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APPOINTMENT OF A UCSD NOTARY PUBLIC

I. REFERENCES

- A. California Government Code Section 8202.5
[Notary Public Handbook](#), Secretary of State, California
- B. Systemwide Business and Finance Bulletin (BFB) [G-24](#): Appointment of University Notaries Public

II. PURPOSE

The University of California, San Diego has various business-related reasons to make notary public services available in the workplace. This issuance establishes local guidelines for notary services to be provided by campus notaries within the scope of their job duties and in fulfillment of the mission of the University. It provides guidance and assistance to an employee in obtaining a notary public commission in fulfillment of their job responsibilities.

III. POLICY

- A. When a University notary public is essential to the proper functioning of a department, the department chair or business officer may submit a request to the UC San Diego Notary Program Coordinator designating the applicant and stating the reasons for the request.
- B. A University notary public may not charge fees for filing or issuance of documents in connection with State or University business.
- C. California [Government Code § 8211](#) provides that any fees charged must fall within the maximum allowed by law.

No fee may be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.

- D. A University notary public may execute documents unrelated to State or University business, but may not retain any fees for such service. Any fees collected must be turned over to the notary's department for deposit to the appropriate University account. Providing notarial services to faculty, staff, and students should not infringe upon project deadlines, department workload, or other department priorities. Notary services unrelated to university business purposes should only be performed with the approval of the notary's supervisor or on the notary's own time; before or after work.
- E. A University notary public who is an employee of UC San Diego shall permit inspection and copying of journal transactions by any UC San Diego Campus/Healthcare System



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auditor or the UC San Diego Notary Program Coordinator, provided that the inspection and copying is done in the presence of the notary public and the transactions are directly associated with the business purposes of UC San Diego. An individual may request a copy of the notarial transaction performed for him/her in writing and shall include the name of the parties, the type of document, and the month and year in which notarized. The notary shall supply a photocopy of the line item representing the requested transaction at a cost of not more than thirty cents per page.

The University notary public shall provide the journal for examination and copying in the presence of the notary public upon receipt of a subpoena duces tecum or a court order, and shall certify those copies if requested. [California Government Code § 8206](#).

- F. The cost of notary equipment (seal, rubber stamps, and other supplies required) should be borne by the department for which the Notary Commission was executed.
- G. The UC San Diego Notary Program Coordinator shall be notified of the resignation or termination of service of any employee whose commission was obtained under the auspices of the University of California, San Diego.
- H. A Notary Public commission is not transferable.
- I. It is important that the Campus Notary Program Coordinator be notified before notaries perform certain notarizations that require specific training qualifications, See Supplement III, UC San Diego /UC San Diego Health System Limitations of Notary Service.

IV. RESPONSIBILITIES

- A. The Chancellor has designated Policy and Records Administration as the office to handle Notary Public Commission requests.
- B. Policy and Records Administration is responsible for the recruitment and retention of University Notary Publics. Policy and Records Administration coordinates University Notary Public Commission requests, provides the necessary guidance to obtain a successful Notary Public Commission, provides all written fee waivers, facilitates bi-annual notary meetings to inform notaries of changing laws and regulations, and addresses any concerns or questions.
- C. The University Notary Public is responsible for the security and safekeeping of his/her journal.

Upon resignation of a University-sponsored notary commission or separation from employment, a University Notary Public is required to contact the Secretary of State by letter and deliver within 30 days all notarial records and papers to the county clerk in which their current oath of office is on file. [Government Code Section § 8209](#).



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It is also the notary's responsibility to notify the Notary Program Coordinator within 30 days of resignation.

- D. The Department Chairs/Unit Head is responsible for ascertaining whether notarial services need to be provided in the department. Department Chairs/Unit Heads are responsible for clarifying when and where the notary may notarize university business documents.



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SUPPLEMENT I

GUIDELINES FOR BECOMING A NOTARY PUBLIC

A. Applying for an Employee's Initial Appointment as a Notary Public

The Chancellor, Vice Chancellor, Assistant Vice Chancellor, or Department Head may approve in writing a request that the Notary Program Coordinator assist in the process of application by a University employee for a California Notary Public commission. Upon receipt of a letter requesting that an employee become a University Notary Public, the UC San Diego Notary Program Coordinator sends the applicant a notary packet containing all the necessary instructions and procedures to properly obtain a notary commission.

Applicant qualifications are listed in [Government Code 8200](#).

1. As of January 1, 2005, all Notary Public applicants were required by law to show evidence that they satisfactorily completed a six-hour course of study (as approved by the Secretary of State) and successfully passed the required examination. The required six-hour course is offered through The National Notary Association (NNA) at 800-876-6827. The NNA holds one-day seminars in the San Diego area regularly. The test is given at the end of each seminar.
2. Before your examination date (preferably 1 to 2 weeks prior), contact the UCSD Notary Public Coordinator located in Administrative Records so that he/she can have a check prepared for the exam amount. On the examination date, the applicant must provide a completed [California Notary Public Application](#), and the required [examination fee](#), payable to the California Secretary of State. In the *Business Address* section of the form, the applicant should enter the name of the University office or department requesting the appointment, in addition to all other pertinent information. Examination results are made available within 10 days following the test. Applications of persons who pass the test are electronically forwarded to the Secretary of State for processing.
3. Applicants who successfully pass the exam should then submit fingerprints as part of the background check process. First, inform the UCSD Notary Public Coordinator that you are ready for fingerprinting, and the UC San Diego Notary Public Coordinator will provide you with the proper completed form. You may then make an appointment with the UC San Diego Police Department for fingerprinting. You may also view fingerprinting requirements [online](#) but contact the UC San Diego Notary Public Coordinator to arrange for payment of the fingerprinting fees if you utilize an outside agency.
4. The Secretary of State will process the application form, including the background check, and send a [Commission Packet](#) to approved individuals.
5. Within 30 days of the effective date stated on the Commission documents, the individual must file an oath and bond statement with the Clerk of the county in which the appointee's



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workplace is located. Information on filing is available [online](#) from the Secretary of State's office. (For the oath, see page 6 of the Notary Public Handbook).

- 6 UC San Diego employees designated as University notary publics are bonded by the bonding agency contracted by the University. To obtain evidence of bonding, the UC San Diego Notary Public Coordinator will send a letter on behalf of the employee (see Attachment B) along with a copy of the commission to the designated bonding representative for the UC San Diego campus.
7. Upon receipt of the bond document from the bonding company, the UC San Diego Notary Program Coordinator will provide the applicant a letter certifying University employment, to satisfy Section 8202.5 of the Government Code, which exempts the University of California from payment of filing fees or recording fees (see Attachment C).
8. Within 30 days of the effective date stated on the Commission, the applicant must present the bond document, the Commission letter, and the letter certifying University employment to the Office of the County Clerk in which the University office is located. The applicant must execute the oath of office in the office of the County Clerk. The County Clerk will then file the bond with the County Recorder. Failure to file within this period will void the Commission and necessitate a new application.

B. Resignation of University Notary, Renewal of Notary Public Appointment, Changes of Address, Revocation of Appointment

1. Generally, a notary commission is the property of the notary public, regardless of who paid the fees. However, a notary commissioned on behalf of the state (including the University of California) must resign his or her notary commission when they terminate employment. It is the notary's responsibility to notify the Secretary of State in writing of the resignation and to deliver, within 30 days of that resignation all notary journals, records, and papers to the county clerk's office where their current oath of office and bond are on file, and to destroy the notary seal. It is also the notary's responsibility to notify the Notary Program Coordinator, located in the Administrative Records Department, within 30 days of resignation.
2. Section 8204 of the Government Code specifies that the term of office of a notary public is for four years commencing with the date specified in the commission. For any reappointment after January 1, 2005, the applicant is required to successfully pass the examination described in Sections III.A.1 and 2 above.
3. The law requires that a notary public notify the Secretary of State in writing, by certified mail, within 30 days of any change of business or residence address. You are also required within those 30 days to notify the UC San Diego Notary Public Coordinator, Administrative Records, of any change of address, whether it is a new department or a new mail code. The notification can be a copy of the document that is sent to the Secretary of State and it can be mailed without being certified directly through campus mail. Once



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commissioned, a notary may perform notary services anywhere in California. Statutes require that the original oath and bond be filed in the county where the notary maintains his or her principal place of business as shown in the application filed with the Secretary of State, but are permissive as to whether or not a change in county of residence must be recorded after the original oath and bond filing. Please refer to [Government Code Section 8213](#). There is no fee for processing address change notifications. An address change notification should contain:

- the name of the notary exactly as it appears on the commission certificate;
- the commission number and expiration date of the commission;
- whether the address change is for the business, residence, and/or for mailing purposes; and
- the new business, residence, and/or mailing address.

The notification must be signed and dated by the notary. The change of address may be submitted in letter form or, for convenience, an address change form will be provided upon request.

4. The Secretary of State may refuse to appoint any person as notary public or may revoke or suspend the commission of a notary public for specific reasons. You may view these specific reasons in Supplement II of the notary policy.



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SUPPLEMENT II

REVOCATION OF COMMISSION

Section [8214.1](#) of the Government Code states the grounds for refusal, revocation or suspension of a notary public commission. These include:

- (a) substantial and material misstatement or omission in the application submitted to the Secretary of State;
- (b) conviction of a felony, a lesser offense involving moral turpitude, or a lesser offense of a nature incompatible with the duties of a notary public;
- (c) revocation, suspension, restriction, or denial of a professional license, if the revocation, suspension, restriction, or denial was for misconduct for dishonesty, or for any cause substantially relating to the duties or responsibilities of a notary public;
- (d) failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public;
- (e) when adjudged liable for damages in any suit grounded in fraud, misrepresentation, or violation of the state regulatory laws or in any suit based upon a failure to discharge fully and faithfully the duties as a notary public;
- (f) the use of false or misleading advertising wherein the notary public has represented that the notary public has duties, rights, or privileges that he or she does not possess by law;
- (g) practicing law in violation of [Section 6125 of the Business and Professions Code](#);
- (h) charging more than the fees prescribed by this chapter;
- (i) commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another;
- (j) failure to complete the acknowledgment at the time the notary's signature and seal are affixed to the document;
- (k) failure to administer the oath or affirmation as required by [paragraph \(3\) of subdivision \(a\) of Section 8205](#);
- (l) execution of any certificate as a notary public containing a statement known to the notary public to be false;
- (m) violation of [Section 8223](#);



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- (n) failure to submit any remittance payable upon demand by the Secretary of State under this chapter or failure to satisfy any court-ordered money judgment, including restitution;
- (o) failure to secure the sequential journal of official acts, pursuant to [Section 8206](#), or the official seal, pursuant to [Section 8207](#);
- (p) violation of [Section 8219.5](#).
- (q) Commission of an act in violation of Section 6203, 8214.2, 8225, or 8227.3 of the Government Code or of Section 115, 470, 487, or 530 of the [Penal Code](#).
- (r) Willful failure to provide access to the sequential journal of official acts upon request by a peace officer.



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SUPPLEMENT III

UCSD/UCSDMC LIMITS ON NOTARY SERVICES

- A. UC San Diego Notaries should not notarize any of the following documents listed under Definitions. If a Campus Notary is asked to perform notarial services for university business that relates to the following requests, then the notary public must contact the Notary Program Coordinator before granting service. This intent of this procedure is to ensure the notary is complying with State regulations and University policy. This policy does not extend to the other UC campuses.
- B. These limitations shall not apply to UCSD employees where condition of employment includes a Notary Public commission as defined in the employee's position description.
- C. UC San Diego Health Notary Publics shall not provide services for the following notarial requests:

DEFINITIONS

1. **Will:** A disposition or declaration by which a person provides for the distribution of his estate on death. The *California Notary Public Handbook* advises notaries to decline to notarize wills and to refer the signer to an attorney. A UCSD Notary Public may under no circumstances notarize wills of any nature.
2. **Mortgage:** A legal document that pledges a property to the lender as a security for payment of a debt.
3. **Deed of Trust:** A written instrument legally conveying property to a trustee often used to secure an obligation such as a mortgage or promissory note
4. **Security Agreement:** The contract signed with a secured loan. The agreement indicates what property or collateral can be taken should a default occur.
5. **Quitclaim Deed:** A quitclaim deed transfers whatever ownership interests you have in the property. It makes no guarantees about the extent of your interest.
6. **Grant Deed:** A grant deed transfers your ownership and implies certain promises--that the title hasn't already been transferred to someone else or been encumbered, except as set out in the deed.
7. **Foreclosure Document:** Legal documents of a process by which an owner's right to a property is terminated, usually due to default. Typically involves a forced sale of the property at public auction, with the proceeds being applied to the mortgage debt.



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8. **Living Trust:** A trust created for the trustor and administered by another party while the trustor is still alive. A living trust can be either revocable or irrevocable.
9. **Deed of Reconveyance:** A document used to transfer legal title from the trustee back to the borrower after a debt secured by a deed of trust has been paid in full.
11. **Warranty Deed:** General Warranty Deed used to convey an interest in real estate. The General Warranty Deed guarantees that the title conveyed is good and its transfer rightful.
12. **Passports:** A document issued by a country to a citizen allowing that person to travel abroad and re-enter the home country.
13. **Homestead Declaration:** A homestead declaration is a legal document that claims and registers a particular house as the owner's homestead. When the document is signed by the owner and recorded in the county where the house is located, it helps to protect the house against loss to creditors.
14. **Identity Theft Documents:** Identity theft occurs when an unscrupulous person gathers enough information about you to successfully impersonate you online, by mail, over the telephone, or in person. Documents relating to identity theft can be complicated and if not handled correctly could create significant legal exposure for UCSD; therefore UCSD and UCSDMC notaries must not notarize these documents.



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Attachment A

SUGGESTED SAMPLE LETTER FOR PROCESSING OF APPLICATION FOR NOTARY PUBLIC

Office of the Secretary of State
Notary Public Section
P.O. Box 942877
Sacramento, CA 94277-0001

Dear Sir or Madam:

Attached is an Application for Notary Public for (name) _____. This Commission is being requested under Section 8202.5 of the Government Code.

Please forward the Commission directly to _____.

Sincerely,

(Name and Title of Authorized Person)

Attachment



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Attachment B

_____ Date

SAMPLE LETTER OF EMPLOYMENT CERTIFICATION
(To be filed with the oath and bond to avoid payment of fees under GC'8202. 5)

CERTIFICATION

NOTARY PUBLIC APPOINTMENT

This statement is to certify that _____, appointed Notary Public for the State of California with Commission commencing _____ is an employee of the University of California, an agency of the State, and that such appointment is for the purposes of said agency.

It is understood, under Section 8202.5 of the Government Code of the State of California, that with the filing of this Certificate by the above-named appointee with any State or County Officer, no fees will be charged by the office for the filing or issuance of any document in connection with such appointment.

Sincerely,

(Name and Title of Authorized Person)