

IMPORTANT KNOWLEDGE STATEMENTS

Please review the knowledge statements listed below and include this material in the Lesson Plan/Curriculum so that students have adequate knowledge of the laws of Oregon concerning the functions and duties of a notary public.

The Lesson Plan/Curriculum should be in sufficient detail, with pages consecutively numbered, to evaluate the specific information presented and determine the accuracy of the information provided.

Power of the Secretary of State/Certification

1. Knowledge of the contact information for the Secretary of State's office when questions arise.

Administration Procedures

2. Knowledge of the mandatory education requirements for all new applicants and former notaries public who are applying for a commission as of July 1, 2006.
3. Knowledge of the qualifications to become an Oregon Notary Public.
4. Knowledge of the application process to become an Oregon Notary Public.
5. Knowledge of the certificates the Secretary of State provides:
 - a. Authentication/Apostille Certificate
 - b. Certificate of Good Standing
 - c. Notary Public Notarial Commission Certificate
 - d. Certificate of Authorization to Obtain Official Seal
6. Knowledge of the length of a notary public's term of office and the "renewal" process.
7. Knowledge of the definitions of "Good Moral Character", "State Officer", and "Impartial Witness".
8. Knowledge of the powers of the notary connected with a corporation or bank.
9. Knowledge of what constitutes direct financial or beneficial interest in a transaction.
10. Knowledge that the notary public cannot notarize his or her own signature.
11. Knowledge that the notary public cannot notarize a document they are named in.
12. Knowledge that the journal, stamp (official seal), and embosser (optional) are the exclusive property of the notary public and should be kept in a secured location accessible only to the notary public.
13. Knowledge that the notary public can notarize on their own time; they are not for the exclusive use of their employer.

14. Knowledge that the non-attorney notary public cannot give legal advice or practice law, e.g., draft, prepare, select, or determine the kind of legal document.
15. Knowledge that the notary public has the sole responsibility to refuse a notarization.
16. Knowledge of the geographic jurisdiction of a notary public commissioned in Oregon.
17. Knowledge of what a notary public needs to do in the event of a name change.
18. Knowledge of what a notary public needs to do in the event of an address change.
19. Knowledge of what a notary public's family needs to do with a notary public's journal and seal in the event of the notary public's death.
20. Knowledge that the employer can limit the notary public's duties during the ordinary course of employment, and it is the Secretary of State's recommendation that the employer has a employee notary public policy.
21. Knowledge of the restrictions regarding "Notario Publico" and giving immigration advice.
22. Knowledge of the definition of intentional misconduct
23. Knowledge of the definition of unintentional misconduct.
24. Knowledge of notary public liability:
 - a. Administrative penalties
 - b. Criminal penalties
 - c. Civil penalties.
25. Knowledge of optional errors and omissions insurance.
26. Knowledge of optional bonding.
27. Knowledge of the reasonable care standard.

Fees

28. Knowledge of the waiver of fees.
29. Knowledge that not signing the waiver of fees does NOT require the notary public to charge. It is an option, not a requirement.
30. Knowledge of rescinding waiver of fees.
31. Knowledge of posting notary fees.
32. Knowledge of maximum amount of notary fees permitted to be charged.
33. Knowledge the notary public can always charge less than the fees allowed by the State of Oregon, never more.
34. Knowledge of travel fee.

35. Knowledge that the employer has no authority to collect fees except under an agreement with the notary public.

Journal

36. Knowledge of requirements for keeping and maintaining of notarial journal.
37. Knowledge of requirements for notarial journal. (Paper vs. electronic)
38. Knowledge of retention schedule for notarial journal.
39. Knowledge of journal location form.
40. Knowledge of journal agreement with employer.
41. Knowledge that the journal must be kept in a secure location accessible only by the notary public.
42. Knowledge of journal disposition upon death of notary public.
43. Knowledge of how public record disclosure laws affect the notarial journal.
44. Knowledge of journal entry requirements.
45. Knowledge of making abbreviated, multiple entries in the notarial journal.
46. Knowledge of recording multiple acts in the notarial journal.
47. Knowledge of notarial acts not required to be recorded in notarial journal.
48. Knowledge that the Secretary of State recommends all notarial acts be recorded in the journal.

Notarial Seal

49. Knowledge that the notary seal must be in black ink.
50. Knowledge that the notary's signature may be in any color of ink that is easily reproducible; black and dark blue are recommended.
51. Knowledge that the notary public must provide a full and legible seal imprint on the notarial certificate.
52. Knowledge that the notary seal must be on the same page as the notarial certificate, as close to the signature as possible.
53. Knowledge that the notary public must destroy the notary seal after their commission expires.
54. Knowledge that the embosser is used only in addition to the seal imprint.

55. Knowledge that the embosser's plates must be defaced after the notary public's commission expires.

Identification

56. Knowledge of the components of satisfactory evidence of identification.

57. Knowledge of personal knowledge definition.

58. Knowledge of credible witness definition.

- a. Knowledge of the chain of personal knowledge: the notary personally knows the credible witness who personally knows the signer.
- b. Knowledge of oath/affirmation to be given to the credible witness. (*“Do you swear (or affirm) that you personally know this document signer to be the individual he/she claims to be?”*)

59. Knowledge of the requirements for photo identification documents.

60. Knowledge of the two alternate forms of identification requirements.

61. Knowledge that a notary public can use either the one piece of identification requirement or the two alternate forms of identification.

62. Knowledge of special identification methods for notaries in correctional facilities and financial institutions.

63. Knowledge that credit card numbers should not be recorded in the notarial journal.

Capacity

64. Knowledge that the notary public, by the act of notarizing, declares that the signer did so freely and willingly.

65. Knowledge that the notary public must make a reasonable and prudent judgment that the signer has the ability to understand what they are signing.

66. Knowledge that the notary public does not have to determine legal or mental competency, but may get the opinion of a doctor or an attorney if possible.

Document

67. Knowledge a notary public should scan the document to make sure the document is complete and to obtain required information for recording in the notary journal.

68. Knowledge of procedures to follow if there are significant blanks, incorrect information, and other questions.

69. Knowledge that a notary public must check the document date, which may differ from the date of the notarization.
70. Knowledge that a notary public must check to make sure the person wanting to sign the document is named in the document as an authorized signer.

Notarial Certificates

71. Knowledge of the only types of notarial acts an Oregon Notary Public is allowed to perform.
72. Knowledge of the elements of the notarial certificate:
 - a. Jurisdiction – State of Oregon and county where notarization took place
 - b. Date of notarization
 - c. Who personally appeared
 - d. What type of notarial act was performed
 - e. Notary seal imprint
 - f. Notary public signature
73. Knowledge that all 6 components of the notarial certificate must be on the same page.
74. Knowledge that a notary public may not select the notarial act.
75. Knowledge that the notarial certificate must fit the notarial act performed.
76. Knowledge that just the notary public's signature and seal imprint constitutes official misconduct.
77. Knowledge that the notarial seal imprint cannot be placed over any writing on the document.
78. Knowledge of how to attach a loose certificate.
79. Knowledge of how to "protect" loose certificates.
80. Knowledge of how to correct mistakes on a certificate.
81. Knowledge that a notary public must sign the certificate with their official signature, i.e. the same signature used on their commission application.
82. Knowledge of what a notary public may do to notarize a subdivision, condominium, or partition plat.
83. Knowledge of the notarization procedure when a signature stamp is used by a blind, visually impaired or disabled person to sign a document.

Acknowledgement Notarial Certificate

84. Knowledge of the definition of an “acknowledgement in an individual capacity” notarial act.
85. Knowledge of the definition of an “acknowledgment in a representative capacity” notarial act.
 - a. Knowledge of the different requirements between a representative capacity certificate worded “known to me to be” and “as.”
 - b. Knowledge of how a notary public can obtain evidence of position regarding acknowledgment in the representative capacity, including Corporation Division resources.
86. Knowledge of the “Attorney in Fact” form of representative capacity acknowledgement certificate.
87. Knowledge that the signer does not have to sign in the notary public’s presence when an acknowledgment notarial act is performed.
 - a. Knowledge that the signer may sign before, but never after, the notarization.
 - b. Knowledge that, if the certificate indicates the notary witnesses the signing, then the document must be signed before the notary, even if it had been previously signed.

Verification Upon Oath/Affirmation Notarial Certificate

88. Knowledge of the definition of the “verification upon oath or affirmation” notarial act.
89. Knowledge that the term “jurat” is often synonymous with the “verification of oath or affirmation.”
90. Knowledge of the requirement to administer a verbal oath or affirmation to the signer.
91. Knowledge of the difference between an oath and an affirmation.
92. Knowledge of sample oaths/affirmations to be given to the signer.
 - a. *Do you swear (or affirm) that the facts stated there within are true and correct to the best of your knowledge?*

Witnessing a Signature Notarial Certificate

93. Knowledge of the definition of the “witnessing a signature” notarial act.
94. Knowledge that the signer must sign the document in the notary public’s presence.
95. Knowledge that the signer must re-sign the document in the notary public’s presence if they have already signed the document.

Copy Certification Notarial Certificate

96. Knowledge of the definition of “certifying to a copy of a document.”
97. Knowledge that the notary public should be the one making the copy of the document to be certified.
98. Knowledge of documents a notary public cannot certify to:
 - a. Oregon Birth/Death certificates
 - b. Oregon Marriage Licenses/Divorce Decrees
 - c. Other public records that can be certified by the records custodian, such as a county clerk.
 - d. Photographs

Miscellaneous

99. Knowledge that a notary public should not notarize a document nor use a notarial certificate written in a language that they cannot read.
100. Knowledge that the Secretary of State only endorses the certified provider’s education program curriculum, not the other services or products the vendor may or may not provide.