

DCCCD BUSINESS PROCEDURES MANUAL
TEXAS NOTARY PUBLIC
SECTION 31.0.0

REVIEWED 3/07/11
REVISED 3/14/11

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TEXAS NOTARY PUBLIC **31.0.0**

DEPARTMENTAL REQUESTS **31.1.0**

All departmental requests for appointment of a Texas Notary Public shall be submitted to the College Executive Business Officer, or designee, for approval/disapproval. The Associate Vice Chancellor shall have approval/disapproval authority at the District locations.

APPLICATION FOR APPOINTMENT **31.2.0**

- A. Upon approval of a request for a Notary Public, the College Executive Business Officer (Associate Vice Chancellor at District locations) shall distribute the **Application for Appointment as A Notary Public** to the applicant for completion.
- B. The applicant must complete the front and back sections of the application and the order form for supplies, and must have the "Statement of Officer" section notarized.

DCCCD will only authorize payment for the notary "Recommended Package" of Four-Year Notary Bond, State Filing Fees, Rectangular Self-inking Stamp, and the Notary Public Record Book. The expense for any additional supplies or the Errors and Omissions Policy will be at the expense of the applicant. (The District's insurance policies only provide coverage for District related notary activities.)

- C. The applicant or division representative must complete a **Non-PO Check Request** (Form #0184) to cover the bonding fee, State filing fee, and notary supplies.
 - 1. With the exception of the LeCroy Center, the bonding and State filing fees should be charged to the fidelity bond account: Fund = 11; Location = 02 for Brookhaven, 03 for Cedar Valley, 04 for Eastfield, 05 for El Centro, 06 for Mt. View, 07 for North Lake, 08 for Richland, 10 for District Office, 11 for District Service Center, and 20 for Bill Priest Institute; Division = 107080; Account = 23722.
 - 2. The LeCroy Center's charges should be made to account 12-28-028551-23722.
 - 3. Notary supplies should be charged to the office supplies account 24201, and the appropriate fund, location, and division.
- D. When the check for the filing fees and supplies is received from District Accounting, the applicant or division representative will mail the completed application to the notary public underwriters.
- E. The underwriters will process the bond, forward the appropriate papers to the Secretary of State, and send the required supplies to the Notary Public.
- F. The Secretary of State will issue an **Official Notary Commission** certificate to the approved Notary Public.

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RENEWALS **31.3.0**

- A. All renewals of a Notary Public's commission are mailed directly from the Secretary of State to the Notary Public's listed address.
- B. The renewal form must be properly completed, notarized, and submitted to the College Executive Business Officer for approval.
- C. The procedures described in the Application for Appointment section also applies to the renewal process.
- D. Every change of name and/or address by the Notary Public must be submitted in writing to the Secretary of State within ten (10) days after such change has taken place.

TERMINATION OF COMMISSION **31.4.0**

- A. The Secretary of State may suspend or revoke the commission of any Texas Notary Public for good cause subject to Section 406.009, Texas Government Code and the Notary Public Rules.
- B. Voluntary termination of commission will result if a prior commissioned Notary Public fails to renew his/her certificate of commission.

DUTIES/RESTRICTIONS OF NOTARY PUBLIC **31.5.0**

The general responsibilities and restrictions of a Notary Public that are listed below have been taken from the **Texas Notary Public Handbook** prepared by the Texas Young Lawyers Association.

A. GENERAL

- 1. A Notary Public is a state officer and public servant who is appointed to serve the public at large for a period of four years. Once appointed, a Notary Public owes allegiance to the State of Texas, not to an employer, concerning his/her Notary Public duties.
- 2. The primary duty of a Notary Public is to show that a disinterested party (the Notary Public) has admonished the signer of an instrument as to the importance of such document, and the signer of such document has declared that his identity, his signature and his reasons for signing such instrument are genuine.

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DUTIES/RESTRICTIONS OF NOTARY PUBLIC (continued)

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B. RESTRICTIONS

Texas Notaries Public cannot:

1. Perform acts, which constitute the practice of law.
2. Prepare, draft, select, or give advice concerning documents.
3. Translate the term "Notary Public" into Spanish (Notario Publico), nor advertise as immigration specialists or consultants.
4. Overcharge for their notarial services.
5. Notarize a document without the signer being in their presence.
6. Notarize their signatures.
7. Issue identification cards.
8. Sign documents under a name that is not reflected on their commission.⁷
9. Fail to affix a legally required notary seal on notarized documents.
10. Fail to keep a record book of notarizations.
11. Fail to post a notary fee chart.
12. Fail to issue an itemized receipt upon request.
13. Certify copies of recorded public records.
14. Refuse to perform notarial services on the basis of customer or non-customer status.
15. Use the notary seal for commercial endorsements.

C. PUBLIC HOURS

The College Executive Business Officer, or designee, is responsible for determining the hours in which the Notary Public will notarize documents.

D. DCCCD NOTARY FEE SERVICES

1. DCCCD Notaries are not permitted to charge for services during hours of employment with DCCCD.
2. District funded notaries should provide work related notary services for any District department or employee upon request.
3. If DCCCD notaries desire to use their notary services for non-district related services, they should obtain personal liability coverage (Errors and Omissions Policy) for themselves in the event of a lawsuit.
 - a) DCCCD is not responsible for any liability of the notary that results from providing notary services during off-duty hours or for non District related services.
 - b) DCCCD Notaries are authorized, but not required, to provide personal notary services for any District employees during business hours as a benefit to District

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employees. Notary services provided to District employees, for personal reasons, during business hours, are considered District-related services.

- c) DCCCD Notaries, with approval of the location Vice President of Business or their designee, may provide personal notary services for students during business hours. Notary services provided to District students, for personal reasons, during business hours, are considered District-related services.