



# **Foolish Mistakes That Cost Notaries Money**

Common Reasons Why Notaries are Fined by the State



**Pennsylvania Association of Notaries**

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## Introduction

Notaries throughout Pennsylvania have been fined and had their commissions suspended or revoked because they were foolish, careless or had an “I don’t care” attitude about doing their jobs correctly.

The Pennsylvania Association of Notaries (PAN) [www.notary.org](http://www.notary.org) tracks disciplinary actions taken by the Pennsylvania Department of State [www.dos.state.pa.us](http://www.dos.state.pa.us).

We found the top eight reasons why notaries are fined.

### **REASON 1:**

#### **Failure to demand personal appearance**

Properly identifying customers in person is one of the most important aspects of notary work. Yet, there are notaries who skip this step and have faced \$1,100 in fines.

Failing to demand personal appearance may also result in the suspension of the notary’s commission.

Personal appearance is not a telephone call, a faxed document, a video conference call or sending another person to have a document notarized. It is the customer appearing face to face before the notary.



**A notary had his commission suspended for 24 months and was ordered to pay \$1,100 because he failed to require the personal appearance of persons whose signatures he notarized. The state deemed him “not of good character, integrity and ability.”**

### **REASON 2:**

#### **Failure to maintain control of notary rubber stamp seal**

The Pennsylvania Notary Public Law states that the rubber stamp seal is the “exclusive property” of the notary, no matter who paid for it or for whom notarial work is performed. The notary is responsible for the custody and control of their rubber stamp seal at all times.

One notary was fined \$1,100 for not maintaining control of her rubber stamp seal and allowing another person to use it.

Keeping the rubber stamp seal in a secure place that only the notary can access will prevent others from using it.



**A notary was suspended for 12 months, stayed in favor of probation and ordered to successfully complete a six-hour notary education course. She was ordered to pay penalties and fees totaling \$1,100 because she failed to keep and maintain custody and control of her rubber stamp seal and failed to be familiar with the duties and responsibilities of a notary public.**

### **REASON 3:** Failure to identify the notarial act

Notaries who fail to scan through a document before stamping and signing have a lot to learn. Does the document have the proper notarial wording? Notaries who don't follow this practice have paid \$1,050 in fines.

Notarial wording includes:

- Venue – location (state and county) where the notarization takes place
- Notary statement – affidavit, acknowledgment – this determines the notarial power the notary must complete

If there is no notarial wording, the notary can ask the customer what notarial act they want performed. Although the notary can explain the difference between an affidavit and acknowledgment, they cannot decide which notary act is needed for the customer.

Once the customer decides what notarial act they need, the notary can add proper wording to the document or attach a separate piece of paper with the notarial wording written or typed on it.



**A notary notarized an incomplete document, thereby failing to be familiar with the duties and responsibilities of a notary. He was fined \$1,050.**

### **REASON 4:** Failure to complete the commissioning process

It can cost a notary \$950 for failing to be sworn in, recording his or her bond and registering his or her signature as required by Pennsylvania Notary Public Law.

All it takes is a trip to the county Recorder of Deeds and Prothonotary offices within 45 days of being appointed to complete the commission steps. In addition to the fines, the notary who neglects this important part of the process will also have to attend a notary education course at his or her own expense.



**A notary was suspended for nine months, stayed in favor of probation because he failed to take the oath of office and record his signature and bond before using his notary rubber stamp seal. He was therefore impersonating a notary. He was ordered to pay \$950 in penalties and fees.**

### **REASON 5:** Failure to identify the person whose signature is being notarized

It is the notary's responsibility to properly identify the customer. This can be achieved by several methods: *personal knowledge* and *satisfactory evidence*. One notary in eastern Pennsylvania was fined \$650 in civil penalties for failing to identify customers through personal knowledge or satisfactory evidence.

If the notary knows the customer as a friend, neighbor or relative with whom they've had shared experiences, then the notary's personal knowledge of the customer serves as proper identification.

There are two types of satisfactory evidence defined by Pennsylvania Notary Public Law: *acceptable identification* and *credible witness*.

*Acceptable identification* is a current, government-issued identification card that includes a photograph, signature or physical description, and a serial or identification number. Government-issued identification cards include current drivers' licenses, passports, permanent residence (green cards) and identification cards issued to government employees.

If a customer does not have acceptable identification, the notary can rely on the testimony of a third person known as a *credible witness*. A credible witness must be personally known to the notary, must personally know the customer and must appear before the notary with the customer present.

The notary must administer an oath or affirmation to the credible witness who then swears to or affirms to the identity of the customer.



**A notary had her commission suspended for six months, was fined \$650 and ordered to attend a notary education course because she failed to personally identify her customers.**

## **REASON 6:**

### **Failure to maintain an accurate chronological register**

No matter what form of register a notary uses – spiral, hard or softbound, a loose-leaf binder or stored in an electronic form – the register must be kept in chronological order with separate entries for each notarial act performed. No exceptions.

Each entry in the register must include the following information:

- Date of the notarial act (the date on which the customer stands before the notary)
- Character of the act (the type of notarial act performed)
- Party to the instrument (the name of the customer)
- Date of the instrument (the date on the document the customer presents to the notary)
- Notary fee paid (the notarial fee charged for each act)

Notaries who do not keep an accurate chronological register have been assessed \$550 in fines. They have also had their notary commissions suspended for up to 18 months.



**A notary had her commission suspended for six months, stayed in favor of probation and ordered to pay a civil penalty of \$250 and assessed fees of \$300 because she failed to keep and maintain an accurate register.**

## **REASON 7:** Charging excess fees

Notarial fees are determined by the Secretary of the Commonwealth and approved by the Attorney General. They are the fees notaries are permitted to charge for each type of notarial act.

Notaries can charge these fees or provide their services for free, but they are not permitted to charge more than the set fee for any particular notarial act.

However, additional charges, such as clerical fees (for photocopying, travel, etc.) are determined by the notary. They are not recorded in the notary's register.

A \$300 fine (\$100 in civil penalties and \$200 for monitoring probation), plus a notary commission suspension may await any notary who is found guilty of charging excess fees by the Secretary of the Commonwealth.



**A notary charged notary fees in excess of the fees stipulated by the Secretary. She must successfully complete a six-hour notary education course and pay a penalty of \$300.**

## **REASON 8:** Using a notary rubber stamp seal with incorrect information

Notaries have been fined \$300 for using notary rubber stamp seals with the wrong information on them.

A notary rubber stamp seal must include the words "Notarial Seal" at the top, the notary's name as it appears on his or her commission followed by the words "Notary Public." The seal must also include the official name of the municipality, the county of the notary's office of record, and the notary's commission expiration date. The seal impression including a single-line border must be no larger than 3 ½ inches wide by 1 inch high.

Notaries must replace their rubber stamp seal every four years when they renew their notary commission, when they have a name change or when they move to another county.



**A notary was fined \$300 for failing to have a notarial seal with a plain border and failing to stamp his seal in a prominent place on an official notarial certificate near the notary's signature.**

## Disciplinary Actions

The Secretary of the Commonwealth has the authority to take one or more actions against notaries who commit offenses. Additionally, the state attorney general or the district attorney of any jurisdiction can also file criminal charges against notaries who violate local, state or federal laws, including Pennsylvania Notary Public Law.

Criminal charges may be filed in addition to any notary misconduct charges filed by the State.

## Ways Notaries can Protect Themselves

1. Always follow Pennsylvania Notary Public Law  
[www.notary.org/PDFs/PA\\_Notary\\_Public\\_Law.pdf](http://www.notary.org/PDFs/PA_Notary_Public_Law.pdf)
2. Refuse to notarize when necessary
3. Take advantage of notary education
4. Join a professional organization, such as the Pennsylvania Association of Notaries
5. Purchase Errors and Omissions insurance (protection for the notary when a mistake is made that causes a customer to suffer a financial loss  
[www.notary.org/Services/EOInsurance/](http://www.notary.org/Services/EOInsurance/)).



## Who We Are

The **Pennsylvania Association of Notaries** (PAN) is a membership-based notary organization that helps our members avoid making these mistakes by answering their questions via phone, fax, E-mail and online Live Chat. Our customer service representatives are well-versed in Pennsylvania notary and motor vehicle laws and answer over 200 questions a day from Pennsylvania notaries.

For more information, call 800-944-8790 Monday-Friday 9 a.m. to 4:30 p.m. or send us an E-mail at [PAN@notary.org](mailto:PAN@notary.org).