



## How can I remember all those fines?

Let's try to simplify the fines for the exam by creating categories. First of all, there are six fine amounts we need to learn: **\$500, \$750, \$1,000, \$1,500, \$2,500** and **\$10,000**. That sounds like a lot but in reality, we can condense this down rather efficiently.

1. **\$500**- Willful failure to change your name or address with the Secretary of State.
  - a. Let's just call it "**name and address change**".
2. **\$750**- Negligent failure to complete notarial duties and charging more than permissible by law for notarial services.
  - a. Negligent failure to properly perform notarial duties is associated with carelessness or forgetfulness rather than intent to commit the act. Overcharging for services only pertains to charging more than the allowable fees for completing notarial acts such as \$15 per signature on Acknowledgments, Jurats, and so on. It does not refer to charging for travel or any other fees associated with typical mobile notary work. If someone comes into your notary office, you are limited to \$15 per signature for the most common notary acts just mentioned above, but if you travel to perform notarial duties, there is no stipulation for travel fees. Let's remember this category as "**Negligent Failure**" and "**Overcharging**".
3. **\$1,000**- Practicing law without the authorization to do so.
  - a. If we make legal decisions for our clients or provide any kind of legal advice without being an attorney, including **selecting the notary act to perform** (for example choosing a Jurat or Acknowledgment on behalf of the client), we could receive a civil penalty (fine) of up to \$1,000. Let's remember this one simply as "**Selecting the notary act**" which should suffice to remind us that in reality, it encompasses practicing law without a license.
4. **\$1,500**- Most notarial misconduct will fall under this category so it is a bit more difficult to reduce to just a few words for memorization, but let's give it a try.
  - a. First of all, if a notary **willfully fails** to properly complete or perform notarial duties, or uses their notarial commission to **take advantage of people** by conduct or actions that are misleading or deceitful, including illegal advertising, ignoring rules applying to foreign language and immigration communities, or is otherwise fraudulent with the intent to benefit the notary or another person, the fine can be up to \$1,500 and a misdemeanor. The distinguishing feature of this category is **willful failure** and using the commission to **take advantage of others**. There are two more specific violations that may incur this \$1,500 fine amount that do not necessarily fit within this

category but you may need to remember these two and they are **failure to notify the Secretary of State of a lost or stolen notary seal** and **manufacturing a notary seal without having the authority to do so**.

5. **\$2,500** – Failure to obtain a right **thumbprint** when it is required in your notary journal or failure to cooperate with a **peace officer** regarding your notary journal can result in a \$2,500 fine. This one is one of the easiest to remember.
6. **\$10,000**- A notary **falsifying an acknowledgment** can be fined up to \$10,000 and failure to require identification for a **credible witness**.
  - a. This one can be categorized by the following: **perjury and credible witness**.

OK...so let's have some examples!

The \$500, \$1,000, \$2,500 and the \$10,000 fines are the easiest to remember; here are the shortcuts:

1. **\$500**- Name and Address
2. **\$1,000**- Giving legal advice.
3. **\$2,500**- Right thumbprint and failure to cooperate with a peace officer.
4. **\$10,000**- Perjury and credible witnesses ID.

We have left only the following two but indeed, these are the two most difficult to remember: **\$750** and **\$1,500**.

1. **\$750** – Negligent failure and overcharging.
  - a. Failure to give the oath or affirmation for a Jurat.
  - b. Failing to complete the acknowledgment at the time the signature and seal are placed onto the document.
  - c. Negligent failure to properly maintain the journal.
  - d. Negligent failure to require proper identification from a signer.

- e. Failing to provide information to the Secretary of State within 30 days of a written request or within the time specified in the written request.

2. **\$1,500** – **Willful failure, taking advantage or engaging in deceitful or fraudulent behavior, failure to notify the SOS of a lost seal, violation of language requirements**.
  - a. 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.
  - b. Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another.
  - c. Execution of any certificate as a notary public containing a statement known to the notary public to be false.
  - d. 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 public.
  - e. Violating the restrictions on charging to assist in the completion of immigration forms.
  - f. Violating the restrictions on advertising notarial services in a language other than English.
  - g. Literally translating the words “notary public” into Spanish.
  - h. Willfully failing to discharge fully and faithfully any of the duties or responsibilities required of a notary public.
  - i. Unauthorized manufacture, duplication, or sale of the notary public seal.
  - j. Failure to notify the California Secretary of State that a notary public seal is lost, stolen, destroyed or damaged.

**So this short summary covers about 90%: Name and address**-\$500; **negligent failure and overcharging**-\$750 but no criminal liabilities; **giving legal advice**-\$1,000 and a misdemeanor. Most misconduct is a \$1,500 fine and a misdemeanor especially if it is ***willful or the notary is taking advantage of people***. The two exceptions are willful failure to notify the SOS of a ***name and address change*** which are infractions only. Most notarial misconduct is a misdemeanor. Failing to follow ***thumbprint*** requirements in the journal or cooperating with ***peace officer*** is a \$2,500 fine and if it is willful, becomes a misdemeanor. Misconduct relating to ***Deeds of Trust or Property Transfer*** documents becomes a felony and ***falsifying acknowledgments*** can also lead to a fine of up to \$10,000.

**Summary of fines:** Do not try to memorize the entire chart for the exam, and PLEASE do not focus a lot of study-time to this. **5-10 minutes** is enough but **we will cover these during the seminar so please do not place too much of an emphasis on memorizing these now.** Keep in mind that the fines are not to exceed but can be lower. Fine amounts are usually only a very small portion of the exam.

- 1) **There are six (6) major fine categories:**
  - a) \$500, \$750, \$1,000, \$1,500, \$2,500 and \$10,000
- 2) **Some fines also include potential criminal liabilities:**
  - a) Infraction, misdemeanor or felony
- 3) **Some fines do not include potential criminal liabilities.**
- 4) **Some misconduct has criminal liabilities but no set fine amount.**

**Fine amounts with possible Criminal Liabilities**

**\$500 –Name and Address**  
Willful failure to report the change of a name or address to the Secretary of State.

**\$1,000 –Practicing law without a license.**  
Selecting the notarial act on behalf of the client is considered practice of law.

**\$1,500 –Willful failure to complete or perform required duties.**  
**Taking advantage of others** as a notary with falsifying notarial wording, illegal advertising, acts of fraud, dishonesty, including the translation of “Notary” into Spanish and ignoring the rules pertaining to the immigration communities.

**\$2,500 – Willfully refusing to provide the journal to a peace officer.**

**\$10,000 – Purposefully falsifying the information in notary acknowledgment wording (perjury) .**

**Fine amounts with no Criminal Liabilities.**

**\$750 –Negligent failure and Overcharging**  
Most failure to complete services or requirements not done on purpose is “negligent” failure.

**\$1,500 -Manufacturing a notary seal without authorization from the Secretary of State**  
**Failure to notify the Secretary of State if the notary seal or journal is stolen, lost or destroyed.**

**\$2,500 – not obtaining a thumbprint in the journal when required.**

**\$10,000 –Not obtaining proper identification for a Credible Witness .**

**Infractions-** No incarceration

**Misdemeanors-** Possible jail of up to 1-year

**Felony-** Possible jail or prison for over 1-year

**Misconduct with potential Criminal Liabilities but no stated fine amounts**

Notarizing knowing the document contains false information or was derived from false pretenses.  
Acting as a notary without being duly commissioned on anything other than a Deed of Trust or Property Transfer documents.  
Knowingly concealing, destroying or defacing notary records.  
Soliciting or coercing a notary to perform an illegal or an improper act or falsify the journal..  
Making false statements to a notary.  
Execution of any certificate (other than an acknowledgment) containing statements known to be false.

Acting as a notary with out being a notary with respect to a Deed of Trust or a Property Transfer document & committing perjury on the notary application.

All misconduct can lead to the Secretary of State administrative penalties of commission suspension, revocation or denial and all misconduct can result **in the notary’s** personal liability for financial loss, especially when it is **willful** or because of **perjury**. Perjury is also is punishable by 2,3 or 4 years in prison.