



## How can I remember all those fines?

There are many examples of specific notary misconduct that may incur a fine but let's try to simplify them 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. Keep in mind also that the fines are not necessarily these amounts, but up to these amounts.

1. **\$500-** Is for failure to change your name or address with the Secretary of State.
  - a. To be more precise, this fine amount is for **willful** failure to change your name and address but for the purposes of remembering this fine amount for the exam, let's just call it "**name and address change**".
2. **\$750-** Is for **Negligent failure** to complete notarial duties and for **Overcharging** for notarial services.
  - a. **Negligent failure** (as opposed to WILLFUL 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.
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 **purposefully engages** in conduct that is misleading, deceitful, or attempts to take advantage of **language** differences or is **intentionally fraudulent** with the intent to benefit the notary or another person, the notary may receive a \$1,500 fine in addition to possible criminal prosecution. The distinguishing feature of this category is **willful failure** and demonstration of **dishonesty**. There are two more specific violations that may incur this \$1,500 fine amount that do not necessarily fit within this category but you will need to remember: 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. You might have noticed here that with these last two, there is no difference between Negligent

or Willful failure so it is important to remember those on their own.

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.

- a. We are not distinguishing between negligent failure or willful failure with these two violations. An easy method to remember this fine amount is to relate it to your **hands**.

**How?** Admittedly this is a stretch, but it really does work for memorization. Hold both hands in front of you, fingers extended. Now, note that five times five (five fingers times five fingers in front of you) equals 25. That should help to remember the actual fine amount of \$2,500. Now make a motion with the right thumb of making a thumbprint and note that “failure to obtain a right thumbprint is a fine of up to \$2,500”. With the other hand, make the gesture of handing something to someone else and note: “ failure to hand the journal over to a peace officer (cooperate) is a fine of up to \$2,500”. Wouldn’t it be nice if all of them were that easy to remember?

6. **\$10,000**- A notary who states as true any material fact known by the notary to be false or falsify an acknowledgment can be fined up to \$10,000. Also, this fine applies to failure to require identification for a credible witness.

- a. That’s correct! **Failure to obtain identification for a credible witness is a \$10,000 fine.** Once again, we do not make a distinction here between negligent or willful failure. Of course, it should come as no surprise that if a notary commits perjury by falsifying the acknowledgment or stating as true something which the notary knows is not true can be subject to a \$10,000 fine. This one can be categorized by the following: **perjury and credible witness.**

### OK...let’s summarize!

The easy ones first:

1. **\$500**- Name and Address
2. **\$1,000**- Selecting the notary act.
3. **\$2,500**- Right thumbprint and handing the journal to a peace officer.
4. **\$10,000**- Perjury and credible witnesses.

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 (easy to forget or to be careless) and overcharging.
  - a. **Examples of Negligent failure are:**
    - i. Negligent failure to give the oath or affirmation for a Jurat.
    - ii. Negligent failure to complete the acknowledgment at the time the signature and seal are placed onto the document.
    - iii. Negligent failure to properly maintain the journal.
    - iv. Negligent failure to require proper identification from a signer.
    - v. Negligent failure 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** – **All the rest are \$1,500!**
  - a. **Willful failure, failure to notify the SOS of a lost seal, violation of language requirements, taking advantage or engaging in deceitful or fraudulent behavior.** Here are some examples.
    - i. 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.
    - ii. Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another.
    - iii. Execution of any certificate as a notary public containing a

- statement known to the notary public to be false.
- iv. 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.
  - v. Violating the restrictions on charging to assist in the completion of immigration forms.
  - vi. Violating the restrictions on advertising notarial services in a language other than English.
  - vii. Literally translating the words “notary public” into Spanish.
  - viii. Willfully failing to discharge fully and faithfully any of the duties or responsibilities required of a notary public.
  - ix. Unauthorized manufacture, duplication, or sale of the notary public seal.
  - x. Failure to notify the California Secretary of State that a notary public seal is lost, stolen, destroyed or damaged.

You might want to print this page and use it with one of the online notary games to help you with remembering this section. To access the online notary games, go to the Student Services link, log in and you will see a listing for the notary games on the right side of the page.

Good luck!

<p style="text-align: center;"><b>Up to \$500 Infraction</b> No possible jail time Negligent failure Suspension/Revocation/ Denial</p>	<p style="text-align: center;"><b>Up to \$1,000 Misdemeanor</b> Possible 1 year in jail/ Probation Suspension/Revocation/Denial</p>	<p style="text-align: center;"><b>Up to \$2,500 Misdemeanor</b> Possible 1 year in jail/Probation Suspension/Revocation/Denial</p>	<p style="text-align: center;"><b>Up to \$10,000 Misdemeanor or Felony</b> Possible prison (felony) 2,3,or 4 yrs or county jail / Probation Suspension/Revocation/Denial</p>
Inform SOS of name or address change	Practice law without a license including selecting the notary act.	Failure to obtain right thumbprint when required	Failure to obtain an ID from a credible witness.
<p style="text-align: center;"><b>Up to \$750 Suspension/Revocation/Denial</b> <b>Negligent failure to fully and faithfully discharge any duties or responsibilities of the notary public.*</b> *Effective 2015, if a notary's failure to complete the notary act is not negligible, but willful, the fine is doubled to \$1,500.</p>		Failure to cooperate with the peace officer by turning over your journal when required.	Stating as true anything the notary knows to be false including falsifying an acknowledgment. (Brought by the SOS or State or Public Prosecutor) Perjury and/or Forgery
...to obtain a proper form of identification from the signer.*	<p style="text-align: center;"><b>Up to \$1,500 Misdemeanor</b> <b>Possible 1 year in jail/ Probation Suspension/Revocation/Denial</b> Dishonesty, willful failure or using misleading conduct or taking advantage of someone.</p>		
...to complete the Ack or Jurat including failure to place the notary seal at the time of notarization.*			
...to provide information to the Secretary of State when requested.*			
...to properly maintain notary journal and seal.*			
...to complete notary services when available to the public.*	*Willful failure to complete the notary act (Conscious or intentional disregard for completing the required notary duties)		
...to give an oath or affirmation when required*	Using false or misleading advertising.		
<b>Charging more than the allowable notary fees!</b>	Dishonesty, fraud or deceit with intention to personally benefit the notary public or another or substantially injure another.		
<b>Misdemeanors (Possible jail up to 1 year no specified fine amt)</b>	Execution of any certificate containing statements known to be false.		
Any person who commits forgery by changing notary wording on the document or on an acknowledgment.	Violating immigration specialist or foreign language & advertising rules.		
Soliciting or coercing a notary to perform an illegal act or making a false statement to the notary.	Unauthorized manufacturing of a notary seal or failure to notary the Secretary of State of a lost, stolen, damaged or destroyed notary seal.		
Any person acting as a notary who is not (Deed of Trust documents or similar types of documents become a felony).	(Brought by the State and Local prosecutors).		
Willful destruction or concealment or defacing notary records.	<b>Felonies (Possible prison or jail)</b>		
Failure to deliver records to the County Clerk within 30 days from the date of resignation or removal from office.	Notary misconduct including fraud, forgery, falsification or filing falsified documents relating to a Deed of Trust or similar real estate documents.		
Willful failure to complete a notary duty.	Any person acting as a notary who is not and the action places an encumbrance relating to a Deed of Trust documents or similar types of documents may be charged with a felony.		
Willful failure to keep the notary seal or journal under exclusive control.	Applicants sign their notary application under penalty of perjury.		
A notary public and the sureties on the notary bond are liable in a civil action for <b>ALL</b> the damages sustained from a notary public's misconduct.			