

# Secretary of State Notary Complaint Flowchart

The Secretary of State (“SOS”) investigates any claim in which a notary public may have violated a notary statute(s).

## STEP 1: Initial Complaint Received

Any person may make a complaint to the office of the Secretary of State regarding a notary public; however, our office will only investigate ACTIVE notaries public. If a complaint is submitted on an expired notary, we will store the complaint and investigate if and when the notary public reapplies.

Complaints may be submitted on our Complaint form or be prepared on letterhead. If any information or attachments are missing or incomplete, the complaint will be returned to the individual who submitted it (“Complainant”).

## STEP 2: SOS Opens Complaint

A letter will be sent to the Complainant confirming that the complaint has been opened.

The complaint will be forwarded to the Attorney General’s Office (“AGO”), who will investigate the claim.

## STEP 3: AGO Investigates the Claim

The AGO will attempt to contact the notary at any address on file (mailing, home, business or email) requesting a written response to the allegations of the complaint along with copies of specific pages of the notary’s journal. During the investigation, all information received is confidential.

## STEP 4: SOS Makes Determination

Once compiled, the results will be returned to the Secretary of State, who, upon further review, will make one of the following three determinations:

### Suspension\*

- The Secretary of State may suspend the commission of a notary for at least 30 days and for not more than 180 days.
- The Notary is required to attend a notary public workshop prior to the suspension period end date and provide proof of attendance.
- If proof of workshop attendance is not received prior to the suspension period end date, the commission status will revert from suspension to revocation.

### Revocation\*

- The notary must cease notarizing and send in all journals, his or her stamp and any records pertaining to his or her commission.

### Take No Action

- The notary was found to have committed no wrong doing.

## STEP 5: Appeal Process\*

The revocation or suspension of a notary public commission is an appealable agency action. The Notary must submit, in writing, by fax, certified mail, or in person, an appeal to amend the decision within 30 days of a dated notice of action.

An informal settlement conference ("ISC") is scheduled by our office whereas an administrative hearing is scheduled by the Office of Administrative Hearings and is subject to court availability.

### Informal Settlement Conference ("ISC")

- A representative from the SOS, AGO and the Notary meet via telephone conference to discuss the complaint findings. This is the notary's opportunity to provide additional information for consideration and possible amendment of the final determination.

### Administrative Hearing

- If the notary doesn't agree with the Secretary's decision, the notary can escalate the matter to a formal hearing by requesting an Administrative Hearing.
- The Office of Administrative Hearings is an independent agency that hears contested matters arising out of state regulation.
- The judge will either decide to uphold the Secretary's decision or recommend a reduced disciplinary action.