

**Andrea Gyger**

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**From:** Cary Alburn [REDACTED]  
**Sent:** Thursday, July 24, 2014 5:04 PM  
**To:** SoS Rulemaking  
**Subject:** Help shape Notary Rules

Greetings--

I have no comments about the electronic notarization issues nor the oversight of training vendors, other than to say that electronic notarization creates a possibility of something that I do think is important. That is the failure of some notaries to follow the requirement to actually see the person sign the document that is being notarized.

The problem really is this: Some employers direct their employees to notarize, although the signing party isn't there, and the employee, fearing some sort of retaliation from the employer or out of a misplaced sense of loyalty to the employer, does it anyway. But the penalties, if any are ever imposed, are against the notary, not the notary's employer.

So I believe that the rules should make it clear that not only is a notary violating the law by failing to observe the actual signing, but that any person encouraging or requiring a notary to violate the law that way is equally responsible. I haven't looked at the statutes to see if such a rule can be imposed without an amendment to the statutes, but I'd certainly be in favor of such changes.

Cary

Cary R. Alburn III, P.C.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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