

Notary Public Education

Definitions

160-100-1000

(1) *Certificate of Approval.* The Oregon Secretary of State Certificate of Approval (OAR 160-100-1010) signifies only that the provider named therein offers an education program curriculum similar to the education program curriculum offered by the Secretary of State and has complied with the requirements of these rules. The Certificate of Approval does not imply endorsement of the provider, nor any products or services offered by the provider.

(2) *Certificate of Education.* The Certificate of Education (OAR 160-100-1060) signifies that the person named therein has completed the approved three-hour education program provided by the provider.

(3) *Course of study.* For the purposes of this division, “course of study” applies only to a live classroom or on-line education.

(4) *Notary public applicant.* For the purposes of this division, a “notary public applicant” is a person who applies for a commission as an Oregon notary public, who does not already hold a current notary public commission, and who must attend a three-hour course of instruction in order to qualify for commission as a notary public.

(5) *Provider.* For purposes of this division, a “provider” is an individual or business entity that provides a notary public education course of study.

(6) *Oregon business registration number.* For the purposes of these rules, an Oregon business registration number is the number assigned by the Corporation Division to a corporation, partnership or assumed business name that indicates registration in the public record of the Division.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Provider Certificate of Approval

160-100-1010

Before offering any course of study pursuant to Oregon Revised Statute Chapter 194.028, a provider must obtain a Certificate of Approval from the Secretary of State for each course of study offered.

(1) To apply for a Certificate of Approval, a provider must submit to the Secretary of State a completed Notary Public Education Provider Application or Amendment form, hereby incorporated by reference, an active Oregon business registration number, and a lesson plan satisfying the requirements in OAR 160-100-1020.

(2) The Secretary of State will issue either a Certificate of Approval, in accordance with paragraph (3), or a deficiency notice, in accordance with OAR 160-100-1030, within 90 days of receipt of an application and lesson plan.

(3) Upon approval of an application and lesson plan, the Secretary of State will send a Certificate of Approval to the provider by first class mail to the address listed on the Notary Public Education Provider Application or Amendment form.

(4) The Certificate of Approval will include the following:

(a) The name of the approved provider as listed on the Notary Public Education Provider Application or Amendment form.

(b) The address listed on the Notary Public Education Provider Application or Amendment form.

(c) The three letter provider identification code issued by the Secretary of State.

(d) The date the course of study was approved by the Secretary of State.

(5) An approved provider must not alter or substitute the lesson plan reviewed and approved by the Secretary of State, unless the revisions are approved by the Secretary of State in accordance with OAR 160-100-1050.

(6) For the purposes of this chapter, a provider must be authorized to transact business in Oregon in order to be certified. Authorization to transact business must be evidenced by an active Oregon business registration number.

(7) For the purposes of this chapter, an approved provider is responsible for all employees, agents, instructors, contractors, and subcontractors providing or involved in providing an approved course of study on behalf of the approved provider and the acts of the employees, agents, instructors, contractors, and subcontractors will be deemed the acts of the approved provider.

(7) The Certificate of Approval will expire 3 years from the date of issuance, and it must be renewed to continue as a state-approved course of instruction. A provider may apply for renewal up to 90 days before the expiration of the Certificate. Upon expiration of the Certificate, the provider must submit a new application, not a renewal, in order to offer state-approved education.

(8) A Certificate of Approval is non-transferable and may not be conveyed to another provider or applied to another course of study.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Lesson Plan

160-100-1020

A lesson plan must meet the following requirements:

(1) The lesson plan must be based on the laws of Oregon concerning the functions and duties of a notary public. The lesson plan must cover at least the Oregon Notary Public Knowledge Statements, hereby incorporated by reference. The Oregon Notary Public Knowledge Statements may be obtained from the Secretary of State by request.

(2) The lesson plan must contain a table of contents, and the pages of the lesson plan must be consecutively numbered.

(3) The lesson plan must provide sufficient detail to enable the Secretary to evaluate the specific information to be presented and to determine the accuracy of the information to be presented.

(4) The lesson plan must contain the procedures to ensure that a person attending a course of study is present for the required time.

(5) The lesson plan must include a schedule of the time allotted for the following:

- (a) Break periods, if any.
- (b) Each major subject area.
- (c) Each audio visual aid to be used, if any.
- (d) Each student participation activity, if any.
- (e) Completion, correction, and discussion of any practice tests used and the method of correction to be used, if any.

(6) If any movie or video is used for instruction, the lesson plan must include a brief synopsis of the information presented therein. The synopsis must detail the specific information presented by the movie or video. In addition, the provider must include the movie or video in the materials presented to the Secretary of State for review.

(7) Copies of any handout materials, workbooks, visuals aids, description of student participation exercises, and practice tests used during the course of study must be submitted for approval with the lesson plan.

(8) If the course provides for an evaluation by the students, time to complete the evaluation must not be included as part of the course of instruction.

(9) All materials submitted to the Secretary of State under this rule become the property of the Secretary of State and may be returned to the provider at the sole discretion of the Secretary.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Deficient Application or Lesson Plan

160-100-1030

(1) If the Secretary of State determines that a Notary Public Education Provider Application or Amendment form is incomplete, or that a lesson plan does not satisfy the requirements of ORS Ch. 194.028 or this chapter, the Secretary of State will issue a deficiency notice containing an itemized description of the deficiencies identified. The deficiency notice will be sent by first class mail to the provider's address listed on the Notary Public Education Provider Application or Amendment form.

(2) A provider has 30 days from the date on which the deficiency notice was mailed by the Secretary of State to submit documentation to the Secretary of State curing the deficiencies identified in the deficiency notice.

(3) The Secretary of State may issue more than one deficiency notice to a provider regarding the same Notary Public Education Provider Application or Amendment form and lesson plan at any time during the review process.

(4) The Secretary of State may disapprove a Notary Public Education Provider Application or Amendment form if the deficiencies are not cured in accordance with paragraph (2).

(5) After the disapproval of a provider's application or amendment, the provider has the right to a hearing on the matter, and the proceeding will be conducted in accordance with the contested case procedures set out in ORS 184.413 through 183.500, and the Attorney General's Model Rules of Procedure for Contested Cases.

(6) Upon the effective date of a final order in a contested case, or if the final order is appealed, a final appellate judgment disapproving an application or amendment, a provider may cure the deficiencies identified in the decision by submitting a Notary Public Education Provider Application or Amendment form in accordance with OAR 160-100-1030.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Notification of Changes of Approved Provider Information

160-100-1040 Within 30 days of any changes in the information contained in the most recent application approved by the Secretary of State, an approved provider must submit to the Secretary of State a Notary Public Education Provider Application or Amendment form identifying the changes. An approved provider may confirm receipt by the Secretary of State by phone or e-mail.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Lesson Plan Revisions

160-100-1050

(1) Within 30 days of the effective date of a new Oregon law or rule concerning the duties and functions of notaries public, an approved provider must revise an approved lesson plan as necessary to ensure that the information provided in an approved course of study reflects the new Oregon law or rule.

(2) Any provider-initiated revisions to the contents or methods of instruction detailed in an approved lesson plan must be approved by the Secretary of State at least 30 days before implementing the proposed revisions in an approved course of study.

(3) To apply for a Certificate of Approval for a revised lesson plan, an approved provider must submit a completed Notary Public Education Provider Application or Amendment form, and a revised lesson plan in accordance with OAR 160-100-1020.

(4) The provisions in OAR 160-100-1010, 160-100-1020, and 160-100-1030 apply to a revised lesson plan.

(5) Upon approval of a revised lesson plan, the Secretary of State will issue a Certificate of Approval pursuant to OAR 160-100-1010.

(6) A provider may only follow the lesson plan corresponding to the most current Certificate of Approval.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Certificate of Education

160-100-1060

(1) An approved provider must issue a Certificate of Education to a notary public applicant upon completion of an approved course of study, as provided in section (3).

(2). The Certificate of Education shall be issued by the provider to a notary public applicant only after the person has completed the approved course of study.

(3) The Certificate of Education must consist of a certificate signed by an approved provider or an employee, agent, instructor, contractor, or subcontractor of an approved provider, which contains the following information:

(a) The name of the approved provider as it appears on the Certificate of Approval issued by the Secretary of State for the approved course of study.

(b) The name of the notary public applicant who completed the approved course of study.

(c) The date the notary public applicant completed the approved course of study.

(d) The Notary Education Identification Number, consisting of the Provider Identification Code and a unique six-digit number.

(e) The statements that —

- (i) The Certificate of Education must be valid for a period of six months from the date of issuance; and
- (ii) The student must provide the Notary Education Identification Number on the notary public application when submitted to the Secretary of State.

(4) The Certificate of Education of an approved course of study is for six months from the date of issuance.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

List of Attendees

160-100-1070

(1) An approved provider must maintain a list of persons who attend each session of an approved course of study.

(2) The List of Attendees must be maintained for a period of five years from the date of issuance of the Certificates of Education corresponding to that session.

(3) The list must include the following:

- (a) The name of the approved provider as listed in the Certificate of Approval for the approved course of study.
- (b) The provider identification code issued by the Secretary of State.
- (c) The name of the instructor or instructors who taught the approved course of study.
- (d) The date, time, and location of the approved course of study.
- (e) The names of all the attendees in alphabetical order by the last name of the attendee.
- (f) The Notary Education Identification Number corresponding to the attendee, if any.

(4) An approved provider must not collect the social security numbers of any attendees.

(5) Upon request, an approved provider must submit a list of attendees in a data format approved by the Secretary of State.

(6) An approved provider, former approved provider, or employee, agent, instructor, contractor, or subcontractor of an approved provider or former approved provider must not copy or release any list of attendees or any information contained therein to any person, except the Secretary of State, Attorney General, a district attorney, or a city attorney.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Secretary of State Attending Approved Course of Study

160-100-1080

An approved provider must permit the Secretary of State or representatives of the Secretary of State to attend any approved course of study, without prior notice and at no charge, for the purpose of observation, monitoring, auditing, and investigating the instruction given.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Duty to Respond to a Written Request from the Secretary of State

160-100-1090

An approved provider must respond in writing within 30 days of receiving a written request for information from the Secretary of State. A written request may be sent to the mailing address, facsimile number, or e-mail address listed on the most current Notary Public Education Provider Application or Amendment form filed pursuant to OAR 160-100-1020 or 160-100-1050.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Cancellation or Delay of Scheduled Approved Course of Study

160-100-1100

(1) Before charging any fees to a notary public applicant for an approved course of study, an approved provider must disclose the refund policy of the approved provider.

(2) An approved provider must refund all fees within 30 days of a scheduled course date to any notary public applicant who registered to attend an approved course of study if one of the following occurs –

(a) An instructor fails to appear at the scheduled time, date, or place of the approved course of study;

(b) An approved course of study is delayed in starting more than 15 minutes after the scheduled time, and a notary public applicant immediately informs the approved provider of his or her request for a refund, and the notary public applicant leaves the approved course of study before its start; or

(c) The provider does not hold a current Certificate of Approval from the Secretary of State.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Complaints Against an Approved Provider

160-100-1105

(1) A person may file a complaint against an approved provider with the Secretary of State. A complaint shall be submitted on the standard form provided by the Secretary of State, signed and dated by the person filing the complaint. A complaint that does not comply with the requirements of this section shall not be filed, responded to or acted upon by the Secretary of State.

(2) The Secretary of State may commence an investigation of an approved provider as a result of information received from any source.

(3) Complaint forms received by the Secretary of State are not exempt from disclosure under Public Records Law, and shall be available to the approved provider and others in conformity with ORS 192.410 to 192.505.

(4) An investigation of the Secretary of State under paragraphs (1) and (2) of this section may include:

(a) An initial request for information from the accused provider;

(b) A copy of the complaint forwarded to the accused; and

(c) A request for supporting documentation and other sources of information.

(5) A provider, upon request by the Secretary of State, shall provide accurate, true and complete copies of the requested information.

(6) Upon a finding by the Secretary of State, copies of the finding shall be mailed to the complainant and the accused.

(7) Failure of an approved provider to comply with Secretary of State investigation directives shall result in revocation of the Certificate of Approval, subject to the provisions of ORS 183.413 to 183.470.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

List of Approved Providers

160-100-1110

(1) The Secretary of State may also make a list of approved providers available online at the Corporation Division's website. The online list of approved providers may be searchable by a county in which approved providers provide approved courses of study.

(2) The Secretary of State may include the following information on the list of approved providers for each approved provider:

- (a) The name of approved provider in accordance with section (1).
- (b) Contact information – a mailing address; a telephone number; a fax number; an e-mail address; and a website address.
- (c) The county or counties in which approved providers provide approved courses of study.

(3) The Secretary of State may only update the list of approved providers to add, delete, or amend approved provider information that is filed in accordance with OAR 160-100-1040. A list of approved providers may be updated by the first day of each month following the month during which there were additions, deletions, or amendments to the list of approved providers.

(4) The Secretary of State reserves the right to delete any information from the list compiled pursuant ORS 194.028 or section (2) of this rule that the Secretary of State determines is misleading to the public or of an inappropriate nature.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Renewal of a Certificate of Approval

160-100-1120

Ninety days before the certificate's expiration, the Secretary of State will notify a provider, by e-mail, fax, or written mail, of the need to renew the provider's Certificate of Approval.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Grounds for Termination of a Certificate of Approval

160-100-1130

The Secretary of State may terminate a Certificate of Approval upon any of the following grounds:

- (a) Violation of any of the provisions of this chapter or ORS 194.028.
- (b) Misrepresentation of the laws of Oregon concerning the duties and functions of a notary public.
- (c) Deviation from the lesson plan for a course of study approved by the Secretary of State.
- (d) Failure to respond to a request from the Secretary of State.
- (e) Representations by the provider that any product, goods, or services provided by the provider are endorsed, recommended or required by the Secretary of State. Certification

only recognizes that the education program curriculum of the provider is similar to the state's curriculum.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Termination of Certificate of Approval

160-100-1140

(1) If the Secretary of State proposes to terminate the Certificate of Approval of a provider, opportunity for hearing shall be accorded as provided in the contested case procedures set out in ORS 183.413 through 183.500 and the Attorney General's Model Rules of Procedure for Contested Cases.

(2) If the provider does not request a hearing, termination shall be effective 21 days after the termination notice.

(3) The cancellation of the provider's Certificate of Approval does not bar the Secretary of State from instituting or continuing an investigation or disciplinary proceedings.

(4) Upon completion of the disciplinary proceedings, the Secretary of State may enter an order finding the facts and stating the conclusion that the fact would or would not have constituted grounds for termination of the Certificate of Approval if the Certificate of Approval had still been in effect.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028

Cancellation of Certificate of Approval

160-100-1150

(1) An approved provider may cancel its Certificate of Approval by submitting a written notice of cancellation to the Secretary of State. Unless otherwise stated in the notice of cancellation, the effective date of the cancellation of the Certificate of Approval is 30 days after receipt of the notice of cancellation. The provider may confirm receipt by the Secretary of State by phone or e-mail.

(2) Within 30 days of the effective date of a cancellation of a Certificate of Approval, a provider must refund all fees to all individuals who paid to take an approved course from a provider, if the course is scheduled after the effective date of the cancellation.

Statutes Implemented: ORS 194.028

Statutory Authority: ORS 194.028