you send money now.

### The Freebie Tactic

Medicare-related scams are extremely common. Older people are contacted with offers for free genetic testing, covid test kits, or medical equipment or services. Even if you don't need it now, it's free and you will have it for later when it may cost you. All that is required to get these items is your Medicare number. A major method of ID thieves to get what they need to steal someone's identity.

#### Notes:

(1) The U.S. Government will never request money via wire transfer, cryptocurrency or gift/prepaid cards.

(2) Medicare does NOT cover the genetic test and the covid test and medical equipment that these crooks offer are NOT covered either.

Additionally, Medicare will NOT call to enroll you in any Medicare plan.

### **In the next issue: Scams You Don't See Coming**



## **QUARTERLY QUOTE**

*"Being humble means recognizing that we are not on earth to see how important we can become; but to see how much difference we can make in the lives of others."*

-Gordon B. Hinckle



## DID YOU KNOW.....

- The SS: you see on documents is a Latin term that appears on many legal documents and it stands for "Scilicet" meaning "in particular" or "namely" specifying the required venue on an acknowledgment. It does NOT stand for Social Security number which some signers seem to think.
  - The Prothonotary Warbler is a bird named for papal clerks in the Roman Catholic Church due to the yellow plumage of this small songbird. Those clerks were considered the first Notaries Public.
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In the March, 2024 issue:

