

**OFFICE OF THE SECRETARY
OF THE
DISTRICT OF COLUMBIA**

**NOTARY COMMISSIONS
AND
AUTHENTICATIONS**

NOTARY PUBLIC HANDBOOK

441 4TH Street, NW Suite 810 South
202 727-3117 -o
202 727-8457- f
www.os.dc.gov
notary@dc.gov

Revised 9-2016

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I. Introduction

The Office of Notary Commissions and Authentications (ONCA) commissions notaries public for a renewable term of five years. This Handbook provides the information you will need to learn about the requirements to become a notary, the process to apply, and the responsibilities and restrictions in being a notary public along with other helpful information. After reading the Handbook, if you have any questions, please feel free to contact the ONCA office at: 202 727-3117, notary@dc.gov.

A District of Columbia (District) notary public is a public officer whose function is to notarize documents by administering oaths and attestations and witnessing the signature of the person(s) personally appearing before him or her. Notaries public protect against fraud and forgery by acting as an official, unbiased witness to the identity of the person who signs a document. A notary is only certifying that the person in front of you is in fact that person. You are **NOT** notarizing the actual document or taking part in a deposition or other actions. It is therefore critical that you always require valid identification and that the individual be present.

A District notary public is appointed for a renewable term of five years in accordance with Title 1 Section 1201 of the Code of the District of Columbia. Official acts of a notary public are recognized in the District and throughout the United States. As District public officers, notaries public are held to the same high standard of public trust in the exercise of their duties as are other appointed and elected District officials.

II. Types of Notaries Public

Residential Notary:

A residential notary public resides in and performs notarial functions from his/her personal residence in the District. The notary must submit a Residential Letter of Request that sets forth the need for the notary's commission to be issued for use in the community and in his/her personal residence.

Business Notary:

A business notary public is an individual who is employed by a business operating in the District, but who may or may not reside in the District. To qualify as a business notary, the applicant's employer must make the request for appointment in writing on official company letterhead that displays a District of Columbia address. The letter must include the name of the applicant, the justification for the notary commission, and the hours the notary will be available for public access. The justifications must indicate how service and convenience to members of the public and their business will be improved.

A person may also apply to be a "government" notary public if they are being commissioned as a government employee through the federal government or the District of Columbia government and the agency is physically located in the District. The application is submitted to ONCA as a Business application but no fee is required.

Dual Commission:

A notary public who is also a District resident and desires to exercise in addition to their business commission may apply for a dual commission. A letter from the individual and the business must be submitted with the application but only one fee is required.

III. Qualifications for a District of Columbia Notary Commission

Residential:

To qualify for appointment as a District notary public an individual must be a resident of the District; or

Business:

Work for a business located in the District.

IV. How to Obtain a Commission

To begin the process of obtaining a notary commission, or a reappointment as a notary public the steps listed below must be completed and the application and the applicable commission fees must be submitted to ONCA. All materials submitted for appointment as a notary public become the property of the DC Government.

Application:

The notary public application can be downloaded at www.os.dc.gov or picked up at the ONCA office. Applications that are incomplete, unsigned or handwritten will not be approved. The application must have an original or approved electronic signature. The application will be returned to the individual for corrections and resubmission to ONCA.

Fee:

The notary public fee application is \$75. Employees of the District and federal government notaries are exempt from the application fee requirement. However, should a government notary public desire a dual commission (see “Categorization of Notaries Public,” above), an application fee will be charged.

Letter of Request:

Each application must include an original letter of request explaining the need for the applicant to be a notary for residential or business reasons. The letter must be on personal or business letterhead, must have a District address, must have a District phone number, and must have an original or approved electronic signature. The individual writing the letter of request may not be used as a reference on the application.

Orientation:

Each new applicant must attend a **mandatory** orientation session covering the applicable notary rules and regulations in the District. ONCA schedules the orientation after a notary application is approved. Each applicant will be notified of the date and time of the orientation by ONCA. Notification will be made via email. If you wish to be notified by a method other than email, please indicate this on your application.

Publication:

After the application has been approved and the orientation session completed, ONCA will publish the names of the applicants in the *DC Register*.

Notification of Commission and Completion of Commission Process:

After publication of the names of notary applicants in the *DC Register*, ONCA will notify applicants that they may purchase the necessary notary supplies and surety bond. Residential, business, and federal government notaries public shall acquire a bond in the amount of \$2,000, covering the notary’s five year

term. The bond is not an insurance policy. The bond serves for the protection of members of the public who may be injured as a result of negligence or misconduct on the part of the notary.

Bond Requirements:

Employees of the District of Columbia notaries public are exempt from the bond requirement. If you have a dual commission as a residential notary you then must have a surety bond.

Proof Of Payment:

Applicants must present the original receipt of the bond payment, marked “Paid in Full,” as well as their notary seal, stamp, log book, and Jurat to ONCA for verification prior to being administered the notary oath of office. If you wish to keep a copy of the surety bond form or receipt, you must make it before you come to the office; ONCA will not make a copy.

ONCA does not provide information on the names of companies or stores that have notary supplies. While the surety bond must be for the amount of \$2,000, the cost to purchase the bond should not cost that much.

Oath:

Upon satisfaction of the above requirements, applicants will take the Oath of Office administered by an official of ONCA.

Unclaimed Commission:

A notary commission that is not claimed within 60 days from the date of issue by ONCA will be cancelled. Cancellation of commission requires the applicant to re-complete the entire process i.e. submit a new application including the application fee and participate in the orientation program.

ONCA may extend the deadline if the applicant provides a valid reason.

V. Requirements of a Commissioned Notary

Official Signature and Oath Page:

District notaries public are required to complete the official oath page. The oath page contains the address and telephone number of the location where the notary will carry out his/her duties, the notary’s signature, and one impression of his/her seal. The signature on the oath page must be the same used when notarizing documents. Any notarial transaction performed by a notary who does not have a signature on file with ONCA is void.

Notary Seal:

The notary seal format consists of the following:

Embosser:

An embosser makes a raised impression in the paper; this is the seal of the notary public. District of Columbia notaries public must use an embossed seal to complete all official notarial acts. Each notary public must furnish the notary seal at his or her own expense. Be sure the embosser has the correct expiration date for your commission when you receive it.

Placement of Seal:

Seal impressions should never be placed over signatures and dates. Usually space is provided to the left of the notary’s signature for the seal impression. If such space is not provided, the seal should be placed near the notary’s signature.

Information Required on Seal:

The seal must include: (1) the name of the notary public as it appears on the notary’s commission on the upper, outer perimeter; (2) the words “Notary Public” in the center of the seal; (3) the notary commission expiration date in the center and (4) the words “District of Columbia” on the bottom, outer perimeter.

Embossment Inker:

The Inker is the supply used to put the impression on the notary seal. The notary public must ink their raised seal embossment, subsequent to its placement on a document, every time, no exceptions. (17DCMR 2403)

Jurat:

The notary public must include the Jurat that certifies the Notary has witnessed the signing of the document by the individual. By executing the Jurat, the Notary guarantees that the signer personally appeared before the notary; the notary is not attesting to any item in the document itself.

Name:

In addition to the notary’s signature, the notary’s name should be legibly typed or printed and stamped with expiration date for those notaries commissioned prior to December 15, 2010 and have not yet renewed their commission.

If a document is prepared in advance for notarizing, the language below may be used as an example.

Sample language (same as on the Jurat stamp)

District of Columbia: SS

Subscribed and Sworn to me, in my presence, this _____ day of month, year.
(place seal)

Notary Signature



Acknowledgment Language - Sample

District of Columbia : SS

The foregoing instrument was acknowledged before me
this _____ day of _____, _____

by _____

Your Name, Notary Public, D.C



An acknowledgment is typically executed on mortgages, deeds and other documents that will be publicly recorded with a local agency such as the Recorder of Deeds.

Acknowledgment And Jurat Descriptions

Because acknowledgments and jurats are different notarizations with different purposes, each requires its own wording. You cannot use a jurat for an acknowledgment, or vice versa. Make sure you use the language that we have provided above.

In general, the acknowledgment will contain the words, “acknowledged before me” or something similar. Jurats will contain the words, “subscribed and sworn to (or affirmed) before me.”

Records:

Each notary public is required by law to keep a fair record of all official acts performed, and when required, shall give a certified copy of any record in his office to any person upon payment of the fees therefor § 1-1211.

Based on national standard practices ONCA recommends that each notary’s log book include the:

- Name: The name and address of each person appearing before the notary,
- Date: The date they appeared before the notary,
- Identification: The method by which each person was identified to the notary,
- Document Type: The type of document involved,
- Fee: The fee charged, and
- Signature: The signature(s) of person(s) signing the document(s).

These practices help protect the notary in case of questions or complaints.

The log book may be kept by hard copy or electronically, but if electronically, the signature of the person who had the document notarized should be kept. All signatures must be done in person and cannot be done electronically.

Signage:

Every residential and business District notary public must exhibit a “NOTARY PUBLIC” sign. Government notaries public are exempted from this requirement.

Schedule of Fees:

Residential and business notaries may not charge more than \$5.00 per notarial act, e.g. administering oaths, taking affidavits, including a Jurat clause and seal, or any other notarial act. Government-employed notaries are prohibited by law from charging for their notarial services.

While DC law does not speak to any other fees for travel expenses, notaries may charge for travel expenses if they come to an agreement in advance with the customer. Travel expenses must be itemized on the invoice to detail these expenses and show the notarial acts fees separately. All other costs are considered a part of the notarial act fee.

VI. Role of Notaries Public

Official Acts:

District of Columbia notaries public do not read the document presented for notarization, nor are they required to understand or possess knowledge of the document’s contents. District notaries public may notarize only the signature of the person personally appearing before him or her. A notary is only certifying that the person in front of you is in fact that person. You are **NOT** notarizing the actual document or taking part in a deposition or other actions. It is therefore critical that you always require valid identification and that the individual be present.

After the person appearing before you has either attested or affirmed, you should proceed to perform the proper notarial acts.

Commissioned Notary:

A commissioned District of Columbia notary public is an individual who has satisfied the appointment requirements and taken the Oath and is authorized to perform the following:

- Obtain acknowledgments:
An acknowledgment is typically executed on mortgages, deeds and other documents that will be publicly recorded with a local agency such as the Recorder of Deeds,
- Administer oaths and affirmations,
- Take verifications upon oaths or affirmations,
- Witness or attest signatures,
- Perform such acts for use and effect beyond the jurisdiction of the District according to the law of any state or territory of the United State or any foreign government in amity with the United States.

Administration of Oaths and Affirmations:

There are two types of oaths: (1) the oaths of a witness, being someone who has personal knowledge of some cogent matter and (2) the oath of an affiant, being someone who swears an affidavit to be true:

Example of the Oath of a Witness:

Do you solemnly swear (or affirm) to tell the truth, the whole truth, and nothing but the truth?

Examples of the Oath of an Affiant:

Do you solemnly swear (or affirm), under penalty of perjury, that you know the contents of this document and that the matters set forth are true?

Witnessing and Attesting to Signatures:

A notary public may witness the signing of the document in their official capacity as follows:

- Obtain satisfactory proof of the identity of the person signing the document,
- Observe the signing of the document,
- Date, sign, and apply the notary's seal to document,
- Apply the Jurat stamp unless it is on the document,
- Record the notarization in the notary record book of official acts.

Recommended forms of identification are a driver's license, passport, or employee identification card; however, the notary public may consider other forms of documentation acceptable. The issue of identification is subjective and the test of whether identification has been satisfactorily met will remain with the notary.

Jurisdiction:

District commissions can be exercised only within the geographical borders of the District of Columbia. Accordingly, the notary public may notarize documents only within the District of Columbia. The affiant and/or witness must be present in the District of Columbia at the time of the notarization. The District of Columbia does not recognize licenses or commissions from other jurisdictions.

Basic Restrictions:

District of Columbia notaries public do not have authority to:

- *Certify a public record, a publicly recorded document, or a professional license.* This would include birth, death and marriage certificates and certificates of good standing. For purposes of authentications for use overseas, an individual would have to present the original birth, death, marriage or original Department Head document from the District of Columbia.

District notaries may never:

- Notarize Federal documents such as FBI clearances, fingerprints and I-9 forms,
- Determinations of non-profit [501(c)(3)] forms,
- Take his/her own oath, affidavit, acknowledgement or depositions,
- Serve as a witness for his/her own documents,
- Notarize his/her own signature,
- Provide Legal Advice: A notary public who is not admitted to the District of Columbia bar may not perform the services of an attorney at law,

- Prepare any written instrument affecting the title to real estate,
- Give advice in the administration or probate of estate of decedents.

VII. Change of Commission Information

Changing the Name on a Commission:

A notary public whose name changes because of marriage, divorce, or adoption is required to:

- Notify ONCA by letter or email of the change in name, including your previous and current name and the expiration date of your commission,
- Purchase a new embosser, Jurat,
- Come to ONCA to complete an oath page with embossed seal impression that reflect the name change;

If the change of name occurs at the time of renewal the individual should complete a new application with the change in name; when filling out the application, the applicant should check new or renewal, but the request letter should state the reason and the application should note the reason. The letter should also state the previous name.

Change of Address/Employer:

Notaries public are required to notify ONCA immediately in writing of any change in address or employer.

Notary public services can be transferred to a new employer whose offices are physically located in the District of Columbia if the current employer agrees to allow the commission to be transferred.

To do so, the new employer is required to submit a letter or email explaining the need for the service of the notary public and where and during what hours the notary will be available to perform notarial duties. The letter/email must include: the name of the notary, the expiration date of the commission, the address and phone number of the new place of employment.

If you hold a residential commission and have changed your address, you must send a letter or email notifying us of the change including your name as it appears on the commission your new address and the expiration date of your commission.

ONCA will not recognize a document notarized by a notary public whose name or place of business has changed unless the notary has complied with these requirements. *The notary is also responsible for notifying his/her bonding company of the change in name, address or place of business.*

Expiration of Commission:

Notary commissions expire at the of the five year term or upon resignation of the commission. Notaries who no longer reside in the District or who cease to be employed in a business physically located in the District must resign their commission by notifying ONCA in writing. Notaries who terminate or resign their commission for any reason within the five year period must notify the ONCA office and turn in their seal. Notaries are encouraged to keep their records for at least 10 years in case of any questions or challenges.

If you are a government employee and no longer work for the government you must resign your commission.

Correspondence should be sent to the address listed below:

Secretary of the District of Columbia
Attention: Office of Notary Commissions and Authentications
441 4th Street, NW
Suite 810 South
Washington, DC 20001
Notification may also be sent by email to:
notary@dc.gov

VIII. Additional Information

Reappointments:

While ONCA will make every effort to notify existing notaries prior to their expiration date, to ensure that there is no lapse in your commission, the notary should contact ONCA at least six weeks prior to the expiration of the commission. Every notary public applying for reappointment must submit the renewal application by the deadline indicated. A timetable for deadlines to submit applications without having a lapse in the commission may be found on our website: www.os.dc.gov, Notary & Authentications, Notary Commissions; there is a link to the approximate timetable. Applicants seeking reappointments are not required to attend orientation unless the commission has been expired for one year or more.

Refusal to Notarize:

A notary may refuse to notarize or perform a notarial act at any time. If you are uncomfortable with a person's identification, believe the individual is not present voluntarily or taking an oath freely or even if you are not comfortable with the document, you have the right to refuse to perform any notarial act.

Lost or Stolen Embossers:

If your embosser is lost or stolen you must immediately:

- File a police report,
- Order a new embosser with a distinct marking such as a star (*) or dot to distinguish it from the original,
- Send us an email at notary@dc.gov so that we will be aware of any fraudulent use,
- Come into our office and provide a new impression and bring in a copy of the police report.

List on Search for A Notary Public Map:

As part of our customer service all commissioned notaries, except those who are commissioned only as government notaries are listed on our website under the "Search for a Notary Public" section. Individuals may type in an address and locate the names and contact information of notaries located nearest to that address.

The website will list the name of the notary, address, phone number and email. It will also state that the individual should call or email the notary in advance because the notary is not required to notarize documents simply because the name appears on the list.

Notaries commissioned as dual will be listed with their residential information.

If you wish to opt out and not have your name and information appear on the map, please contact us at: notary@dc.gov. Be sure to include your name, contact information and the expiration date of your commission. It may take 30-45 days to have your information removed from the map.

IX. Denial or Revocation of Notary Commission

Denials:

A notary commission may be denied if there is probable cause to believe that an applicant fails to meet the qualifications of a notary or if the application was not submitted according to the code, regulation or policies set forth by ONCA. If the application is incomplete, it will be returned and may be re-submitted.

Revocations:

A notary commission may be revoked if a notary fails to discharge fully and faithfully any of the duties or responsibilities required of a notary public, or otherwise commits misconduct that substantially relates to the duties or responsibilities of a notary public. If the Secretary of the District of Columbia or ONCA receives a complaint regarding a notary, that complaint will be reviewed by the Secretary's Office and the individual notary will be given an opportunity to respond within 20 days. If there is probable cause, the Secretary may revoke the commission. The individual notary must be notified by certified mail of the intent to revoke and the cause, along with any supporting documents.

The applicant may request a review of the revocation by filing a petition for review with the Office of Administrative Hearing within twenty days after notice to deny or revoke the commission. The details may be found in District of Columbia Municipal Regulations (DCMR) 17- 2411.

For complete listings of the laws and regulations relating to Notaries Public, please see Title 1, Sections 1200 – 1217, and Title 42, Sections 141-148, of the District of Columbia Official Code; and Title 17, Chapter 24, of the District of Columbia Municipal Regulations. You may also visit our website at os.dc.gov or contact us at 202 727-3117, notary@dc.gov