

<b>Violation</b>	<b>Civil Penalties</b>	<b>Criminal Prosecution (F)elony (M)isdemeanor</b>	<b>Administrative Penalties (up to \$) (S)uspension (R)evocation</b>
Unauthorized manufacture, duplication or sale of the Notary Seal	\$1,500		
Failure to notify the Secretary of State of a lost or stolen Notary Seal	\$1,500		S or R
The <b>willful failure</b> to discharge fully and faithfully any Notary duty			\$1,500 R
The use of false or misleading advertising wherein the notary public has represented that he or she has duties, rights, or privileges that he or she does not possess			\$1,500 S or R
Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another			\$1,500 R
Execution of any certificate as a notary public containing a statement known to the notary public to be false			\$1,500 R
Violating the prohibition against a notary public who holds himself or herself out as an immigration specialist or consultant advertising that he or she is a notary or violating the restrictions on charging to assist in the completion of immigration forms			\$1,500 S or R
Violating the restrictions on advertising notarial services in a foreign language or literally translating the phrase “notary public” into Spanish			\$1,500 S or R
The <b>negligent failure</b> to discharge fully and faithfully any of the duties required of a notary public			\$750 S or R
Charging more than the fees prescribed by law			\$750 S or R
Failure to complete the acknowledgment at the time the notary’s signature and seal are affixed to the document			\$750 S or R
Failure to administer the oath or affirmation as required by law			\$750 S or R
Any notary act performed with the intent to defraud in relation to a Deed of Trust		F	
Any person acting as a notary without being duly commissioned and their action places an encumbrance on a party affecting title to real property (such as with a Deed of Trust)		F	
Anyone who knowingly makes a false sworn statement to a notary for a document which affects transfer of property title or places an encumbrance on a party is guilty of a felony		F	
Any notary who commits perjury (Punishable by prison 2,3,4 years)		F	
Notarizing any document, other than documents relating to a Deed of Trust (see felony) that contains information known by the notary to be false		M	
Any person acting as a notary without being duly commissioned		M	
Destruction, concealment or defacing notary records		M	
Soliciting or coercing a notary to perform an illegal or an improper act		M	
Making false statements to a notary		M	

Anyone making false statements to a notary or who solicits, coerces, or influences a notary public to improperly maintain the notary public's journal		M	
Failing to submit notarial journals to the County Clerk within 30 days after a notary commission is no longer valid and the notary does not obtain reappointment		M	
Misuse or willful failure to secure the notary stamp or willful surrender of the notary stamp to an unauthorized person		M	R
Willful failure to properly maintain the notary journal		M	R
Failure to secure the notary journal			R
Failure to remit court ordered judgments			R
Failure to submit a payment demanded by the Secretary of State			R
Unauthorized practice of law			R
A notary who falsifies an acknowledgment may be guilty of forgery. Forgery is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than 1 year.		M or F	R
Literal translation of the phrase "notary public" into Spanish, hereby defined as "notario público" or "notario".			S or R (minimum suspension 1 yr)**
Improper advertising procedures in foreign languages if the notary is not an attorney			S or R (minimum suspension 1 yr)**

**Memorization notes: 1) There are fewer \$750 fines than \$1,500 fines. It may be easier to remember these few rather than all of the \$1,500 fines. 2) Perjury and violations concerning Deeds of Trust or Property Transfer documents are considered felonies.**

**\*\* Second offence results in permanent revocation**

### **New violations and penalties laws effective January 1, 2006**

1. **Government Code § 8228.1 (New Section) — Notarial Journal/Seal** — The new law makes a notary public **guilty of a misdemeanor** if the notary public:
  - a. Willfully fails to properly maintain his or her notarial journal; OR
  - b. Willfully fails to notify the Secretary of State if his or her notarial journal is lost, stolen, rendered unusable or surrendered to a peace officer; OR
  - c. Willfully fails to permit a lawful inspection or copying of his or her notarial journal; OR
  - d. Willfully fails to keep his or her notarial seal under direct and exclusive control; OR
  - e. Willfully surrenders his or her notarial seal to any person not authorized to possess it.
  
2. **Government Code § 8225 (Amendment to Section) — Notarial Journal** — Any person who solicits, coerces, or influences a notary public to improperly maintain the notary public's journal is guilty of a misdemeanor.

3. ***Penal Code § 470 (Amendment to Section) — False Acknowledgments/Forgery*** — The new law may make a notary public **guilty of forgery** if he or she issues an acknowledgment knowing it to be false. A person who falsifies the acknowledgment of a notary public may also be guilty of forgery. Forgery is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year. (False certification by a notary public may also be a misdemeanor pursuant to *Government Code § 6203*.)
  
4. ***Government Code § 8214.8 (New Section) — Criminal Convictions/Court Revocation of Commission*** — If a notary public is convicted of a crime related to notarial misconduct, including the false completion of a notarial certificate (*Government Code § 6203*), or of **any felony**, the **court** must revoke the notary public’s commission and require the notary public to surrender to the court the notary seal. The court will then forward the notary public’s seal to the Secretary of State.