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BUSINESS PROGRAMS | NOTARY PUBLIC  
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November 13, 2009

To: Notary Public Education Vendors

From: Alicia Stewart  
Notary Public & Special Filings Section

RE: October 23, 2009 Meeting Notes

### **Welcome and Introductions**

**No New Law Changes:** There is no new legislation affecting notaries public for 2010 so lesson plans do not need to be amended for purposes of new law changes. If you have other changes, however, you do need to submit amendments.

**Guidelines for Submitting New and Amended Lesson Plans:** There are a few important rules to keep in mind when submitting new lesson plans or amended lesson plans. These rules are intended to help vendors prepare their lesson plans and expedite the review of lesson plans:

- Each lesson plan must have a separate name. For example, a vendor who submits an online plan, a home study plan, and a live plan, must label each lesson plan specifically so that it can be distinguished from the other lesson plans.
- If a live education course is submitted and an online course is submitted later, there must be no references to the live course. References like that will cause the subsequent course to be rejected.
- When multiple duplicated courses are submitted, the individual courses will only be approved upon receipt of the corrected copy for each course submitted.

**Checklist:** The application process for a new education lesson plan is going to change. A checklist for notary public education lesson plans will be required to be completed and submitted as part of the lesson plan application. The checklist will ensure that a notary education vendor's lesson plan contains the legally required information to be taught to notary public applicants.

The checklist is intended to help speed the review of lesson plans. The checklist will help ensure that there is uniformity and consistency among all lesson plans.

The checklist is in two parts. The first is an "Administrative Checklist" that walks the education vendor through all the steps needed to correctly complete an application and lesson plan. The second part is an "Important Knowledge Statement Checklist" that requires the education vendor to list the pages in the lesson plan where each Important Knowledge Statement is located.

Failure to include a completed checklist will cause the submitted lesson plan to be rejected because it does not meet the legal requirements of Government Code section 8201 and California Code of Regulations 20800.1 dealing with notary public education vendor lesson plans.

The checklist will be emailed to all education vendors as soon as it is available. The checklist will be included with the other notary public education vendor information on our website.

**Changes Due to Budget Cuts:** California's budget problems have required every public agency to reduce spending and look for more efficient ways of operating. Therefore, we have consolidated processes that have a limited impact on the general public. After careful review of both staff and community needs, the decision was made to close our San Francisco and Fresno regional offices. The San Francisco regional office closed to the public on September 30, 2009. The Fresno regional office closed to the public on May 29, 2009. The decision to close these offices was not reached quickly or easily.

Many of the approved notary public education courses have included the addresses and phone numbers of all Secretary of State locations. Amendments to those lesson plans are not required to remove the San Francisco and Fresno office contact information at this time; however, notary public education vendors may want to consider eliminating references to all of the Secretary of State's office locations in the future and for new courses.

Other cost savings include reducing contracts, eliminating paid overtime, reintroducing voluntary leave programs, and keeping vacant positions open longer. The Notary Public Section laid off all students and retired annuitants.

We have updated the Secretary of State's website and our telephone messages to provide more information online in order to free up staff to process the workload.

#### **Education Vendor Reminders:**

- When printing the notary public application from our website, please be sure to include the instruction sheet to assist your course attendees in completing the application.
- Please be sure to keep your vendor contact information current and updated with our office. Changes to your contact information need to be submitted on the Education Vendor Application or Amendment form. The amendment form is available on our website at [www.sos.ca.gov/business/notary/become-a-vendor.htm](http://www.sos.ca.gov/business/notary/become-a-vendor.htm).
- All questions or concerns regarding notary public education and requests to order applications and handbooks should be directed to our office via email to: [EdVendors@sos.ca.gov](mailto:EdVendors@sos.ca.gov).

#### Questions and Answers

Q. Can a notary public applicant that uses two last names use only one of their last names for their commission name?

A. No, the applicant must use their full last name. The full last name provided in Item 18 of the notary public application must match the last name provided in Item 4.

Q. What date does the Secretary of State's office use to determine if a reappointing applicant's application is submitted within the time frame required in order to qualify for the three-hour refresher course?

A. An approved three-hour refresher course is only acceptable if the notary public applies for reappointment before expiration of the current notary public commission. The date the application is submitted to Cooperative Personnel Services (CPS) at the exam is the date used to determine when the notary public applied for reappointment. If the notary public passes the exam on that date, the three-hour course is acceptable. However, if the notary public fails the exam and the notary public's commission expires before the exam can be taken again, the notary public will need to take a six-hour course.

Q. If an applicant completes an approved three-hour course of study, how does the applicant complete Item 9 of the notary public application that asks if they have completed a six-hour course?

A. The notary public application has been revised to include the three-hour course information; however, the revised application is only available online at this time. The Secretary of State's office will continue to use our existing supply of printed applications until supplies are exhausted due to budgetary concerns. Either application will be accepted. If an applicant has the previous notary public application form, the applicant can either leave that information blank or the applicant can enter the three-hour course information. The vendor number and date of completion (from Proof of Completion certificate) of the course are the critical elements and Secretary of State staff will capture that information from the Proof of Completion certificate. The Secretary of State's office will know from the vendor number whether the applicant took a six-hour or three-hour course because vendor numbers for six-hour courses start with a "6" and three-hour courses start with a "3."

Q. The notary public exam is valid for one (1) year. Are the Live Scan results tied to each application?

A. Yes. Live Scan fingerprint results are applicable to each individual application. If a notary public fails to qualify their commission, the notary public would need to submit a new application and meet all the requirements again, including Live Scan fingerprinting.

Q. Where can a list of Live Scan locations be found?

A. The list of Live Scan locations is maintained by the Department of Justice (DOJ). The link to that information on the DOJ's website is available on the Secretary of State's website at [www.sos.ca.gov/business/notary/checklist-fingerprints.htm](http://www.sos.ca.gov/business/notary/checklist-fingerprints.htm).

Q. Does CPS email and mail a hard copy of the exam results?

A. Results from the Notary Public Examination will either be emailed (if an email address is provided on the application) or mailed via the United States Postal Service within 10 business days following the examination.

Q. When multiple notarial acts are performed, is it acceptable for a diagonal line to be drawn from the first document to the last document in the notary public journal with a single signature covering all transactions? In addition, can ditto (“”) marks be used in the journal?

A. Government Code section 8206 requires that the notary public's journal include all the information for "each official act." Therefore, each act would include the date, time, type of each official act, character of the instrument, signature, type of identification, fee, and thumbprint (if applicable) on a separate line for each act.

Q. Shouldn't the printed name of the signer appear in the notary public journal along with the signature?

A. Government Code section 8206 only requires the journal entry to contain the signature of the affiant. An amendment to current law would be needed to require the printed name. A notary public education vendor may want to make it a recommendation to the course attendee that best practice would be to print the name in the journal as well, but it is not a requirement.

Q. If a person's signature is extremely illegible, should the notary public consider it to be a "mark" rather than a signature?

A. The law concerning signature by mark (Civil Code section 14) states that when a person cannot write, or sign their name, a mark can be used. A notary public should not try to make a determination based on the legibility of the signature. The signature is whatever the principal says it is.

Q. Can an interpreter be used to translate for a foreign language signer?

A. No, an interpreter cannot be used for notarial acts because there must be direct communication between the signer and the notary public. The signer must be able to acknowledge to the notary public that they executed the document.

Q. Why does a notary public have to put their title "notary public" after their name on the acknowledgment form?

A. The proof or acknowledgment of an instrument may be made before officers other than notaries public as permitted under Civil Code section 1181.

Q. Can a notary public administer the oath or affirmation in a foreign language for a jurat?

A. It is acceptable as long as the notary public is fluent in the same language spoken and understood by the signer.

Q. There was a concern expressed that the driver's license number and signature is provided when making copies of line item entries in the journal.

A. The law requires that a notary public must supply a photostatic copy of the line item representing the requested transaction, upon a proper request, and does not allow for redacting any information from the journal entry.

Q. Does the Secretary of State's office verify the identification information on the Proof of Completion certificate?

A. No. The Secretary of State's office does not verify the driver's license information on the Proof of Completion certificate, as the driver's license or ID is an optional field on the notary public application.

Q. When a notary public acquires numerous notary public journals, can the notary public deliver the journals to the county clerk while still an active notary public?

A. No. By law, the notary public must maintain all notarial records until the notary public either resigns, is disqualified, removed from office, or allows his or her appointment to expire without obtaining reappointment within 30 days. (Government Code section 8209)

Q. Does the notary public applicant need to send a copy of the Request for Live Scan Service form to the Secretary of State?

A. No. Live Scan fingerprint results are received directly from the Department of Justice via electronic mail. However, it is recommended that the applicant retain a copy of the form in case the Department of Justice does not receive the Live Scan transaction. The copy would serve as proof of payment should the notary public applicant be required to redo their fingerprints.

Q. Why is the Request for Live Scan Service form not listed along with the other forms on the Forms, Fees, and Services link on the Secretary of State's web page?

A. We will look into including the form on the forms page but the form is currently available on the Secretary of State's website at [www.sos.ca.gov/business/notary/checklist-fingerprints.htm](http://www.sos.ca.gov/business/notary/checklist-fingerprints.htm) or upon request from the Secretary of State's office.

Q. How long do education vendors need to keep the list of attendees?

A. Under the Secretary of State's Notary Public Education Regulations (California Code of Regulations, Title 2, section 20800.6), the list of attendees must be maintained for a period of two years from the date of issuance of the Proof of Completion certificate.

Q. Does CPS provide the Request for Live Scan Service form with the exam results?

A. No. The Request for Live Scan Service form is available on the Secretary of State's website at [www.sos.ca.gov/business/notary/checklist-fingerprints.htm](http://www.sos.ca.gov/business/notary/checklist-fingerprints.htm) or upon request from the Secretary of State's office.

Q. If a notary public's current commission has already expired, must they deliver their notary public journal(s) to the county clerk, even if they plan to reapply or are in the process of reapplying for appointment?

A. Yes, if it has been more than 30 days since their commission expired. Government Code section 8209 states that if a notary public does not obtain reappointment within 30 days of the expiration date of their current commission, they are required to submit the journals to the county clerk within 30 days.