



By Kelly Rush

**E**VEN THE BEST JOBS COME WITH THEIR SHARE OF STRUGGLES. LONG meetings, longer commutes and flaky colleagues can add frustration to your professional situation, but nothing tops the list of workplace dangers like a difficult boss. It's an even more volatile mix when you throw in the demands of notarizing on the job.

Office Notaries have the dual responsibility of fulfilling their state-commissioned public official duties and pleasing their employers, who may not understand — or care about — the state rules and regulations governing notarial acts. Difficult bosses come in a lot of different flavors — some don't understand Notary law and misbehave out of ignorance. Some act like your best friend and urge you to do them an unethical favor, and others may operate as if they're above the law, as in a recent case that came to the NNA's Notary Hotline.

A caller described being berated by their boss for refusing to put a seal and signature on a document without a certificate. The boss threatened to "take" the Notary's commission, said the Notary had to comply with her demands because the company paid for her commission, then threatened to file a complaint with the Secretary of State's office.

Most situations won't be as extreme as this one, but difficult bosses can come in many forms. They may suffer from poor communication skills; they may not understand the pressure they're putting on you; or they may be ignorant of Notary regulations.

Among the most common demands, bosses may insist that you notarize a document outside the presence of the signer; forgo verifying a signer's ID; notarize incomplete or blank documents; or let co-workers use your seal. In any case, it's important to have savvy strategies to avoid situations where saying the wrong thing could escalate an encounter into an ugly fight while still fulfilling your duties as a Notary.

According to human resources and corporate leadership experts, workers can employ a variety of tactics to stay on the right side of the law and maintain their professional reputations and mental health when faced with bad bosses, whether Godzilla or a Mary Poppins who has no clue flying via umbrella is a violation of local airspace regulations. And those tactics may differ depending on the type of bad boss.

### The Toxic Bully

The bully who makes threats and uses intimidation to get an employee to do something is one of the most challenging scenarios people can face in the workplace. Whether they are a direct supervisor, a senior executive or co-worker, a bully can create a hostile environment, expose themselves and their companies to lawsuits and promote high turnover. In fact, a recent Gallup study showed one in two employees "have left their job to get away from their manager at some point in their career." According to the report, companies fail to choose the candidate with the right talent for the manager job 82% of the time.

There are cases when a complaint to the human resources department may solve the problem if you don't want to walk out the door, but a complaint's success often depends on whether the bully is a low-level employee or a highly placed executive.

It's important to understand that the person you're dealing with is still there for some reason. Maybe the boss is a high performer or is a member of the executive management team. Either way, they're still at the company, and they're still raging.

Mary Abbajay, a leadership and organizational development consultant based in Washington, D.C., said people should know what they're dealing with when they've got the "bully psycho toxic screamer shouter." If you have a boss who leads by rage, "nobody is coming to save you. HR isn't going to come save you," she said. It's very expensive to replace star talent or execs at the top of the org chart. You also need to remember that the same people to whom you might report this boss could be protecting him, such as a CEO or vice president.

She said the key here is to keep your emotional self intact as you consider your options: "When we get depleted, we lose hope." She recommends activating a support network and staying out of the line of fire: try to avoid interactions with this boss, maintain your professionalism even when they don't and start looking for a job. "You're never going to thrive with a toxic boss," she said.

Sometimes bosses use these intimidation tactics because they've worked in the past or they may know they're asking an employee to do something that's unethical or against state law and so try to use extra force. Being asked to break the law ups the stakes.

Terri Hartwell Easter, a human resources expert and organizational change strategist, said people can easily find their livelihoods put to the test in such situations. However, she says "there is always a way to honor the law and your own integrity."

Start a conversation where you make clear that what you're being asked to do would not comply with the law, and stay in the "I" space, she said. Talk about what works or doesn't work for you without impugning the other person. "I don't have to challenge (the boss) that he's doing something illegal. I can just say 'This isn't feeling right for me.'" You can stand your ground without taking a moral position about what the other person is doing.

Some companies also have hotlines or a way to report abusive behavior anonymously, or they have general counsel or an ombudsman who acts as an ethical arbiter.

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— Terri Hartwell Easter,  
*Human Resources Expert*



## Employer-Employee Liabilities

Most Notaries understand that improperly or negligently carrying out their duties can land them in hot water. They could face sanctions from Notary regulators, prosecution by law enforcement agencies, or civil claims filed by any party harmed by your flawed notarizations.

What many employers do not understand is that they, too, can be held liable if they direct Notary-employees to violate the law. Arguably the most sensational example of this occurred in 2010 when the massive “robo-signing crisis” came to light.

Following the collapse of the mortgage finance market, lenders hired a number of document-processing companies and law firms to generate millions of foreclosure documents. To streamline the workload, executives at the companies and law firms required Notary-employees to engage in a variety of improper practices that included:

- Notarizing documents outside the presence of the signers
- Notarizing documents with forged signatures
- Allowing co-workers to use their Notary seals
- Notarizing unsigned documents

When the faulty documents came to light, it caused a nationwide scandal and sparked massive investigations by federal and state law enforcement agencies. The result was the National Mortgage Settlement that cost five major lenders \$25 billion and required them to implement sweeping changes in their business practices.

Moreover, an executive of one document-processing firm was sentenced to five years in federal prison for her role in preparing and filing more than one million fraudulently signed and notarized mortgage-related documents. And the Florida lawyer who ran what the media described as a “foreclosure mill” was disbarred.

Employers and their Notary-employees should build a good working relationship that fosters sound notarial practices, notes Michael Closen, one of the nation’s leading Notary law scholars. “Such an atmosphere prevents wrongdoing that might otherwise cause liability concerns for both the employers and their Notary-employees.” ■

Easter warned against doing anything illegal for a company because criminal liability can extend beyond a corporation to an employee personally.

Such was the case in 2012 when four Nevada Notary-employees of a mortgage servicing company found themselves facing charges for improperly notarizing tens of thousands of foreclosure-related documents.

“You have to safeguard yourself and your associations,” Easter said.

### The Passive-Aggressive or Apparent Manipulator Boss

Sometimes bad boss behavior isn’t so clear-cut because they’re not threatening, yelling or asking you to do something clearly wrong, as in the case of passive-aggressive bosses who appear to use manipulation to get their way.

First, avoid putting labels on these sorts, Abbajay says. The passive-aggressive boss may simply be a poor communicator; labels set you up to have a strong emotional reaction to the boss’ behavior instead of responding in a measured way. If you feel like you’re being manipulated, check that reaction; it won’t help you make strategic choices.

“Don’t assume their inability to communicate is passive-aggressive,” she says. “The whole part of dealing with difficult bosses is (reframing) to find something that works.” She suggested offering the boss a choice of appropriate ways to accomplish a task and sending an email that recaps in-person conversations in order to get things in writing. You may also want to make sure other people are around when important discussions are happening, so you have witnesses and emotional support.

In cases where the boss is a proven manipulator, sometimes conflict can’t be avoided. “I think calling out that kind of thing is the smart thing to do,” Easter said. “With appropriate feedback, people have the option to alter their behavior.”

The point is to seek clarity without making judgments about the boss’ intentions. She suggested saying something like this: “I hear an undertone in your communications that you’re not pleased with X; that’s what it feels like for me.”

“When there’s not that haze or cloudiness about what’s expected, you can deal with things head-on without an additional layer of distrust,” Easter said.

### The ‘Friend’

There are two types of friend bosses — one who genuinely cares for the team and has a slip-up, and one who pretends to care because it’s expedient. In the case of the former, open communication lines should work with this person. Even good bosses make mistakes and aren’t always aware of the rules and regulations their employees must follow or may not realize they are crossing emotional boundary lines. Schedule a time to have a chat and be honest and forthright without making assumptions about the boss’ behavior. A good leader will appreciate the opportunity to learn and grow from the encounter.

If you're being asked to cut corners and are reassured the "friend" has your back, don't fall for that. "Your work product is your work product," Abbajay said. If you're getting a request in the moment, you decline and pivot. You can say, "I would

You may also want to reconsider having a "friend" relationship with a superior. It's OK to be friendly, but don't be too close: you'll stop getting truthful, constructive feedback, or if they do give you truthful feedback, your feelings may be hurt because

who is putting you in a tough position or making presumptions about personal ethics may not be a friend. It's especially important for those in trust-holding positions, like Notaries, to keep stock of their own boundaries and have great clarity concerning their ethics.

Ultimately, every Notary-employee needs to find a way to balance the demands of the job with their duties as a Notary.

Abbajay advises Notaries to build an "ethical standards" plan so they know their boundaries before they are tested. She tells her coaching clients — particularly women, who have a tendency to shrink when faced with confrontation — to practice in the mirror in the morning.

"You can create a comfort level in letting people know who you are, where you stand and what works for you and what doesn't," she said. ■

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prefer to follow regulations," and change the subject, but do it very tactfully. Be firm and kind and avoid impugning the boss in the moment. "You want to be truthful and tactful; it's not going to be helpful to shame, embarrass or demean."

you thought the boss was your friend. You also run the risk of alienating colleagues if the boss shows you too much attention or favoritism, Abbajay said.

Easter advised employees to consider how they define friendship. Someone

## Heading Off Potential Conflict Before It Arises

Bosses who ask Notaries to cut corners, skip steps or do things that are illegal can make work challenging.

Notaries don't have to wait until someone crosses the line to get proactive about setting boundaries. There's no time like the present to start, according to Terri Hartwell Easter, a human resources expert and organizational change strategist.

You can create a brand around who you are — whether you have just become a Notary or are already established as one.

Build and maintain a good workplace reputation. Consistently showing that you are professional, cooperative and a rule follower will help safeguard you against

people asking you to do things that are unethical. While some bosses may overstep lines, a reputation as a stickler for the rules can discourage improper requests.

Keep your state's Notary Public handbook nearby (usually available from the Secretary of State's office) and obtain other education and reference materials. And share them with you bosses to let them know the position comes with its own set of rules beyond what the company may want. Any changes to Notary law or regulations offer a good opportunity to "remind" supervisors and co-workers of your Notary duties.

Build a good relationship with your boss. This will help avoid problems down the line, said Mary

Abbajay, a leadership and organizational development consultant. When starting a new job, have a coffee meeting in order to find out about them, their work style, preferences, priorities, communication style and pet peeves.

"It's shocking how few people do this," she said. "Right from the start — don't guess what's important to your boss; find out how your boss wants you to disagree with (them)." ■

For a fuller discussion of what you can and cannot do for any signer, check out the book, "Sorry, No Can Do!" ([nationalnotary.org/sorry-no-can-do](http://nationalnotary.org/sorry-no-can-do)).

