

To: The Kansas Senate Finance Committee

February 9, 2017

Arthur L Gentry (Art) of Clearwater KS.

I am a proponent of SB-143 An act concerning Notaries Public.

I highly recommend passage of the aforementioned bill which will require the pre-training of applicants for Notary Public appointment and provide for retraining upon three reported infractions within a one year time frame to the Secretary of State office. Failing or refusing to retake the training following this notice will be grounds for revoking the notary's appointment or commission.

There have been many delaying errors caused by error filled notarial acts where Register of Deeds have had to reject a document submitted for recording. It was discovered that a Business in Kansas gave their services department one notary stamp and several employees were using the same stamp. I personally discovered a notary from Oklahoma witnessing signatures in Kansas, then carrying the documents back to Oklahoma and stamping them there which is a violation of Kansas Notary Law.

I am also aware of an instance whereby a newly appointed notary a few years ago, stamped over preprinted areas on every page of a loan signing package and then did not attached a notary block or certificate and no notary signature. I have asked notaries over the last sixteen years if they were aware that they must administer an Oath or Affirmation on Jurats. Only one said yes. I have also asked if they knew the difference between a Jurat and an Acknowledgment. Again only one said yes and others simply guessed at what the definition or difference is.

One notary public admitted to me that they believed backdating a notary act was OK if the date matched the date on the documents for which it was for, a clear violation again.

Notaries Public in today's world of I.D. Theft cases, are responsible for correctly identifying the person who is signing a document to be notarized. I have personally have had requests to notarize documents without a notarial block from an out of state person not physically in Kansas who did not want to appear personally before me. Upon my refusal, that person said, "well I have had other notaries in Kansas do that for me before".

The Notary Law Institute brought forth attention to the *Vancura vs Katris (II, 2011)* case, wherein the notary notarized some real estate documents without the signer appearing. The initial ruling slapped Kinko's (Fedex) with damages, but the appellate court reversed the decision and held the notary personally liable for all court fees and damages. I will add a comment here that the Notary Law Institute has published a 400+ page book on notary law and notary errors and have researched notary law in all 50 states. The Notary Law Institute's Richie Burton mentioned in para-phrasing the Supreme Court whereby the Court issued a statement that essentially said notary law is one of the three legal pillars that guarantee our right to private property, as well as are foundational in our system of law and commerce.

The mention of errors in notarial acts is of great concern in that such errors cause delays in recording documents, delays affecting loan rate lock timing and many other consequences including liability upon the notaries public themselves.

I Thank this committee for the privilege and opportunity to submit comments in support of Senate Bill 143.