

- 2006 Notary laws for California
- Anyone have the time?
- Identity Theft and the Notary Seal
- EIN Numbers
- Becoming a Wedding Officiate



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## 2006 changes in Notary Laws!

Daniel C. Jones, Notary, CSA (CA)

If you have not heard by now, important new notary laws will affect every notary in California.

**Civil Code § 1189 (Amendment to Section) — Certificate of Acknowledgment** — Under the new law, the **California certificate of acknowledgment must be in the form set forth in the statute**, rather than “substantially” in the form set forth in the statute. The form set forth in the statute did not change, but variations in the California form are no longer permitted. (The law regarding acknowledgments to be used with documents to be filed in other states has not changed (*Civil Code* § 1189(c)). **Effective January 1, 2006, if a document contains a suggested “certificate of acknowledgment,” the certificate may be used only if it is exactly the same as the statutory wording. If it is not, then a loose certificate of acknowledgment with the statutory wording must be used.**

All acknowledgments completed in California except for documents to be recorded outside of the state must be in the format dictated by the Secretary of State of California. Please examine your acknowledgment wording before completing the notary or the county recorder will most likely reject the documents. If you have purchased a CD of Essential Notary Forms from Notaryclasses.com, please upgrade your acknowledgment forms (free) by downloading the corrected form at [www.notaryclasses.com](http://www.notaryclasses.com).

Proper notary verbiage which must appear on all acknowledgments taken in California.

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_  
 (here insert name and title of the officer)

personally appeared \_\_\_\_\_ personally known to me (or 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.

Witness my hand and official seal

\_\_\_\_\_ (seal)

**Government Code § 8228.1 (New Section) — Notarial Journal/Seal** — The new law makes a notary public **guilty of a misdemeanor** if the notary public:

- Willfully fails to properly maintain his or her notarial journal; OR
- Willfully fails to notify the Secretary of State if his or her notarial journal is lost, stolen, rendered unusable or surrendered to a peace officer; OR
- Willfully fails to permit a lawful inspection or copying of his or her notarial journal; OR
- Willfully fails to keep his or her notarial seal under direct and exclusive control; OR
- Willfully surrenders his or her notarial seal to any person not authorized to possess it.

**Government Code § 8225 (Amendment to Section) — Notarial Journal** — Any person who solicits, coerces, or influences a notary public to improperly maintain the notary public’s journal is guilty of a misdemeanor.

**Penal Code § 470 (Amendment to Section) — False Acknowledgments/Forgery** — The new law may make a notary public **guilty of forgery** if he or she issues an acknowledgment knowing it to be false. A person who falsifies the acknowledgment of a notary public may also be guilty of forgery. Forgery is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year. (False certification by a notary public may also be a misdemeanor pursuant to *Government Code* § 6203.)

**Government Code § 8214.8 (New Section) — Criminal Convictions/Court Revocation of Commission** — If a notary public is convicted of a crime related to notarial misconduct, including the false completion of a notarial certificate (*Government Code* § 6203), or of **any felony**, the **court** must revoke the notary public’s commission and require the notary public to surrender to the court the notary seal. The court will then forward the notary public’s seal to the Secretary of State.

## Anyone Have the Time?

Daniel C. Jones, Notary, CSA- (CA)

Could your journal lack important information? If you are not entering the time of notarization along with the date, your journal is not in compliance and you may be leaving yourself vulnerable to serious repercussions. Many notaries, especially long-time notaries fail to enter the time of notarization in their journals, either because the notary never realized that entering time is required by law or the notary simply never became habituated to the procedure and over the years simply forgot about it.

Entering the time is really a critical part of the notarial record for several reasons. First, as notaries, we have a primary duty to help protect the public against fraud. Suppose, for example, someone wants to contest a signature on a document suggesting that someone else must have forged the signature. As evidence, he or she might present an airline ticket for travel on the same day as evidence that the signature could not be his or hers. While this would not prove the signature was or was not authentic, the notary would be hard-pressed to know what time the notary act was completed unless the time is entered in the journal. An investigation into the matter may leave the notary vulnerable to charges of failing to properly complete the notary act.

There are a host of reasons for entering the time in a journal. We could conjure up all kinds of "what-if" scenarios but most importantly, the notary should always endeavor to protect the public from fraud not to mention protecting themselves against possible criminal prosecution and personal financial costs. Don't forget...enter the time!

## Identity Theft & the Notary Seal: A Personal Experience

Joan Bergstrom, Notary, CSA (CA)

Notaries in California are required to keep their Notary Seals/Stamps under their own personal "lock and key." The Notary is responsible for both their Journal and Commission Seal.

This secured "lock and key" requirement is normally thought to be for employees in California whose Journal and Commission Seal are purchased by their employer to be used on the employer's premises. This requirement also includes all Calif. Notaries not just employees. My identity theft tale is different from the normal theft because my husband and I knew the people who stole our identity.

My husband and I met a "nice" couple, Peter & Charlotte at a private Country Club in Southern California in 1997 through some mutual friends.

### *Identity Theft Cont...*

They were loan officers for an escrow company and handled our loan for our new condo when we moved from Orange County. Two years later when interest rates dropped we decided to refinance. We liked the way the original loan was handled by Pete & Charlotte so we decided to use them again.

This time along with refinancing our condo, Pete & Charlotte, assuming our identities, bought their own home and became known in their new neighborhood by our names. We later heard their answer machine answered to the name "Joan Bergstrom". Additionally, they also took a second mortgage on the house along with \$60,000 they charged on an American Express Card in my name.

How did this happen you might ask? It happened because the husband of the owner of the escrow company Pete and Charlotte worked for was a Notary and did not place his Notary Seal in a locked and secure place. Pete & Charlotte forged our names to the Deed of Trust and used his Notary Seal to finish off this fraudulent real estate transaction.

Approximately one year later this fraud came to the surface. It took almost 3 years for them to be sentenced to Federal Prison for 11 months.

While we didn't sue the Notary, we certainly could have and I am fairly sure the Notary would have lost his commission had we bought this matter to the attention of the Secretary of State. I still have one more item to clear up on my credit in order to have the credit score I had in 1999.

**Bottom line: *Keep your Notary Seal in a locked and secured place!!***

## Prevent Identity Theft – Get an EIN number!

Kelly M. Robertson, Notary, CSA (CA)  
(Info Taken From the IRS Website at [www.irs.gov](http://www.irs.gov))

An Employer Identification Number (EIN), also known as a Tax ID Number, is a nine-digit number that the IRS assigns to business entities. The IRS uses this number to identify taxpayers that are required to file various business tax returns. EINS are used by employers, **sole proprietors**, corporations, partnerships, non-profit organizations, trusts and estates, government agencies, certain individuals and other business entities".

According to the website, you can apply online and immediately receive an EIN number, a great way to **avoid** using your own personal Social Security Number while conducting business. Many Notaries Public who have their own home-based business are sole proprietors and are authorized to obtain an EIN number. A hard copy letter will be mailed subsequent to the application.

To download the application form called SS-4 (PDF) go to [www.irs.gov](http://www.irs.gov) and type in SS-4 at the prompt for forms and publications. You can also call the IRS at 1-800-829-4933 to speak with a representative.

## Become a Wedding Officiate!

Kelly M. Robertson, Notary, CSA (CA)

The First Thing You Have to Do is Become A Minister! Believe it or not, "ordination by mail" was made legal in the United States in 1974. Today, all you have to do is go to one of the many websites available and on-line, for free, you can instantly become an ordained Minister for life. Once ordained, you can perform weddings, funerals, baptisms and other functions of the clergy. California's only requirement is that you meet the minimum age of 18.

An excellent site to visit is Universal Life Church, [www.ulc.org](http://www.ulc.org), but there are many more organizations to choose from. Just type in "How to Become a Minister" on any search engine. Some sites also offer tools you'll need: Supply packages starting at \$15 include an ID card and credentials of ordination. Or you can choose larger packages that include certificates, how-to videos and instruction books on vows, ceremonies and rites of passage. Some companies even have on-line education/training.

What Kind of Money Can I Make? That depends on your availability, how far you want to travel and what types of services you provide. Fees for a simple "local" wedding start at about \$150 but a Confidential Marriage can earn you up to \$1,000. Don't forget a few things about weddings when considering your fee: Weddings almost never start on time. You will have to arrive about 30 minutes early to make sure everything is set up for the ceremony and you're obligated to meet with the bride and groom's family and guests. Once the ceremony is over, you'll have to stick around for photos and another round of meet and greet. Personally, I never stay for the meal but always leave a nice wedding card with the couple's vows inside, printed on nice paper.

Another easy moneymaker is performing elopement ceremonies. I specialize in quick marriages at my home and offer the service as a "Package". For \$195, all the bride and groom have to do is show up with one witness and a valid Marriage License (go to [www.ca.gov](http://www.ca.gov) for County Clerk info). I set up a portable decorated arbor on my porch, provide a silk bouquet for the bride to hold and perform the basic "fill-in-the-blanks" vows/ceremony. I also have disposable cameras to capture the memories. After it's all over (5 minutes max), I hand the couple the camera, open a bottle of champagne and serve a small chocolate torte to celebrate. I bought the bouquet on ebay for \$19 and purchased the cameras on Overstock.com for about \$4.75 each. Of course, I can reuse the arbor and bouquet over and over again. Your obligation to the couple ends with some polite conversation and certifying the marriage certificate.

What Does A Minister Wear? I have a nice robe and stole that I wear with a large cross that makes me look pretty official. For "civil ceremonies", couples have asked me to just wear a suit or a skirt with a preacher-collared blouse.

Wedding cont...

Most of my purchases have been made on [www.ebay.com](http://www.ebay.com) : Search with the word "clergy" and remember to look at the rating of your seller before bidding. Occasionally, you'll be asked to wear special clothing for a theme wedding but it's customary for the bride and groom to provide the costume to you at no charge plus you get to keep it!

How Do Couples Find Me? You Need a Website because these days, this is the main way that couples look for a wedding officiate. A basic 2-3 page site is acceptable and pretty cheap to set up and get hosted. Go to any ISP and type in Minister or Wedding Officiate and you'll see an array of simple to elaborate sites. Mine is [www.MinisterToGo.com](http://www.MinisterToGo.com) if you want an example. I'm also signed up with two popular wedding sites ([www.OneWed.com](http://www.OneWed.com) , and [www.WedAlert.com](http://www.WedAlert.com)) and when a potential couple finds me, they link to my website directly from the site listing. Some listings are very expensive and some are reasonable – all that matters in the end is how high up the site is when it hits. I found that I was able to negotiate a lower fee for all my listings, especially if the site didn't have a wedding officiate vendor in my area.

The vendor category I use when advertising is Wedding Officiate and my official title is Reverend Kelly. I tell couples that I am a non-denominational, non-judgmental Minister who wants what they want: A personalized and memorable wedding day. Another popular title is "Celebrant" – check out [www.CelebrantUSA.com](http://www.CelebrantUSA.com).

What/Who is My Target Area? Most of the couples I marry are second marriages, military members, those who don't attend a church and mixed faiths or cultures. I have placed successful ads in local newspapers and the Pennysaver. I also advertise my services for holidays but of course, charge a higher fee. I've been performing marriage ceremonies every Christmas Eve, Christmas and New Year's for the past 5 years. My local fee is \$350 and I get it!

Okay, a couple wants to Hire Me – what's next? You'll want everyone to sign a contract that secures a 50% non-refundable deposit, which guarantees or books the wedding date. The contract clearly states the couple's responsibilities and the minister's obligations. For a wedding that I must travel to, my fee always includes at least one personal meeting with the couple, a get-to-know you session talking about their wedding day dreams, theme, size, religious preferences, type of vows, etc. I have a checklist that I bring with me and based on our discussion, I write the vows and ceremony and email it to the couple for edit and final approval. My fee also includes unlimited phone calls and emails. If the couple wants me to participate in a rehearsal ceremony, my fee is increased by \$100. It is customary for the remainder of your fee (which often includes a tip) to be given to the officiate the day of the wedding and it's usually cash.

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