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NotaryClasses.com
Sample Notary Exam 1
FINES and PENALTIES

PLEASE READ THIS SECTION BEFORE BEGINNING THE SAMPLE EXAM

Our program is designed to help you pass the notary exam the first time around and as you explore our site, you will see how many tools we provide you free of charge in an effort to prove to you how important your success is to us. It is no accident that we have such a high pass-rate average. As soon as you log on to our site we begin helping you to prepare to pass the notary exam. From free sample exams like this one & free study guides and even free complete home-study options we show you how important your success is to us even before you register with our class. Once you have completed the 1-day 6-hour notary class and the same-day notary exam, you still have access to our many other programs including our free message board to ask questions of other notaries or notary instructors.

Keep in mind that the actual notary exam given on the day of the notary class is only 30 questions. You will be tested over many areas concerning notary law and only a few of these questions will concern fines and penalties. Our seminar will prepare you to pass the notary examination so if you find this sample exam to be overwhelming, don't be concerned. You need 70% correct to pass the notary exam not 100%.

Please try to go through this sample exam before you come to the class as you will be better prepared for the discussion on fines and penalties during the class. Without a doubt the most difficult portion of the notary exam to try to remember has to do with notary violations and the fines and penalties. This sample exam will actually teach you the fines and penalties and you will learn a great deal about this area of notary law.

Sample Notary Exam 1

1) A notary who charges more then the maximum allowable fees may face what penalties?

- a) \$750 fine
- b) \$750 and \$1,500 fine
- c) \$750 fine and suspension or revocation of the notary commission
- d) \$1,500 fine and suspension or revocation of the notary commission

Correct answer: C

There are a total of five fine amounts to remember for the exam: \$500, \$750, \$1,500, \$2,500 and \$10,000. While that sounds like a lot, they really can

be simplified. There are two violations in each of the following fine amount categories:

\$500

- 1) Failing to notify the Secretary of State of a change in business address.
- 2) Failing to notify the Secretary of State of a name change.

\$2,500

- 1) Failing to obtain a thumbprint when required.
- 2) Failing to submit a journal to a peace officer for inspection when required.

\$10,000

- 1) Failing to obtain proper evidence of identification for an acknowledgment.
- 2) Falsifying an acknowledgment

There are four \$750 fines

- 1) Charging more than the maximum allowable notary fees.
- 2) Negligent failure to fully and faithfully discharge any notarial duty required of a notary public.
- 3) Failure to complete the Acknowledgment at the time the notary's signature and seal are affixed to the document.
- 4) Failure to administer an oath or affirmation as required when completing a jurat.

Other notary violations carry a fine of up to \$1,500.

Suspension or Revocation

As a general rule of thumb, almost all violations carry a potential for suspension or revocation of the notary commission. Those violations which will result in revocation (rather than suspension or revocation) include violations where the notary is convicted of a crime relating to a notarial issue. There is also a mandatory suspension of not less than one-year of the notary commission for translating the term Notary Public directly into Spanish or improper/ illegal advertising. (See question 2)

- 2) The first offense for translating the term Notary Public into Notario Público or Notario can result in what penalties?
 - a) Permanent revocation of the notary commission and a \$1,500 fine.
 - b) Suspension of the notary commission for 1 year and a \$1,500 fine.
 - c) Suspension of the notary commission for 1 year and a \$750 fine.
 - d) Suspension of the notary commission for 1 year and a \$2,500 fine.

Correct answer: b

The listing of violations which carry a \$1,500 fine are as follows:

1. 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.
2. Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another.
3. Execution of any certificate as a notary public containing a statement known to the notary public to be false.
4. 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.
5. Violating the restrictions on advertising notarial services in a foreign language or literally translating the phrase "notary public" into Spanish.

It is important to remember that a notary may not translate the term Notary Public directly into Spanish. A notary may also not advertise as both a notary and an immigration consultant and if a notary advertises his or her services in any non-English language, the notary must post the following in both English and the non-English language: ***"I am not an attorney and, therefore, cannot give legal advice about immigration matters or any other legal matters"***. The notary must also post their fees which cannot exceed the legal fees for their services.

Violations of these restrictions carry a required suspension of the notary commission for not less than 1 year on the first offense and permanent revocation on the second offense. Each of these also carry a fine of up to \$1,500.

3) Failing to give an oath or affirmation when required can result in what penalties?

- a) \$750 fine and suspension or revocation.
- b) \$1,500 fine and revocation.
- c) \$10,000 fine and revocation.
- d) \$2,500 fine and suspension or revocation.

Correct answer: a

See explanation for answer 1.

4) Failing to complete the acknowledgment at the time the notary signature and seal are affixed to the document can result in what penalties?

- a) \$750 fine and suspension or revocation.
- b) \$1,500 fine and revocation.
- c) \$10,000 fine and revocation.
- d) \$2,500 fine and suspension or revocation.

Correct answer: a

See explanation for answer 1.

5) Failing to obtain a thumbprint when required can result in what penalties?

- a) \$750 fine and suspension or revocation of the notary commission.
- b) \$1,500 fine and suspension or revocation of the notary commission.
- c) \$2,500 fine and suspension or revocation of the notary commission.
- d) \$10,000 fine and suspension or revocation of the notary commission.

Correct answer: c

6) The negligent failure to complete any notary act as required can result in what penalties?

- a) \$750 fine and suspension or revocation of the notary commission.
- b) \$1,500 fine and suspension or revocation of the notary commission.
- c) \$2,500 fine and suspension or revocation of the notary commission.
- d) \$10,000 fine and suspension or revocation of the notary commission.

Correct answer: a

There are four \$750 fines

- 1) Charging more than the maximum allowable notary fees.
- 2) Negligent failure to fully and faithfully discharge any notarial duty required of a notary public.
- 3) Failure to complete the Acknowledgment at the time the notary's signature and seal are affixed to the document.
- 4) Failure to administer an oath or affirmation as required when completing a jurat.

7) Falsifying an acknowledgement can result in what penalties?

- a) \$750 fine and suspension or revocation of the notary commission.
- b) \$1,500 fine and suspension or revocation of the notary commission.

- c) \$2,500 fine and suspension or revocation of the notary commission.
- d) \$10,000 fine and suspension or revocation of the notary commission.

Correct answer: d

Falsifying an acknowledgment not only carries a potential for a \$10,000 fine, but also a charge of forgery & perjury. We most often think of forgery as someone signing the name of someone else illegally, but forgery is not limited to this illegal action. Forgery is when anyone without the authority to modify a written instrument does do and when the modification is done with the intent to make it appear as if the genuine instrument originally included such information. For example, if a notary completes an acknowledgment and someone else later changes information on that acknowledgment, i.e. the date or names of the persons indicated, that person will be guilty of forgery. When a notary falsifies an acknowledgment, the Secretary of State has determined that such action can be considered forgery.

Perjury is when someone falsifies a statement (whether written or oral) while that person is under oath. A notary is under the oath he or she filed with the County Clerk at the time of commissioning so falsifying an acknowledgment may also be considered perjury. This is also why notaries sign the acknowledgment under Penalty of Perjury.

Remember that almost all violations carry a potential for suspension or revocation of the notary commission except for when a notary is convicted of a crime relating to any notarial act. The notary commission must be revoked under such circumstances by the court and the court will require the notary surrender his or her notary seal and the court will then send that seal to the Secretary of State along with the notification of the commission revocation.

8) Failure to provide a peace officer a journal when requested may result in what penalties?

- a) \$750 fine and suspension or revocation of the notary commission.
- b) \$1,500 fine and suspension or revocation of the notary commission.
- c) \$2,500 fine and suspension or revocation of the notary commission.
- d) \$10,000 fine and suspension or revocation of the notary commission.

Correct answer: c

9) Failure to obtain proper identification evidence when a notary completes an acknowledgment can result in what penalties?

- a) \$750 fine and suspension or revocation of the notary commission.

- b) \$1,500 fine and suspension or revocation of the notary commission.
- c) \$2,500 fine and suspension or revocation of the notary commission.
- d) \$10,000 fine and suspension or revocation of the notary commission.

Correct answer: d

10) Serious notary misconduct can result in fines as well as criminal prosecution. A notary who commits perjury can be charged with which of the following?

- a) Infraction
- b) Misdemeanor
- c) Felony
- d) None of the above

Answer: c

Most notary misconduct can result in the charge of a misdemeanor but five specific actions are serious enough to be listed as a felony. Perjury is one of these. In addition to a felony, the notary may also face 2,3,or 4 years in prison for perjury. There are two which have to do with misconduct which results in the recording of a Deed of Trust.

- a) Any notary act performed with the intent to defraud in relation to a Deed of Trust.
- b) 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).

A notary committing forgery (by completing a false acknowledgment) may be charged with a misdemeanor or felony, depending upon the situation and particularly whether or not the false acknowledgment is used to transfer property (Grant deed) or encumber property (Deed of Trust). Don't forget that the notary may also be charged with perjury for falsifying an acknowledgment.

The other action whereby a felony may be charged concerns a person (not the notary) who makes a false sworn statement to a notary for a document which affects transfer of property title or places an encumbrance on a party. An example of this would be if someone brings an Affidavit of Death of Joint Tenant document to a notary and swears to the notary and signs that document stating that a particular person has deceased when in fact, they have not deceased. Once this document is recorded, their falsification will result in transferring that supposed deceased person's name from title. This action is a felony and that person may additionally be fined up to \$75,000. Note that this charge describes

an action by someone using a notary for false purposes and not notary misconduct.

- c) 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. Any person filing with the county recorder false or forged documents of this nature is guilty of a felony and the fine on this action can be up to \$75,000.

11) Notarizing any document (other than a Deed of Trust) containing information known by the notary to be false can result in which of the following charges?

- a) Infraction
- b) Misdemeanor
- c) Felony
- d) None of the above

Correct answer: b

Most violations are misdemeanors. See the previous question for a discussion on felonies. There are two infractions:

- a) Willful failure to notify the Secretary of State of a name change is punishable as an infraction by a fine of up to \$500.
- b) Willful failure to notify the Secretary of State of a change of address is punishable as an infraction by a fine of up to \$500.

Below is a listing of notary misconduct which are classified as misdemeanors:

- a) It is **misdemeanor** for a notary to notarize any document, other than documents relating to a Deed of Trust (see felonies) that contains information known by the notary to be false.
- b) Any person acting as a notary without being duly commissioned
- c) Destruction, concealment or defacing notary records.
- d) Soliciting or coercing a notary to perform an illegal or an improper act.
- e) Making false statements to a notary.
- f) 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.
- g) Willfully fails to properly maintain his or her notarial journal.
- h) 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.
- i) Willfully fails to permit a lawful inspection or copying of his or her notarial journal.

- j) Willfully fails to keep his or her notarial seal under direct and exclusive control.
- k) Willfully surrenders his or her notarial seal to any person not authorized to possess it.
- l) Any person who solicits, coerces, or influences a notary public to improperly maintain the notary public's journal.

12) Willful failure to notify the Secretary of State of a change of name can result in which of the following?

- a) An infraction with a possible \$500 fine.
- b) An infraction with a possible \$750 fine.
- c) An infraction with a possible \$1,500 fine.
- d) An infraction with a possible \$2,500 fine.

Correct answer: a

There are only two infractions and both can result in a fine of \$500:

- a) Failing to notify the Secretary of State of a change in business address.
- b) Failing to notify the Secretary of State of a name change.

13) Most notary misconduct can result in a charge of which of the following?

- a) Infraction
- b) Misdemeanor
- c) Felony
- d) None of the above

Correct answer: b

14) Notary misconduct including a notary committing fraud whereby the action places an encumbrance on a property such as in the case of a Deed of Trust is which of the following?

- a) Infraction
- b) Misdemeanor
- c) Felony
- d) None of the above

Correct answer: c

15) Which of the following violations carry a possible misdemeanor charge?

- a) Destruction or concealment of notary records.
- b) Defacement of notary records or surrendering notary records to any person not authorized to possess it.
- c) Failure to properly maintain the notary journal.
- d) All of the above.

Correct answer: d

16) Which of the following violations carry a possible infraction charge?

- a) Willful failure to keep the notarial seal under direct and exclusive control.
- b) Willful failure to notify the Secretary of State of a lost, stolen or rendered unusable journal.
- c) Willful failure to notify the Secretary of State of a journal surrendered to a peace officer.
- d) Willful failure to notify the Secretary of State of a name change or change of address.

Correct answer: d

17) Which of the following carry a possible misdemeanor charge?

- a) Any notary act performed with the intent to defraud in relation to a Deed of Trust.
- b) 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).
- c) Willful failure to permit a lawful inspection or copying of the notary journal.
- d) Filing with the county recorder false or forged Deeds of Trust documents.

Correct answer: c

Answers a,b and d are all felonies. Remember that besides perjury and possibly forgery, the other felonies concern fraud in relationship to the recording of a Deed of Trust.

18) Soliciting or coercing a notary to perform an illegal or improper notary action can result in which of the following charges?

- a) Infraction
- b) Misdemeanor
- c) Felony
- d) None of the above

Correct answer: b

19) If a notary applicant pays the \$20 application fee and the \$20 exam fee with a check that is returned for insufficient funds, select from one of the following the most likely result.

- a) The notary commission will be suspended.
- b) The notary commission will be revoked.
- c) The notary commission will be denied or cancelled.
- d) The notary commission will be granted without requiring payment.

Correct answer: c

Since the commission process has not yet been completed, the only possible answer to this question is that the notary commission will be denied or cancelled.

There are many reasons why the Secretary of State may deny, cancel, suspend or revoke the commission. Perhaps an easy way to remember these is simply note that commissions may be suspended or revoked for any of the following:

- 1) Violation of any notary law,
- 2) Convictions of a misdemeanor or felony or denial,
- 3) Revocation or suspension of any professional license as a result of misconduct or dishonesty.
- 4) Failure to remain current with child support payments.

If a notary commission has not yet been granted, the commission may be denied or cancelled for any of the above or any of the following:

- 1) Failure to fully disclose background information regarding convictions or pending trials.
- 2) Failure to pay child support payments.
- 3) Previous commission denial or revocation.

4) Writing an insufficient funds check for the application or exam.

20) Should a notary commission be suspended, revoked or denied, or prior to the imposition of any fine, the person affected will have a right to a hearing prior to this action except in which of the following circumstances:

- a) If the Secretary of State has, within one year previous to the application denied or revoked the applicant's application or commission.
- b) If the Secretary of State has, within two years previous to the application denied or revoked the applicant's application or commission.
- c) If the Secretary of State has, within three years previous to the application denied or revoked the applicant's application or commission.
- d) If the Secretary of State has, within four years previous to the application denied or revoked the applicant's application or commission.

Correct answer: a

21) If a notary is under investigation or disciplinary proceedings and should that notary decide to resign his or her commission or choose to not renew the commission, which of the following statements is true?

- a) The investigation or disciplinary proceeding will not be halted simply because the notary commission has expired or has been resigned.
- b) The investigation or disciplinary proceeding will be halted since the notary commission has expired or has been resigned.
- c) The investigation or disciplinary proceeding will be halted because the notary commission has expired or has been resigned but should the notary re-apply for commission, the investigation or disciplinary proceeding can be re-initiated.
- d) The investigation or disciplinary proceeding will be terminated at that time.

Correct answer: a

22) A notary's failure to properly carry out the required duties as a notary can result in which of the following?

- a) Commission suspension or revocation.
- b) Possible criminal prosecution.
- c) Personal liability.
- d) All of the above.

Correct answer: d

Notarizing signatures on a document is not very difficult but some notaries in the past have engaged in fraudulent activities which have been so serious as to cost the victim significant financial loss. Be sure to follow the essential rules when notarizing signatures:

- 1) The person must be physically present when notarizing a signature.
- 2) Always be sure to obtain proper identification for every signature notarized.
- 3) Complete all notary wording and journal entries during the notary process and when the notary seal is affixed to the document.
- 4) Never falsify information including dates or names on any document.
- 5) Provide the journal to a peace officer when required.
- 6) Respond to the Secretary of State in the time frame requested.
- 7) File your journals with the County Clerk's office if you resign the commission or choose not to seek recommission.
- 8) Don't engage in the practice of law unless you are an attorney.
- 9) Don't fill out immigration forms for a client unless you are qualified and bonded as an immigration consultant.
- 10) Don't engage in false or misleading advertising.
- 11) Don't charge more than the maximum allowable fees which are \$10 per signature for Acknowledgments and Jurats (these two notary acts incorporate 98%+ of every notary act performed) not including travel charges.

Following these simple steps will virtually eliminate the potential for personal liability and almost all fines and penalties.

In short,

- 1) Be honest in everything.
- 2) Follow required notary procedure.
- 3) Notify or respond to the Secretary of State on time.

23) Failure to complete the acknowledgment at the time the notary seal and signature are affixed to a document can result in what penalties?

- a) \$500 fine and a possible infraction
- b) \$750 fine and possible suspension or revocation of the notary commission.
- c) \$1,500 fine and a possible misdemeanor.

d) \$10, 000 fine and a possible felony.

Correct answer: b

See question number 6 for a more detailed answer on \$750 fines.

24) Falsifying an acknowledgment is forgery and can be cause for which of the following fines?

a) \$750

b) \$1,500

c) \$2,500

d) \$10,000

Correct answer: d

25) Failure to administer an oath or affirmation when completing a jurat or the negligent failure to discharge fully and faithfully any of the duties required of the notary public can result in which of the following?

a) \$750

b) \$1,500

c) \$2,500

d) \$10,000

Correct answer: a

26) The first offense for literal translation of the phrase "Notary Public" directly into Spanish can be cause a \$1,500 fine and which of the following?

a) Immediate revocation of the notary commission.

b) Suspension of the notary commission for a minimum of 1 year and permanent revocation on the second offence.

c) Cancellation of the notary commission.

d) There is no penalty for this offense.

Correct answer: b

27) A notary who is also a qualified and bonded immigration consultant may not advertise as both subject to which of the following penalties?

a) \$10,000 and suspension or revocation of the notary commission.

b) \$75,000 and suspension or revocation of the notary commission.

- c) \$500 and suspension or revocation of the notary commission.
- d) \$1,500 and suspension or revocation of the notary commission.

Correct answer: d

28) Failure to notify the Secretary of State of a lost or stolen notary journal or seal can be cause for which of the following penalties?

- a) \$10,000 and suspension or revocation of the notary commission.
- b) \$75,000 and suspension or revocation of the notary commission.
- c) \$500 and suspension or revocation of the notary commission.
- d) \$1,500 and suspension or revocation of the notary commission.

Correct answer: d

29) Only an authorized notary seal manufacturer may manufacture notary seals and only upon receiving from the notary approval from the Secretary of State to have the notary seal manufactured. What is the fine amount for the unauthorized duplication, sale or manufacturing of a notary seal?

- a) \$750 per occurrence.
- b) \$1,500 per occurrence.
- c) \$2,500 per occurrence.
- d) \$10,000 per occurrence.

Correct answer: b

30) Falsifying an acknowledgment is forgery which is punishable by which of the following?

- a) Imprisonment for 2,3 or 4 years.
- b) Imprisonment in the county jail for up to 1 year.
- c) A fine of up to \$500
- d) Falsifying an acknowledgment is illegal but not forgery.

Correct answer: b

Falsifying an acknowledgment is forgery according to the Secretary of State. See question number 7 for a discussion on falsifying an acknowledgment. Falsifying an acknowledgment can also be perjury since the notary has violated the Notary oath on file with the County Clerk's office. Perjury is punishable by imprisonment for 2,3 or 4 years while forgery is punishable in the county jail for up to 1 year.

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