

Andrea Gyger

From: David Turner [REDACTED]
Sent: Thursday, July 24, 2014 6:25 PM
To: SoS Rulemaking
Subject: Help shape Notary Rules

Dear Mr. Glessner et al.

As a formerly practicing Colorado attorney, the only suggestion I can make with regards to your proposed changes to the Rules governing Notary Publics is as follows:

You need to impose clear, concise, and immediate sanctions not only upon the Notary Public who (as was the case in a more than one family law case I saw through the courts) fudges his/her notarization (i.e., affixes his/her seal/signature/stamp on a signature of a person who in fact the Notary has NOT met, NOR witnessed his/her signature in person), but ALSO upon the Attorney(s) who submit such a falsely notarized document to the Courts.

In practice, more than once, opposing attorneys submitted documents (like Sworn Financial Statements) that demanded a notarized signature. More than once, their client was out of state, and instead of signing the document there, and having some Notary in that state notarize the document, their client faxed over the signed statement and the Colorado Notary, who had NOT witnessed the signature and had NOT recorded the identity / documentation of identity of the signing party, had his / her signature /stamp/ seal affixed "as if" s/he had actually notarized the signature. And THEN, knowing full well that his client was in, say, Tennessee, the Attorney submitted that document, signed by his client in Tennessee, and notarized by the Colorado Notary (his secretary or legal secretary) in violation of the Rules.

The attorneys were not even sanctioned by the Court. IF you know your client is out of state, and you submit a document purporting to have your client's signature on it with a Colorado notarization, there should be a procedure that holds the attorney liable for this submission of a falsely notarized document.

Kind Regards

David Turner, Esq.