



**NOVEMBER 15, 2024, THE VIRGINIA ASSOCIATION OF NOTARIES WILL BE CELEBRATING OUR 1 YEAR ANNIVERSARY! Thank you for joining us!**



## NOTARY LAW

### NEW FEDERAL LAW THAT MAY IMPACT YOUR NOTARY BUSINESS

A new federal law may require you to file your Notary business information by January 2025 or sooner. The law, CTA 2021 (Corporate Transparency Act) was developed to combat financial crimes by increasing transparency concerning company ownership.

Notaries operating under certain business structures must file a BOI (Beneficial Ownership Information) form to FinCEN. If your business is a sole proprietorship, you do not need to file. If, however, you are an LLC, you must file the report. What is required is the name(s), address(es), date(s) of birth and identification numbers for all owners. If your business was established before January 1, 2024, you have until January 1, 2025. If your business was established in 2024, you have 90 days from the establishment of your business. If your business will be established on or after January 1, 2025, you will have 30 days from establishment of your business to file.



## NOTARY KNOW-HOW

### PROPER NOTARIZATION PROCEDURE - The Notary Journal

There are several steps to proper handling of a notarization. So far, we've covered personal appearance, performing the verbal ceremony, identification of signers and witnesses and scanning/reviewing documents. In this issue, we will cover the need for a Notary journal and how to use and maintain the journal.

Although a Notary journal is not required by the Commonwealth of Virginia, it is definitely best practice to have one for your own protection. This is a great way of keeping record of each and every notarization you have performed including details such as notations describing the signer's condition, witness information, etc. Having these details could prove vital if a notarization were to be called into question later. Many states do

require their Notaries to keep a journal and they even list required information for each entry. These requirements are basic and used by the majority of states:

- Date and time of the notarial act
- The type of notarial act performed (i.e., jurat, acknowledgment, certified copy, etc.)
- Type of document
- Signature or mark of each signer
- Type of identification presented by signers, witnesses and subscribing witnesses
- Fee charged
- Full name and address of the signers and witnesses and subscribing witnesses and include the same information for property recipients if applicable.
- Document dates

The use of ditto marks when notarizing numerous documents for one client is not recommended but may be allowed depending on the state's law. For privacy purposes, writing in personal information such as identification numbers, or keeping copies of the signer's identification or the documents that you notarize is a violation of privacy. Any errors made can be corrected by drawing a single line through the incorrect information, writing in the correct information next to that and initialing and dating the correction.

Be sure to keep your Notary journals secure to protect the privacy of your customers. No one should have access to the journals. Locking up your Notary stamp/seal/embosser is also a great way to make sure everything is safe.

You may be asked to submit a copy of a Notary journal entry for legal purposes. If that is the case, be sure to cover all other entries so that the one requested is the only one showing when making the copy.


Notary journals belong to the Notary only. If an employer was responsible for your obtaining a Notary commission, the employer, even if they paid for the process, does not own, or control your equipment nor your journal.



## NOTARY TIPS

### PARTS OF A NOTARIAL CERTIFICATE

In order for a notarization to be legal, the Virginia Secretary of the Commonwealth requires certain items to be included on the notarial certificate:

1. The city or county in which the notarization took place
  2. The date the document was signed
  3. The notarial statement (the type of document, signer's name, if applicable - a statement that a copy is a true copy, and if applicable - the oath/affirmation.
  4. The Notary Public's signature
  5. The date that the Notary Public's commission expires
  6. The Notary Public's commission number
  7. A photographically reproducible stamp/seal
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## HANDWRITTEN DOCUMENTS

On occasion, you will have someone come in with a request to have a document notarized that you may question. Many Notaries question documents that are handwritten. It is perfectly legal for a Notary Public to notarize a document that has been handwritten. You see, it's the signature that is being notarized not the format of the document. After proper identification of the signer, the next important thing to remember is that you have the proper notarial certificate with the proper wording. Remember: you cannot choose the type of certificate for the document. This must be the decision of the signer or the generator of the document as to what they require. You can show the signer samples of certificates.

## TRUE OR FALSE: NOTARIZING A DOCUMENT MAKES IT LEGAL

False. The main thing to remember is that the Notary Public's main job is to verify that the signer of a document is actually the true signer through proper identification documents. The signature is the subject of a notarization NOT the content of the document. If a signer asks you to make the document legal, simply explain to the signer that your duty is to properly identify a signer and that your notarial certificate includes the required wording. Advise them that they would need to consult an attorney to make sure a document is legal.



## SPECIAL REPORT

### SCAMS: A FOUR-PART REPORT

#### Part 4: The Best Offense is a Good Strong Defense

In this final part of our Special Report on Scamming, we will give you information on how to protect yourself and your family from being a victim of a scam artist.

We've discussed the "Should Dos" and the "Should Not Dos." However, there are other things you can do to protect yourself and deter identity thieves and scammers. Here is a list of a number of tactics YOU can use to combat scammers and thieves. It may seem daunting, but if you can do a number of them, you can defend yourself against becoming a victim. The best offense is a strong defense.

- Keep up to date with scams that are occurring in your area.
- Get removed from mailing lists for pre-approved credit cards. ([optoutprescreen.com](http://optoutprescreen.com))
- Keep track of your mail, especially bills concerning your home and mortgage information.
- Stop junk mail. ([dmachoice.org](http://dmachoice.org))
- Enroll in free alerts from your bank and credit cards to notify you of unusual activity
- Use [annualcreditreport.com](http://annualcreditreport.com) three times per year to be sure nothing unexpected is on there.
- Obtain ID Theft Insurance and/or Title Insurance to help pay legal fees and assist in defense of a claim. In many cases Title Insurance is required by your lender when selling your home to make sure the sale is legitimate. If purchased by the buyer, it helps to protect the property after the purchase in the event of unknown liens and financial claims. Title Insurance as with ID Theft Insurance will assist in paying legal fees and help to defend your right to stay in your home.

- If you don't plan to apply for new credit, loans, insurance, or utility services, you can freeze your credit report but there are fees (fees may be waived if you are 65 or older).
- Mail outgoing payments at the post office and not in your mailbox to avoid check washing schemes. Pay online if possible and pick up your mail as quickly as possible.
- Monitor your accounts.
- Shred documents that contain personal information instead of just simply throwing them out.
- Enable pop-up blockers.
- Set up digital accounts to require multi factor authentication
- Do not save credit card numbers with merchants or service providers.
- Activate biometric locks.
- Remove your phone number from online accounts.
- Ignore calls from numbers you do not know. If it's important, they can leave a message.
- Use credit cards for all online transactions (they have protections).
- Don't use cryptocurrency.
- Never send cash.
- Clean your wallet and avoid carrying unnecessary cards, identification, etc. Just the bare essentials.
- Update phone contacts so that their names show on your phone's screen in order to see who is calling.
- Add phone log-in protection so no one can use your phone.
- Purge social media accounts of personal information and refresh Facebook and other accounts security regularly.
- Watch out for fake barcodes on gift cards. Make sure there is no tape over the barcode.
- Do not give information to someone who calls to say they are to deliver a package to you and says, "I've got your package, where's your house?"
- Utilize informed delivery through the United States Postal Service so that you can be sure you are receiving all pieces of mail and that they are not being stolen from your mailbox.
- Be careful with your passwords
  - Change passwords on all accounts on a regular basis.
  - Don't use the same password across multiple sites.
  - Don't use names of loved ones, pet names, hometowns, wedding or birth dates as passwords or answers to security questions.
  - Don't save passwords or use remember me on public/work computers.
  - Don't reuse password even if it has been years
  - Don't use common passwords like "123456," "password," or "qwerty."
  - Remember longer is stronger!!

*If you find that you are a victim of deed theft, contact your lender, change your passwords for your mortgage, credit card accounts, bank, and other financial accounts, then file a claim with the FTC. In addition, contact one of the three credit reporting bureaus to report the incident and obtain a copy of your report to document the activity. Take your documentation, proof of address and your ID to your local police department to further report the incident. Report a scam to the FBI Internet Crime Complaint Center at [www.ic3.gov](http://www.ic3.gov). You will need to provide the name of the contact, method of contact and address where the scammer requested money to be sent.*



## QUARTERLY QUOTE

“Complacency is the enemy of study. We cannot really learn anything until we rid ourselves of complacency.” *Mao Zedong*

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## DID YOU KNOW.....

- ❖ There are over 4.5 million Notaries Public doing over 1 billion notarizations thus far.
  - ❖ Notaries Public were once church officials appointed by the Pope.
  - ❖ The first Notary Public was a Roman by the name of Tiro.
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## DON'T LET THIS HAPPEN TO YOU.....

Skipping a step in notarizing a document might seem like it's not that big of a deal, but that can't be farther from the truth. And if you think it's okay to skip a step because the notarization is for the boss, again, that can't be farther from the truth either. This case should explain:

A Notary was handed a document by her boss who immediately walked away. The document, a government job application which included an affidavit, was completely filled out and signed. An affidavit included the words “signed and sworn to...” within the certificate. The Notary signed and applied her seal and gave the document back to her boss. The person who screens applications did his/her due diligence and ran a background check which revealed that the boss had lied on his work history. The boss was charged with the felony of perjury. The Notary was going to be charged with official misconduct. Why? The affidavit included the statement that the signer swears everything in the application was true. It was inferred that the Notary had performed the verbal oath/affirmation. It was discovered that she, in fact, had not performed the verbal ceremony.

The charges were dropped on the Notary because she had cooperated with the investigation on the boss. The charge of perjury was dismissed because of the fact that he did not take the oath/affirmation. But even though they avoided the charges, the event was publicized by the local media, so they did suffer a great deal of public humiliation.

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**Disclaimer:**

***VAN does not have the power to deal with Notaries who are conducting their businesses improperly. VAN is NOT a part of the SoC.***

***Note: If you feel that another Notary Public is not following the Notary Public Code, you may report them to:***

***Office of the Secretary of the Commonwealth  
P.O. Box 1795  
Richmond, Virginia 23218-1795  
(804) 692-2536***

***To access the Virginia Code:***

***<https://www.governor.virginia.gov/media/governorvirginiagov/secretary-of-the-commonwealth/pdf/notary/Code-of-Virginia.pdf>***

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**DON'T FORGET**

**NOVEMBER 7TH IS NATIONAL NOTARY PUBLIC DAY!!!  
CELEBRATE YOUR PEERS AND CELEBRATE YOU!**

