



**SUFFOLK ACADEMY OF LAW**  
*The Educational Arm of the Suffolk County Bar Association*  
560 Wheeler Road, Hauppauge, NY 11788  
(631) 234-5588



## **ZOOM PROGRAM**

### **GUIDANCE TO NOTARIES CONCERNING EXECUTIVE ORDER 202.7**

#### **FACULTY**

**Michael J. Isernia, Esq., BE, MBA**

**Paul Bugoni, Esq., Vice President  
Senior Underwriting Counsel at WFG National Title  
Insurance Company**

**April 17, 2020  
Suffolk County Bar Association, New York**

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## **PAUL BUGONI**

Born and raised in Queens, New York, Paul attended Long Island University (CW Post) and Quinnipiac Law School. Paul's initial experience was in transactional real estate and real estate litigation, primarily representing institutional lenders, especially in residential and commercial foreclosures. Paul in the course of his private practice employ has written appellate briefs and has argued matters before the Appellate Division, Second Department.

After years in private practice, Paul went in-house as counsel and joined a National Underwriter in 1998 in the claims department. Thereafter, Paul transitioned into both residential and commercial underwriting and has been an underwriter since. Paul is a frequent speaker at Continuing Legal Education classes, primarily on real estate topics, and spoke on the CFPB's TRID regulations for the New York State Bar Association. Paul is also an approved course instructor for the NYS Department of Financial Services.

Paul is currently a Senior Agency Counsel and Vice President for WFG National Title Insurance Company

## NEW YORK NOTARY LAW

*Presenter: Michael J. Isernia, Esq.; BE, MBA, JD summa cum laude*

As a 1985 graduate of the SUNY Maritime College, Mr. Isernia, earned his Bachelor of Engineering degree in Marine/Mechanical Engineering and was commissioned as an officer in the US Naval Reserve. He spent the first 9 years of his working career as a Structural Engineer for the Grumman Corporation. During that time he designed repairs to damaged F-14 Tomcat Fighter planes in Florida, Virginia, California and at their Calverton facility on Long Island's East End. He received his Master of Business Administration degree in General Management from Dowling College in January 1994.

In August 1994 he entered the Night Student program at the Jacob D. Fuchsberg Law Center of Touro College in Huntington, NY (now at Central Islip, NY). At the same time he began working at Underwriters Laboratories, Inc. in Melville, NY where he was ultimately promoted to the position of Program Manager.

He graduated from Law School with a Juris Doctor *summa cum laude* in May 1998 ranked 4th in his class of 82 members. In January 1999, he was admitted to practice as an Attorney and Counselor-at-Law in New York State. Besides New York State, Mr. Isernia has been admitted to the Bar of the US Supreme Court, US Court of Appeals for the Federal Circuit and the US Court of Appeals for the Armed Forces.

He practices mainly in the areas of Real Estate Transactions, Elder Law, Wills, Trusts & Estates. He is a member of the Suffolk County Bar Association as well as the National Notary Association.

He received his first commission as a Notary Public in 1996. He has lectured on the topic of Notary Law for the Suffolk County Bar Association, Nassau County Bar Association as well as for the Suffolk County Department of Corrections.

From 2010 - 2015, Mr. Isernia served as a Trustee on the Board of Education for the Sachem Central School District at Lake Ronkonkoma, NY. Previously he served as the Vice-Chairman of the Budget Advisory Committee and the Secretary of the Capital Projects Advisory Committee for the District.

He was Honorably Discharged from the Naval Reserve in 1993 at the rank of Lieutenant and still maintains a US Coast Guard Merchant Mariner's Credential as a Third Assistant Engineer of Steam or Motor Vessels of any horsepower.

REVISED: March 31, 2020

# GUIDANCE TO NOTARIES CONCERNING EXECUTIVE ORDER 202.7

## EXECUTIVE ORDER

In response to the COVID-19 (Novel Coronavirus) public health emergency, on March 19, 2020 Governor Cuomo signed [Executive Order 202.7](#), which authorizes notary publics to officiate documents remotely. Specific procedures must be followed to remotely notarize a document. To help the public and notaries public understand the Executive Order, the Department has prepared this guidance.

## WHAT IS ALLOWED?

The Executive Order allows a notary public to witness a document being signed, using audio-video technology, and to then notarize the document.

## WHAT IS REQUIRED?

To remotely notarize a document, the following conditions must be satisfied:

1. The person seeking the Notary's services, if not personally known to the Notary, must present a valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
2. The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
3. The person must affirmatively represent that he or she is physically situated in the State of New York;
4. The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
5. The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and
6. The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.

## ADDITIONAL CONSIDERATIONS

- Notary publics using audio-video technology must continue to follow existing requirements for notarizations that were unaltered by the Executive Order. This includes, but is not limited to, placing the notary's expiration date and county where the notary is commissioned upon the document.

- If the notary and signatory are in different counties, the notary should indicate on the document the county where each person is located.
- An electronically transmitted document sent to the notary can be sent in any electronic format (e.g., PDF, JPEG, TIFF), provided it is a legible copy.
- The notary must print and sign the document, in ink, and may not use an electronic signature to officiate the document.
- The signatory may use an electronic signature, provided the document can be signed electronically under the Electronic Signatures and Records Act (Article 3 of the State Technology Law). If the signer uses an electronic signature, the notary must witness the electronic signature being applied to the document, as required under Executive Order 202.7.
- The Executive Order does not authorize other officials to administer oaths or to take acknowledgments, and only applies to notary publics commissioned by the Secretary of State's office.
- Following remote notarization, if the notary receives the original document within 30 days, the notary may notarize the document again (i.e., physically affixing a notary stamp and hand signing the document) using the original remote notary date.
- Additionally, when performing remote notarization pursuant to this Executive Order, the Department recommends the following best practices. (However, not following these two recommendations will not invalidate the act or be cause for discipline):
  - Keep a notary log of each remote notarization;
  - Indicate on the document that the notarization was made pursuant to Executive Order 202.7.

If you have questions regarding notary practices, please email them to the Department at: [licensing@dos.ny.gov](mailto:licensing@dos.ny.gov) or contact (518) 474-4429. Call Center Representatives are available from 8:30am to 4:30pm Monday through Friday except on Legal Holidays.

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ALBANY OFFICE:

One Commerce Plaza, 99 Washington Avenue, P.O. Box 22001, Albany, NY 12201-2001  
Customer Service: (518) 474-4429 • Website: [www.dos.ny.gov](http://www.dos.ny.gov) • E-Mail: [licensing@dos.ny.gov](mailto:licensing@dos.ny.gov)

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UNIFORM ACKNOWLEDGEMENT  
RPL 309-A

(Example for purposes of Executive Order 202.7)

State of New York)

) ss:

County of **SUFFOLK & NASSAU** )

On the ...**17th**... day of ..**April**... in the year .**2020**.... before me, the undersigned, personally appeared .**Mr./Mrs. Signer**., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*John Q. Attorney*

John Q. Attorney

Notary Public, State of New York

Qualified in County of Suffolk

Commission Expires: April 15, 2022

# 02AT1234567

**Performed in accordance with Executive Order 202.7**