

Cybernotary Society

Description and Proposal

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To:
World Organization of Notaries (WON)

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CYBERNOTARY SOCIETY

Objective

The planned Cybernotary Society (CS) will act as a trainer, advocate, Registry, and business clearinghouse for Electronic Notaries who are also either licensed attorneys in the United States or certified legal professionals working for US licensed attorneys. Businesses, non-profits, government entities, and individuals may rely on this clearinghouse to locate competent, screened, and professional notaries nationwide. Thus, the CS:

1. Provides access to a national network of qualified Cybernotaries who can perform electronic notarizations.
2. Provides information governance and information risk management training to the qualified Cybernotary network.
3. Serves as a professional source of information about electronic notarization, including laws, standards, best practices, and evolving technology offerings.

A Cybernotary is either a licensed attorney or a highly trained legal professional who works under a US licensed attorney. Cybernotaries – either in brick-and-mortar locations or working as mobile or online electronic notaries – may serve as attorneys for a transaction, enrollment agents, document certifiers, fact verifiers, and information governance and assurance professionals who provide in-person proofing and electronic notarization services to a wide variety of public and private parties.

In addition, the CS will coordinate relationships with state bar associations, state and county officials, other government agencies, and private industry to ensure:

1. The widest possible acceptance for electronically notarized documents;
2. The availability of ongoing education and support for Cybernotaries and other participants; and
3. The appropriate legislative and legal advocacy to support any needed new laws and programs.

The CS Network of Cybernotaries

Given the legal and financial consequences of *not* knowing whether the Notary you are relying on is a legal professional, the CS network of trusted Cybernotaries will prove instrumental to the growth of service-intensive sectors such as financial services, extra-judicial processing, mortgage services, title and escrow services, and healthcare services.

A rigorous background check, required for CS membership, provides a screen to reveal otherwise undetected criminal records. Several levels of checking are available from simple identity verification to complete criminal background checks. This record-check satisfies various regulatory requirements in certain industries, such as the Gramm-Leach-Bliley Financial Services Modernization Act.

Ongoing education, up-to-date legal alerts, informational content, and in-service training opportunities are provided to Cybernotaries through CS membership.

Providing Cybernotaries with a secure electronic signature platform enables electronic notarization to be incorporated into routine e-document processes. In addition, Cybernotaries are equipped with an electronic Notary journal that provides auditable evidence of each notarial act.

Proposed Working Relationship with WON

CS is interested in joining WON and raising the professional image and offerings of the American notary office. To achieve this purpose, the CS commits to:

1. Work collaboratively with WON to develop business use cases for Cybernotaries and notaries, in general.
2. Work collaboratively with WON to resolve cross-border recognition issues.
3. Develop appropriate training materials and other customer support systems to assist Cybernotaries and non-Notary document signers.
4. Conduct agreed-upon joint marketing activities with WON to encourage the broadest possible market knowledge and acceptance.

Assumptions

1. CS will maintain membership with WON and have permission to use the WON logo on the CS website and written materials.
2. For the first year, CS will pay for two individual memberships with WON.
3. CS members will automatically receive membership in WON.
4. The Cybernotary will pay a single fee to the CS directly. The CS will rely on this fee to cover operational costs, including payment to the Cybernotary.

5. A Cybernotary must meet the following minimum legal training requirements:
 - a. Active license to practice law in at least one state in the United States
 - b. Legal professional employed by an individual with an active license to practice law in the United States.
6. A Cybernotary must meet the following minimum notary office requirements:
 - i. An active notary commission
 - ii. For online notarization, an active commission in Virginia as an electronic notary public
 - iii. Background screening

CS Membership

CS membership provides Cybernotaries with the professional guidance and support they need everyday. We answer their questions. We keep them informed. And we help them perform their duties responsibly and ethically.

Members of CS will keep pace with the uniquely specialized world of electronic notarization through member publications, occasional e-mail updates, a members-only Web community with 24-hour information support, and more.

All together, CS membership services keep Notaries abreast of procedural changes mandated by new laws, rules and executive orders, inform them of the daily requirements of their office, and lead the way when laws and rules provide no guidance.

Cybernotary Registry

The CS Registry is a searchable online engine for identifying and locating certified electronic notaries. Anyone may use the CS Registry to identify and locate a Cybernotary. This service is free.

The CS online Registry of Cybernotaries will list qualified professionals who are ready to accept assignments. All are members of the CS and will have access to the professional support provided. Maintaining CS member status will require periodic verification of the license to practice law.

The CS Registry is the verification database supporting each and every electronic notarial act. With the CS Registry, relying parties can easily confirm the public officer status of each Cybernotary. In this way, it will function as a real-time authenticating system for parties relying on the electronically notarized document.

Background Checking

Only 12 states perform any type of background review of non-attorney Notaries, and the scope of these checks is overwhelmingly limited to basic information. Mostly, states simply attempt to match the applicant's name to the state's criminal records. If an individual were convicted in another state or had changed his or her name, the background check likely would not turn up a criminal record. (A complete list of state background checks appears in Appendix A.)

Background-checking services can be available to verify identity, screen for criminal records and reveal credit history. County criminal-record searches reveal felony and misdemeanor convictions based on applicable federal and state law. The CS recommends a thorough search of current records directly at local county Superior and Municipal courts for all counties of residence and any AKAs identified in an applicant's Social Security Trace.

CS will manage the submission process and maintain records, and the background check would be indicated within the CS database.

Appendix A: States that Perform Background Checks for Notary Applicants

All or Some Applicants

Arizona	Applicants names checked against database of criminal convictions.
California	All applicants submit fingerprints and clear a thorough background check.
Colorado	Applicants names checked against database of criminal convictions.
Connecticut	Applicants names checked against database of criminal convictions.
Illinois	Applicants names checked against database of criminal convictions.
Massachusetts	Background check is conducted on all applicants.
New Hampshire	Background check is conducted on all applicants. There is a “Criminal Record Release Form” that is signed and forwarded to the state records lab.
Ohio	State requires notary applicants to submit a “certificate of qualifications” signed by a judge. In practice, the majority of judges have the court clerk run a criminal background check on the applicant’s name (if not known personally by the judge) before signing such a certificate.
Texas	Random background investigations performed on individuals submitting new or renewal notary public applications.

Circumstantial Checks

Hawaii	Application requires disclosure of convictions and other disciplinary action. If applicant indicates involvement with any of these circumstances, a background check is conducted (no such action taken for applicants who don’t disclose).
Minnesota	Application requires disclosure of convictions and other disciplinary action. If applicant indicates involvement with any of these circumstances, a background check is conducted (no such action taken for applicants who don’t disclose).
North Carolina	Application requires disclosure of any criminal conviction or license revocation. If applicant indicates involvement with any of these circumstances, a background check is conducted (no such action taken for applicants who don’t disclose).

About the Cybernotary Society

The CS will be a not-for profit membership association organized under Virginia law and with a headquarters in Richmond, Virginia. The CS is committed to the professional development of Cybernotaries throughout the United States by providing supplemental education, support and advocacy.

Leadership of the CS will be provided by Timothy S. Reiniger, former Executive Director of the National Notary Association (USA) and Dr. Richard J. Hansberger, former Vice President of Electronic Notarization for the National Notary Association (USA).

The CS will advocate for sound and secure notarial rules and procedures that prevent and deter fraud. The Society assists law makers, businesses and state officials on best Notarial practices and leads efforts to make necessary changes in state and federal statutory framework.

The CS will partner with state governments, other associations for notaries public in the United States, and industry leaders to make available secure electronic signature and seal capabilities and signing platforms that fully comply with existing US and international laws. Typically, the electronic notary signature will be a standards-based X.509 v3 digital certificate, widely used in government and industry applications already, and easily supported by major software vendors such as Adobe[®], Microsoft[®] and others.

The objective is to standardize electronic notarization in the United States so that businesses and government can:

- Reduce operational costs associated with paper-only notarization;
- Provide greater security and efficiency to a broad segment of industry and government agencies that rely on Notaries;
- Provide a common electronic credential to the vast numbers of independent contractor and small business Notaries who transact business with consumers, private industry, and government agencies.

In sum, the CS and its members will serve as a gateway for taking paper-based business and government processes completely paperless by implementing secure electronic notarization capabilities.