

# **NOTARY PUBLIC CODE OF PROFESSIONAL RESPONSIBILITY**

## **Guiding Principles**

1. The Notary shall, as a government officer and public servant, serve all of the public in an honest, fair and unbiased manner.
2. The Notary shall act as an impartial witness and not profit or gain from any document or transaction requiring a notarial act, apart from the fee allowed by statute.
3. The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.
4. The Notary shall not execute a false or incomplete certificate, nor be involved with any document or transaction that is false, deceptive or fraudulent.
5. The Notary shall give precedence to the rules of law over the dictates or expectations of any person or entity.
6. The Notary shall act as a ministerial officer and not provide unauthorized advice or services.
7. The Notary shall affix a seal on every notarized document and not allow this universally recognized symbol of office to be used by another or in an endorsement or promotion.
8. The Notary shall record every notarial act in a bound journal or other secure recording device and safeguard it as an important public record.
9. The Notary shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.
10. The Notary shall seek instruction on notarization, and keep current on the laws, practices and requirements of the notarial office.

# Standards of Professional and Ethical Practice

## GUIDING PRINCIPLE I

*The Notary shall, as a government officer and public servant, serve all of the public in an honest, fair and unbiased manner.*

### Article A: Refusal to Notarize

#### I-A-1: Refusal without Due Cause

The Notary shall not refuse to perform a lawful and proper notarial act without due cause.

#### I-A-2: Refusal for Reasonable Suspicion

The Notary shall refuse to notarize if the Notary has knowledge, or a reasonable suspicion that can be articulated, that the transaction is unlawful or improper.

#### I-A-3: Undue Cause for Refusal

The Notary shall not refuse to perform a lawful and proper notarial act because of the signer's race, nationality, ethnicity, citizenship, religion, politics, lifestyle, age, disability, gender or sexual orientation, or because of disagreement with the statements or purpose of a lawful document.

#### I-A-4: Improper Refusal Due to Nonclient Status

The Notary shall not refuse to perform a lawful and proper notarial act solely because the signer is not a client or customer of the Notary or the Notary's employer.

### Article B: Fees

#### I-B-1: Improper Assessment of Fee

The Notary shall not base the charging or waiving of a fee for performing a notarial act, or the amount of the fee, on the signer's race, nationality, ethnicity, citizenship, religion, politics, lifestyle, age, disability, gender or sexual orientation, or on agreement or disagreement with the statements or purpose of a lawful document.

#### I-B-2: Improper Assessment Due to Nonclient Status

The Notary shall not base the charging or waiving of a fee for performing a notarial act, or the amount of the fee, on whether the signer is a client or nonclient, or a customer or noncustomer, of the Notary or the Notary's employer.

### Article C: Dignity of Office

#### I-C-1: Dignity Befitting Public Office

The Notary shall conduct himself or herself with a dignity befitting a public officer and in a manner that does not bring disrepute or discredit upon the notarial office.

### Article D: Advertising and Endorsement

#### I-D-1: Undignified Advertisement

The Notary shall not advertise notarial services in an undignified or excessively commercial manner.

#### I-D-2: Misrepresentation

The Notary shall not misrepresent the notarial office; claim or advertise powers, authority, advantages or rights that the office does not give; nor

use language that is likely to mislead non-natives of the United States about the powers of the office.

#### I-D-3: Endorsement Improper

The Notary shall not use or allow use of the Notary's seal or title ("Notary Public") to endorse, extol or denigrate a product, service, program, proposal, individual, candidate, organization or contest, or to corroborate or disprove claims about them.

### Article E: Ability and Availability to Serve

#### I-E-1: Resignation if Impaired

The Notary shall resign from office if any permanent change in the Notary's physical status would prevent or significantly impair the proper performance of notarial duties.

#### I-E-2: Refusal for Lack of Knowledge

The Notary shall decline to notarize if the Notary does not feel sufficiently knowledgeable or competent to perform properly any requested notarial act.

#### I-E-3: Reporting Pertinent Change

The Notary shall report to the commissioning agency any pertinent change in personal status — including change of name or address, conviction of a felony, or adjudicated liability in a lawsuit involving a notarial act — affecting the Notary's availability to the public and the repute of the Notary as a person of integrity.

## GUIDING PRINCIPLE II

*The Notary shall act as an impartial witness and not profit or gain from any document or transaction requiring a notarial act, apart from the fee allowed by statute.*

### Article A: Improper Gain

#### II-A-1: Actual or Potential Gain Improper

The Notary shall decline to notarize in any transaction that would result, directly or indirectly, in any actual or potential gain or advantage for the Notary, financial or otherwise, apart from the fee for performing a notarial act allowed by statute.

#### II-A-2: Commission or Fee Improper

The Notary shall not notarize for a client or customer who will pay the Notary a commission or fee for the resulting transaction, apart from the fee for performing a notarial act allowed by statute.

### Article B: Improper Personal Interest

#### II-B-1: Notarization of Own Signature Improper

The Notary shall not notarize his or her own signature.

#### II-B-2: Notarization of Cosignature Improper

The Notary shall not notarize a signature on a document that the Notary has cosigned.

#### II-B-3: Notarization of Document Naming Notary Improper

The Notary shall not notarize a document that bears the name of the Notary or of a close relative, as defined below in Standard II-B-5.

#### **II-B-4: Notarization of Personal Document Improper**

The Notary shall not notarize a document that will affect or involve the Notary's personal affairs.

#### **II-B-5: Notarization for Close Relative Improper**

The Notary shall decline to notarize the signature of a close relative or family member, particularly a spouse, parent, grandparent, sibling, son, daughter or grandchild of the Notary, or a stepchild, stepsibling, stepparent, stepgrandparent or stepgrandchild of the Notary.

### **Article C: Avoiding Appearance of Partiality**

#### **II-C-1: Compromise of Impartiality**

The Notary shall decline to notarize in any transaction that would impugn, compromise or call into question the Notary's impartiality or propriety, or has the potential for doing so.

### **Article D: Proper and Improper Influence**

#### **II-D-1: Avoidance of Influence in Lawful Transaction**

The Notary shall not attempt to influence a person to sign or not sign, to act or not act, nor to proceed or not proceed in any lawful transaction requiring a notarial act that is to be performed by the Notary.

#### **II-D-2: Refusing Unlawful Transaction**

The Notary shall refuse to participate and shall attempt to influence a person not to sign, not to act or not to proceed in any unlawful transaction requiring a notarial act that is to be performed by the Notary.

### **Article E: Notarization for Employer**

#### **II-E-1: Notarization by Employee Proper**

The Notary who is an employee shall be permitted to notarize for any officer, executive, supervisor, coworker, subordinate, client or customer of the employing organization, as long as the Notary will not gain a commission, bonus or other consideration as a result of the notarial act, other than the regular salary or hourly wage and the statutory notarial fee.

## **GUIDING PRINCIPLE III**

*The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.*

### **Article A: Physical Presence**

#### **III-A-1: Insisting That Signer Appear**

The Notary shall insist that the signer and any witness identifying the signer be present before the Notary at the time of the notarization.

### **Article B: Screening for Identity and Willingness**

#### **III-B-1: Three Identification Methods**

The Notary shall carefully identify each signer through either personal knowledge, at least one reliable identification document bearing a photograph, or the sworn word of a credible witness.

#### **III-B-2: Deterring Undue Influence**

The Notary shall not notarize for any person if the Notary has a reasonable belief that can be articulated that the person is being bullied,

threatened, intimidated or otherwise unduly influenced into acting against his or her will or interest.

### **Article C: Screening for Awareness**

#### **III-C-1: Awareness Essential in Signer**

The Notary shall not notarize for any person if the Notary has a reasonable belief that can be articulated that the person at the moment is not aware of the significance of the transaction requiring a notarial act.

#### **III-C-2: Coherent Communication Necessary**

The Notary shall not notarize for any person unable to communicate coherently with the Notary at the time of notarization.

#### **III-C-3: Direct Communication Necessary**

The Notary shall not notarize for any person with whom the Notary cannot directly communicate in the same language, regardless of the presence of a third-party interpreter or translator.

### **Article D: Qualification of Witnesses**

#### **III-D-1: Honesty, Capacity and Disinterest Essential**

The Notary shall require any witness identifying a principal signer to be honest, mentally capable and unaffected by the transaction requiring a notarial act.

#### **III-D-2: Oath or Affirmation Necessary for Identifying Witness**

The Notary shall administer an oath or affirmation to any witness identifying a principal signer in order to compel truthfulness.

#### **III-D-3: Personal Knowledge of Identifying Witness Essential**

The Notary shall personally know any individual serving as the sole witness identifying a principal signer in the Notary's presence, and the witness shall personally know the principal signer.

#### **III-D-4: Identifying Witness Must Be Unaffected**

The Notary shall disqualify any person from serving as an identifying witness if that individual is named in or affected by the document signed by the principal.

#### **III-D-5: Personal Knowledge of Subscribing Witness Essential**

The Notary shall personally know any individual offering to serve as a subscribing witness to identify a principal signer who is not in the Notary's presence.

#### **III-D-6: Subscribing Witness Must Be Unaffected**

The Notary shall disqualify any person from serving as a subscribing witness if that individual is named in or affected by the document signed by the absent principal.

#### **III-D-7: Two Witnesses to Mark Must Be Disinterested**

The Notary shall require that two individuals in addition to the Notary witness the affixation of a mark, and neither witness shall be named in or affected by the marked document.

## GUIDING PRINCIPLE IV

*The Notary shall not execute a false or incomplete certificate, nor be involved with any document or transaction that is false, deceptive or fraudulent.*

### Article A: Certificate Mandatory

#### IV-A-1: Notarial Wording Required

The Notary shall not notarize any document unless it bears jurat, acknowledgment or other notarial "certificate" wording that specifies what the Notary is attesting.

### Article B: Fraudulent Certificate

#### IV-B-1: False Statement Improper

The Notary shall not knowingly issue a certificate containing information that is false, deceptive, inaccurate or incomplete.

#### IV-B-2: False Date Improper

The Notary shall not knowingly issue a certificate for a notarial act that indicates a date other than the actual date on which the notarial act was performed.

### Article C: Certificate Completion and Attachment

#### IV-C-1: Completion by Notary Essential

The Notary shall personally prepare or verify all information and insertions on a notarial certificate, and allow no other person to affix the Notary's official signature and seal.

#### IV-C-2: Secure Attachment by Notary Essential

The Notary shall take steps in attaching a "loose" notarial certificate to a document that will deter its fraudulent removal and reattachment to an unintended document.

#### IV-C-3: Completion or Attachment by Another Improper

The Notary shall not deliver a signed notarial certificate to another person and trust that person to complete or attach that certificate to a document outside of the Notary's presence.

### Article D: Potentially Fraudulent Documents

#### IV-D-1: Incomplete Documents Improper

The Notary shall refuse to notarize any document whose text is blank or incomplete.

#### IV-D-2: Facsimile Signature Improper

The Notary shall refuse to notarize any signature not affixed by hand in pen and ink, unless the law expressly allows otherwise.

### Article E: Fraudulent Notarization or Transaction

#### IV-E-1: Improper Notarization

The Notary shall refuse to perform any notarial act that is illegal, dishonest, deceptive, false, improper or in violation of The Ethical Imperatives of this Notary Public Code of Professional Responsibility.

#### IV-E-2: Improper Transaction

The Notary shall refuse to perform any notarial act in connection with a document or transaction that the Notary knows, or has a reasonable

suspicion that can be articulated, is illegal, dishonest, deceptive, false or improper.

#### IV-E-3: Reporting Illegality

The Notary shall report to appropriate law enforcement or disciplinary authorities any illegality requested, required, proposed or performed that involves a notarial act by the Notary or by any other Notary.

## GUIDING PRINCIPLE V

*The Notary shall give precedence to the rules of law over the dictates or expectations of any person or entity.*

### Article A: Precedence of Law

#### V-A-1: Conflict with Dictate or Expectation

The Notary shall obey and give precedence to any pertinent law, regulation or official directive, or any of The Ethical Imperatives of this Notary Public Code of Professional Responsibility, when they conflict with the dictates or expectations of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person or entity.

#### V-A-2: Waiving Personal Appearance Improper

The Notary shall not waive the requirement that each signer personally appear before the Notary at the time of notarization at the direction or request of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person or entity.

#### V-A-3: Informal Introduction Improper

The Notary shall not base the identification of any signer on the word of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person unless the latter is formally sworn in as a credible witness and is not personally a party or beneficiary of the transaction.

### Article B: Commission of Employee

#### V-B-1: Notary Retains Commission

The Notary shall not be required by an employer to surrender or resign the commission upon termination of employment, even if the employer paid for the commission.

## GUIDING PRINCIPLE VI

*The Notary shall act as a ministerial officer and not provide unauthorized advice or services.*

### Article A: Prescribing Notarial Act

#### VI-A-1: Selecting Certificate Improper

The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not determine or prescribe the particular type of notarial act or notarial certificate required in a given transaction.

### Article B: Prescribing or Preparing Document

#### VI-B-1: Selecting Document Improper

The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not determine or prescribe the particular type of document required in a given transaction.

### **VI-B-2: Preparing Document Improper**

The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not prepare a document for another person or provide advice on how to fill out, draft or complete a document.

### **Article C: Providing Unauthorized Advice**

#### **VI-C-1: Legal Counseling Improper**

The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not provide advice on how to act or proceed in a given legal matter that may or may not involve a notarial act.

### **Article D: Providing Unauthorized Services**

#### **VI-D-1: Certifying Vital Record or Recordable Document Improper**

The Notary shall not certify the accuracy and completeness of a copy if the original is a photocopy, a vital record or a recordable document, nor certify any handrendered reproduction.

#### **VI-D-2: Certifying Photograph Improper**

The Notary shall not certify the accuracy or authenticity of a photograph.

#### **VI-D-3: Certifying Translation Improper**

The Notary shall not certify the accuracy or completeness of a translation.

## **GUIDING PRINCIPLE VII**

*The Notary shall affix a seal on every notarized document and not allow this universally recognized symbol of office to be used by another or in an endorsement or promotion.*

### **Article A: Affixation of Seal**

#### **VII-A-1: Seal Important on Every Document**

The Notary shall affix a legible imprint or impression of an official seal on every document notarized.

#### **VII-A-2: Manual Affixation of Seal Necessary**

The Notary shall manually affix every impression of the official seal, unless electronic affixation is expressly permitted by law, in which case the Notary shall maintain exclusive control over the means of such affixation.

#### **VII-A-3: Preprinted Seal Disallowed**

The Notary shall not affix nor allow the official seal to be affixed or preprinted on any certificate or document prior to the time of notarization.

### **Article B: Control of Seal**

#### **VII-B-1: Safeguarding When Not in Use**

The Notary shall safeguard the official seal to prevent its misuse by others when it is out of the Notary's sight.

#### **VII-B-2: Use or Possession by Another Improper**

The Notary shall not allow the official seal to be used or possessed by another person.

#### **VII-B-3: Reproduction in Advertisement Improper**

The Notary shall not allow others to use or reproduce the Notary's seal in a commercial advertisement, solicitation or testimonial.

### **Article C: Disposal of Seal**

#### **VII-C-1: Surrendering Seal to Employer Improper**

The Notary shall not surrender the seal to an employer or supervisor upon termination of employment, even if the employer paid for the seal.

#### **VII-C-2: Destruction or Defacement Necessary**

To prevent its misuse by others, the Notary shall destroy or deface the official seal when the term of office it denotes ends or is cut short by revocation or resignation, provided the law does not prescribe another disposition.

## **GUIDING PRINCIPLE VIII**

*The Notary shall record every notarial act in a bound journal or other secure recording device, and safeguard it as an important public record.*

### **Article A: Record of Notarial Acts**

#### **VIII-A-1: Entering Every Official Act Critical**

The Notary shall maintain a complete, sequential record of every notarial act performed by the Notary in a bound journal or other secure recording device allowed by law.

#### **VIII-A-2: Essential Components of Entry**

For every notarial act performed, the corresponding entry in the Notary's journal shall contain, at least: the date, time and type of the notarial act; the date and description of the document or transaction; the name, address and signature of each person whose signature was notarized or who served as a witness; a description of the evidence used to identify any signer who is not personally known; and the fee charged for the notarial act.

#### **VIII-A-3: Entry Contemporaneous with Act**

A complete record of any notarial act performed by the Notary shall be entered in the journal at the actual time of the notarial act, not before and not after.

### **Article B: Public Inspection**

#### **VIII-B-1: Limiting Access to Journal**

The Notary shall show or provide a copy of any entry in the journal of notarial acts to any person identified by the Notary who presents a written and signed request specifying the month and year, the document type, and the name of the signer(s) for the respective notarization.

#### **VIII-B-2: Control of Record Essential**

To prevent loss, theft or tampering, the Notary shall safeguard and maintain control over the journal of notarial acts, and not surrender it to any person who does not present a subpoena or other lawful written authorization.

### **Article C: Disposal of Journal**

#### **VIII-C-1: Surrender to Employer Improper**

The Notary shall not surrender the journal to an employer upon termination of employment, even if the employer paid for the journal, unless law expressly authorizes.

### **VIII-C-2: Storage of Record**

In the absence of official rules for disposal of the journal of notarial acts, the former Notary shall store and safeguard each journal at least 10 years from the date of the last entry in the journal.

## **GUIDING PRINCIPLE IX**

*The Notary shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.*

### **Article A: Needless Intrusions**

#### **IX-A-1: Scrutinizing of Text**

The Notary shall scrutinize the non-notarial text of a document for two purposes only: to ascertain if it appears complete and to extract data for recording in the journal of notarial acts.

#### **IX-A-2: Extracting or Copying Unnecessary Information**

The Notary shall not needlessly extract or copy information from the text of a notarized document or from other documents possessed by its signer.

### **Article B: Unauthorized Use of Information**

#### **IX-B-1: Revealing Document Particulars Improper**

The Notary shall not divulge information about the circumstances of a notarial act to any person who does not have clear lawful authority and a need to know

#### **IX-B-2: Personal Use of Information Improper**

The Notary shall not use for personal gain any information extracted from the text of a document that he or she has notarized.

#### **IX-B-3: Random Journal Perusal Improper**

Except for the access allowed by Standard VIII-B-1, the Notary shall not allow perusal of the journal of notarial acts by any person who does not present a subpoena or other evidence of official authorization.

## **GUIDING PRINCIPLE X**

*The Notary shall seek instruction on notarization, and keep current on the laws, practices and requirements of the notarial office.*

### **Article A: Seeking Knowledge**

#### **X-A-1: Studying Official Literature Essential**

The Notary shall study all official pamphlets, handbooks, manuals and other literature pertaining to the performance of notarial acts in the Notary's jurisdiction.

#### **X-A-2: Studying Laws and Regulations Essential**

The Notary shall study all laws, regulations and official directives that pertain to the performance of notarial acts in the Notary's jurisdiction.

#### **X-A-3: Supplemental Guidance Often Necessary**

In order to achieve a solid understanding of the basic principles and practices of notarization, the Notary shall be proactive in seeking out expert guidance and in supplementing any official training or materials with those provided by respected educational institutions and professional organizations.

### **X-A-4: Continuing Education Essential**

The Notary shall keep current on new laws and regulations and on any other developments that affect the performance of notarial acts in the Notary's jurisdiction.

### **Article B: Dispensing Knowledge**

#### **X-B-1: Providing Expertise to Others**

The Notary shall freely provide notarial expertise to less experienced Notaries and step forward to offer needed corrective advice on the proper performance of notarial acts.

### **Article C: Maintaining Standards**

#### **X-C-1: Reporting Misconduct**

The Notary shall report to the commissioning authority violations of the statutes, regulations and directives governing the conduct of Notaries.