

## REFERENCE GUIDE FOR NOTARY INVESTIGATORS

Pursuant to Ohio Revised Code section 147.01, the secretary of state (SOS) may revoke a commission issued to a notary public upon presentation of satisfactory evidence of **official misconduct or incapacity**.

R.C. 147.03 states that a notary public who violates the oath of office shall be removed from office by the secretary of state, upon complaint filed and substantiated by the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.

R.C. 147.032 states discipline may include revoking the notary public's commission; suspending the commission for a specified period of time or until fulfillment of a condition, such as retraining, or both; or issuing a letter of admonition that shall be placed in the notary public's record. A person whose notary commission has been revoked may not apply for a subsequent notary commission.

R.C. 147.05 states the secretary of state shall revoke the commission of any person who is convicted of or pleads guilty or not contest to a disqualifying offense.

### DUTIES OF A NOTARY PUBLIC

- Obtain the seal of a notary public (R.C. 147.04)
- Report to the SOS a legal name change or address change within 30 days (R.C. 147.05)
- Report if convicted of or plead guilty or not contest to any disqualifying offense (R.C. 147.05)
- Complete a Notarial Certificate for all acts performed (R.C. 147.542) which must include: (1) the acknowledgment or jurat language; (2) venue; (3) date on which the act was performed; (4) signature of the notary as shown on the commission; (5) notary's printed name displayed below the signature or inked stamp; (6) the notarial seal and commission expiration date.

### PROHIBITED ACTS (LISTED IN R.C. 147.13, 147.14, 147.141 AND 147.142):

- Charge fees greater than the amount set forth in 147.08. Law permits up to \$5 per act that is not an online notarization or \$25 for an online notarization. Reasonable travel

fees are permitted. Fee is charged per act, not per signature. No additional fees are permitted in connection to the act.

- Certify to the affidavit of a person without administering the appropriate oath or affirmation to the person.
- Perform a notarial act with regard to a record or document executed by the notary
- Notarize the notary's own signature
- Take the notary's own deposition
- Perform a notarial act if the notary has a conflict of interest with regard to the transaction
- Certify that a document is an original document or a true copy of another record
- Use a name or initial in signing certificates other than that by which the notary public is commissioned
- Sign a notarial certificate using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits the notary's ability to make a written signature and unless the notary has first submitted written notice to the secretary of state with an example of the facsimile signature stamp
- Affix the notary's signature to a blank form of an affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment
- Take the acknowledgment of, or administer an oath or affirmation to, a person who the notary public knows to have been adjudicated mentally incompetent by a court of competent jurisdiction, if the acknowledgment or oath or affirmation necessitates the exercise of a right that has been removed
- Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization
- Alter anything in a written instrument after it has been signed by anyone
- Amend or alter a notarial certificate after notarization is complete
- Notarize a signature on a document if the document is incomplete or blank
- Notarize a signature on a document if it appears that the signer may be unduly influenced or coerced so as to be restricted from or compromised in exercising the person's own free will when signing the document
- Take an acknowledgment of execution in lieu of an oath or affirmation if an oath or affirmation is required
- Determine the validity of a power of attorney document or any other form designating a representative capacity, such as a trustee, authorized officer, agent, personal representative, or guardian, unless that notary is an attorney licensed to practice law in this state.

- Represent or advertise himself or herself as an immigration consultant or expert in immigration matters
- Unless the notary public is an attorney licensed to practice law in this state - provide any service that constitutes the unauthorized practice of law; state or imply that the notary is an attorney; solicit or accept compensation to prepare documents for or otherwise represent the interest of another person in a judicial or administrative proceeding; solicit or accept compensation to obtain relief of any kind on behalf of another from any officer, agency or employee of this state or the United States; or use the phrase “notario” or “notario public” to advertise services of a notary public.

**Example of Acknowledgement Certificate:**

Signed: Sally Signer

State of Ohio  
 County of Franklin

The foregoing instrument was acknowledged before me on this September 20, 2019 by Sally Signer (name of person acknowledged).

(Notary Seal)

Nancy Notary  
 Signature of Notary Public



Nancy Notary  
 My Commission Expires  
 December 31, 2021

**Example of Jurat Certificate:**

Signed: Sally Signer

State of Ohio

County of Franklin

Sworn to or affirmed and subscribed before me by Sally Signer (name of person making oath/affirmation) on this date of September 20, 2019.

(Notary Seal)

Nancy Notary

Signature of Notary Public



Nancy Notary  
My Commission Expires  
December 31, 2021