

**CODE OF THE DISTRICT OF COLUMBIA**

**DIVISION I. GOVERNMENT OF DISTRICT  
TITLE 1. GOVERNMENT ORGANIZATION  
CHAPTER 12. NOTARIES PUBLIC**

**§§ 1-1201- to 1-1215. Notaries public.**

Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

**§§ 1-1216- to 1-1217. Certificates issued by Mayor; authorization for appropriation; inclusion of expenses in Mayor's annual estimates.**

Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

**CHAPTER 12A. REVISED UNIFORM LAW ON NOTARIAL ACTS**

**§ 1-1231.01. Definitions.**

For the purposes of this chapter, the term:

(1) "Acknowledgment" means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Electronic" means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic notary" means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under § 1-1231.19(i).

(4) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(5) "Foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(6) "In a representative capacity" means acting as:

(A) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(7) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of the District. The term "notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

(8) "Notarial officer" or "officer" (except as used in paragraphs (6) and (7) of this section) means a notary public or other individual authorized to perform a notarial act.

(9) "Notarial sealer" means:

(A) A physical device capable of affixing to or embossing on a tangible record an official seal;

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or

(C) A stamping device.

(10) “Notary public” means an individual commissioned by the:

(A) Mayor to perform notarial acts in the District; or

(B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.

(11) “Official seal” means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

(12) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) “Sign” means, with present intent to authenticate or adopt a record, to:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

(15) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(16) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) “Tamper-evident technologies” means technology that is designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.

(18) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

(Dec. 4, 2018, D.C. Law 22-189, § 2, 65 DCR 11606.)

### **§ 1-1231.02. Applicability to future notarial acts.**

This chapter, except for §§1-1231.19(i), 1-1231.20, and 1-1231.21(b), shall apply to notarial acts performed on or after December 4, 2018. Sections 1-1231.19(i), 1-1231.20, and 1-1231.21(b) shall apply to notarial acts performed on or after the applicability date of these provisions.

(Dec. 4, 2018, D.C. Law 22-189, § 3, 65 DCR 11606.)

### **§ 1-1231.03. Authority to perform notarial act.**

(a) A notarial officer may perform a notarial act authorized by this chapter or by law of the District other than this chapter.

(b) A notarial officer shall not perform a notarial act if:

(1) The record is incomplete or blank;

(2) The notarial officer or the officer’s spouse is a party to the record; or

(3) The notarial officer or the officer’s spouse has a direct beneficial interest in the record.

(c) A notarial act performed in violation of this section is voidable.  
(Dec. 4, 2018, D.C. Law 22-189, § 4, 65 DCR 11606.)

**§ 1–1231.04. Requirements for certain notarial acts.**

(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in § 28:3-505(b).  
(Dec. 4, 2018, D.C. Law 22-189, § 5, 65 DCR 11606.)

**§ 1–1231.05. Personal appearance required.**

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

(Dec. 4, 2018, D.C. Law 22-189, § 6, 65 DCR 11606.)

**§ 1–1231.06. Identification of individual.**

(a) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual by means of:

(1) Current government-issued identification that is:

(A) A passport, driver's license, or government-issued nondriver identification card;

or

(B) Another form of government identification issued to an individual, which contains the signature or a photograph of the individual and is satisfactory to the officer;

or

(2) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver's license, or government-issued nondriver identification card.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.  
(Dec. 4, 2018, D.C. Law 22-189, § 7, 65 DCR 11606.)

**§ 1–1231.07. Authority to refuse to perform notarial act.**

(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) The individual executing the record is competent or has the capacity to execute the record; or

(2) The individual’s signature is knowingly and voluntarily made.

(b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by a law other than this chapter.

(Dec. 4, 2018, D.C. Law 22-189, § 8, 65 DCR 11606.)

**§ 1–1231.08. Signature if individual unable to sign.**

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual’s name on the record. The notarial officer shall insert “Signature affixed by [name of other individual] at the direction of [name of individual]” or words of similar import.

(Dec. 4, 2018, D.C. Law 22-189, § 9, 65 DCR 11606.)

**§ 1–1231.09. Notarial act in the District.**

(a) A notarial act may be performed in the District by:

(1) A notary public of the District;

(2) A judge, clerk, or deputy clerk of a court of the District; or

(3) Any other individual authorized to perform the specific act by the law of the District.

(b) The signature and title of an individual performing a notarial act in the District shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

(Dec. 4, 2018, D.C. Law 22-189, § 10, 65 DCR 11606.)

**§ 1–1231.10. Notarial act in another state.**

(a) A notarial act performed in another state shall have the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed in that state is performed by:

(1) A notary public of that state;

(2) A judge, clerk, or deputy clerk of a court of that state; or

(3) Any other individual authorized by the law of that state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in another state shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

(Dec. 4, 2018, D.C. Law 22-189, § 11, 65 DCR 11606.)

**§ 1–1231.11. Notarial act under authority of a federally recognized Indian tribe.**

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of the

District, if the notarial act performed in the jurisdiction of the tribe is performed by:

- (1) A notary public of the tribe;
- (2) A judge, clerk, or deputy clerk of a court of the tribe; or
- (3) Any other individual authorized by the law of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

(Dec. 4, 2018, D.C. Law 22-189, § 12, 65 DCR 11606.)

#### **§ 1–1231.12. Notarial act under federal authority.**

(a) A notarial act performed under federal law has the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed under federal law is performed by:

- (1) A judge, clerk, or deputy clerk of a court;
- (2) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (3) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or
- (4) Any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subsection (a)(1), (2), or (3) of this section shall conclusively establish the authority of the officer to perform the notarial act.

(Dec. 4, 2018, D.C. Law 22-189, § 13, 65 DCR 11606.)

#### **§ 1–1231.13. Foreign notarial act.**

(a) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the notarial act shall have the same effect under the law of the District as if performed by a notarial officer of the District.

(b) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts shall be conclusively established.

(c) The signature and official stamp of an individual holding an office described in subsection (b) shall be prima facie evidence that the signature is genuine and the individual holds the designated title.

(d) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Hague Convention conclusively shall establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(e) A consular authentication issued by an individual designated by the United States

Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively shall establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(Dec. 4, 2018, D.C. Law 22-189, § 14, 65 DCR 11606.)

**§ 1-1231.14. Certificate of notarial act.**

(a) Notarial acts performed shall be evidenced by a certificate. The certificate shall:

- (1) Be executed contemporaneously with the performance of the notarial act;
- (2) Be dated;
- (3) Identify the jurisdiction in which the notarial act is performed;
- (4) Contain the notarial officer's title of office; and
- (5) If the notarial officer is a notary public:
  - (A) Be signed by the notary public in the same manner as on file with the Mayor; and
  - (B) Indicate the date of expiration, if any, of the notary's commission.

(b)(1) If a notarial act regarding a tangible record is performed by a notary public, an official seal shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2), (3), and (4) of this section, an official seal may be affixed to or embossed on the certificate.

(2) If a notarial act regarding an electronic record is performed by an electronic notary and the certificate contains the information specified in subsection (a)(2), (3), and (4) of this section, an official seal shall be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) of this section and it:

- (1) Is in a short form as set forth in § 1-1231.15;
- (2) Is in a form otherwise permitted by the law of the District;
- (3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (4) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in §§ 1-1231.04, 1-1231.05, and 1-1231.06 or law of the District other than this chapter.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in §§ 1-1231.03, 1-1231.04, and 1-1231.05.

(e) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached directly to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the Mayor has issued rules establishing standards pursuant to § 1-1231.31 for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

(Dec. 4, 2018, D.C. Law 22-189, § 15, 65 DCR 11606.)

**§ 1-1231.15. Short forms.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by § 1-1231.14(a) and (b):

“(1) For an acknowledgment in an individual capacity:

“District of Columbia

“This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

“

\_\_\_\_\_  
“Signature of notarial officer

“[Seal]

“[\_\_\_\_\_]

“Title of office

“[My commission expires: \_\_\_\_\_]

“(2) For an acknowledgment in a representative capacity:

“District of Columbia

“This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

“as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

“

\_\_\_\_\_  
“Signature of notarial officer

“[Seal]

“[\_\_\_\_\_]

“Title of office

“[My commission expires: \_\_\_\_\_]

“(3) For a verification on oath or affirmation:

“District of Columbia

“Signed and sworn to (or affirmed) before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

“making statement.

“

\_\_\_\_\_  
“Signature of notarial officer

“[Seal]

“[\_\_\_\_\_]

“Title of office

“[My commission expires: \_\_\_\_\_]

“(4) For witnessing or attesting a signature:

“District of Columbia

“Signed [or attested] before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

“

\_\_\_\_\_  
“Signature of notarial officer

“[Seal]

“[\_\_\_\_\_]

“Title of office

“[My commission expires: \_\_\_\_\_]

“(5) For certifying a copy of a record:

“District of Columbia

“I certify that this is a true and correct copy of a record in the possession of \_\_\_\_\_.

“Dated \_\_\_\_\_  
“  
\_\_\_\_\_  
“Signature of notarial officer  
“[Seal]  
“[\_\_\_\_\_]”  
“Title of office  
“[My commission expires: \_\_\_\_\_]”.  
(Dec. 4, 2018, D.C. Law 22-189, § 16, 65 DCR 11606.)

**§ 1–1231.16. Official seal.**

- (a) The official seal of a notary public in the District shall:
- (1) Include the following:
    - (A) The notary public’s name, exactly stated on the commission;
    - (B) The words “District of Columbia”;
    - (C) The commission expiration date; and
    - (D) Other information required by the Mayor; and
  - (2) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.
- (b) The Mayor shall issue rules regarding the size and form of the seal.  
(Dec. 4, 2018, D.C. Law 22-189, § 17, 65 DCR 11606.)

**§ 1–1231.17. Notarial sealer.**

- (a) A notary public shall be responsible for the security of the notary’s notarial sealer and shall not allow another individual to use the notarial sealer to perform a notarial act. Upon the death, resignation, or removal from office of a notary public, the notary’s records, including all the official papers, shall be deposited with the Mayor.
- (b) If a notary public’s notarial sealer or signature is lost, stolen, damaged, or otherwise incapable of affixing a legible image, the notary, or the notary’s personal representative or guardian shall promptly notify the Mayor.  
(Dec. 4, 2018, D.C. Law 22-189, § 18, 65 DCR 11606.)

**§ 1–1231.18. Journal.**

- (a) A notary public shall maintain a journal in which the notary public records all notarial acts that the notary public or electronic notary performs. The notary public shall retain the journal until required to transmit the journal to the Mayor under subsections (e) and (f) of this section.
- (b)(1) A journal may be created on a tangible medium or in an electronic format.  
(2) A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the rules issued by the Mayor.
- (c) An entry in a journal shall be made contemporaneously with performance of the notarial act and contain the following information:
- (1) The date and time of the notarial act;
  - (2) A description of the record, if any, and type of notarial act;
  - (3) The full name and address of each individual for whom the notarial act is performed;
  - (4) If the identity of the individual is based on personal knowledge, a statement to that

effect;

(5) If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of an identification credential when such a credential is used;

(6) The fee, if any, charged by the notary public; and

(7) The signature of each individual for whom the notarial act is performed.

(d) If a notary public's journal is lost or stolen, the notary promptly shall notify the Mayor upon discovering that the journal is lost or stolen.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary shall transmit the journal to the Mayor.

(f) On the death or adjudication of incompetency of a current or former notary public, the notary's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Mayor.

(Dec. 4, 2018, D.C. Law 22-189, § 19, 65 DCR 11606.)

**§ 1-1231.19. Commission as notary public; endorsement as an electronic notary; qualifications; no immunity or benefit.**

(a) An individual qualified under subsection (c) of this section may apply to the Mayor for a commission as a notary public. An applicant shall comply with and provide the information required by the rules issued by the Mayor and pay the application fee.

(b) The Mayor shall issue rules setting an application fee; provided, that the application fee shall not be less than \$75; provided further, that there is no application fee for a notary public in the service of the governments of the United States or District of Columbia whose notarial duties are confined solely to official government business.

(c) An applicant for a commission as a notary public shall:

(1) Be at least 18 years of age;

(2) Be a citizen or permanent legal resident of the United States;

(3) Be a resident of or have a primary place of employment or practice in the District;

(4) Not be disqualified to receive a commission under § 1-1231.22; and

(5) Meet any other qualifications prescribed by rules issued by the Mayor.

(d) Before issuance of a commission as a notary public, an applicant for the commission shall:

(1) Take the oath prescribed for civil officers in the District;

(2) Complete a training class provided by the Mayor;

(3) File the notary's signature and deposit an impression of the notary's official seal with the Mayor; and

(4) Indicate, on a form provided by the Mayor, the language(s) of records in which the applicant intends to perform notarial acts; provided, that the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act.

(e) Except as provided in subsection (f) of this section, before issuance of a commission as a notary public, the applicant shall submit to the Mayor an assurance in the form of a surety bond or its functional equivalent in the amount of \$2,000, or other amount prescribed by rules issued by the Mayor. The assurance shall be issued by a surety or other entity licensed or authorized to do business in the District. The assurance shall cover acts performed during the term of the notary public's commission and shall be in the form prescribed by the Mayor. If a notary public violates law with respect to

notaries public in the District, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give 30-days' notice to the Mayor before canceling the assurance. The surety or issuing entity shall notify the Mayor not later than 30 days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in the District only during the period that a valid assurance is on file with the Mayor.

(f) A notary public commissioned on behalf of the government of the District of Columbia is exempt from the requirement of a surety bond under subsection (e) of this section.

(g) Upon an applicant's compliance with this section, the Mayor shall issue a commission as a notary public to an applicant for a term of 5 years subject to removal pursuant to § 1-1231.22. A certificate issued by the Mayor granting this commission shall be signed by the Secretary of the District of Columbia or the Secretary's designee.

(h) A commission to act as a notary public authorizes the notary public to perform notarial acts only within the District. The commission does not provide the notary public any immunity or benefit conferred by law of the District on public officials or employees.

(i) Not Funded.

(Dec. 4, 2018, D.C. Law 22-189, §§ 20, 35(a), 65 DCR 11606.)

Applicability

Applicability of D.C. Law 22-189: § 35 of D.C. Law 22-189 provided that the creation of subsection (i) of this section by § 20 of D.C. Law 22-189 is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

#### **§ 1-1231.20. Requirement of endorsement as electronic notary; selection of technology. [Not Funded]**

Not Funded.

(Dec. 4, 2018, D.C. Law 22-189, § 21, 65 DCR 11606.)

Applicability

Applicability of D.C. Law 22-189: § 35 of D.C. Law 22-189 provided that the creation of this section by § 21 of D.C. Law 22-189 is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

#### **§ 1-1231.21. Mandatory training of a notary public.**

(a) An applicant for a commission as a notary public in the District that does not already hold such a commission from the Mayor shall satisfactorily complete the training provided by the Mayor.

(b) Not Funded.

(Dec. 4, 2018, D.C. Law 22-189, §§ 22, 35(a), 65 DCR 11606.)

Applicability

Applicability of D.C. Law 22-189: § 35 of D.C. Law 22-189 provided that the creation of subsection (b) of this section by § 22 of D.C. Law 22-189 is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

#### **§ 1-1231.22. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.**

(a) The Mayor may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) Failure to comply with this chapter;

(2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Mayor;

(3) A conviction of an applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit, including fraud, forgery, deceptive labeling, counterfeiting, false personation, perjury, false statements, tampering with physical evidence, or theft previously known as larceny, larceny by trick, larceny by trust, embezzlement, or false pretenses;

(4) A finding against, or admission of liability by, an applicant or notary public in any legal proceeding or disciplinary action based on an applicant's or notary public's fraud, dishonesty, or deceit;

(5) Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the Mayor, or any federal or state law;

(6) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;

(7) Violation by the notary public of a rule issued by the Mayor regarding a notary public;

(8) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or

(9) Failure of the notary public to maintain an assurance as provided in § 1-1231.19(e).

(b) If the Mayor denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing before the Office of Administrative Hearings pursuant to § 2-1831.03(b-20).

(c) The authority of the Mayor to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public shall not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.  
(Dec. 4, 2018, D.C. Law 22-189, § 23, 65 DCR 11606.)

### **§ 1-1231.23. Fees.**

(a)(1) A notary public may charge fees for performing notarial acts as established by the Mayor by rule issued pursuant to § 1-1231.31.

(2) A notary public who is exempted from the payment of the application fee pursuant to § 1-1231.19(b) shall not collect a notary fee.

(b) A notary public may charge, upon agreement of the person to be charged, an amount not-to-exceed the actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place where the notary public performs notarial acts. Traveling expenses shall be in writing, itemized, and separate from the fee for the notarial act.

(c) A notary public may waive a scheduled fee or charge an amount less than the scheduled fee.

(d) A notarial officer other than a notary public shall not charge a fee for performing notarial acts.

(Dec. 4, 2018, D.C. Law 22-189, § 24, 65 DCR 11606.)

### **§ 1-1231.24. Notaries public electronic database.**

The Mayor shall maintain an electronic database of notaries public commissioned in the District that is accessible to the public and available at no cost. The database shall note whether a notary public has the electronic notary endorsement pursuant to § 1-1231.19(i).

(Dec. 4, 2018, D.C. Law 22-189, § 25, 65 DCR 11606.)

**§ 1–1231.25. Prohibited acts.**

(a) A commission as a notary public shall not authorize an individual to:

(1) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) Receive compensation for performing any of the activities listed in this subsection.

(b) A notary public shall not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in the District, shall not use the term “notario” or “notario publico”.

(d) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in the District in any manner advertises or represents that the notary offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, then the notary shall include the following statement, or an alternate statement pursuant to rules issued by the Mayor, in the advertisement or representation, prominently and in each language used in the advertisement or representation: “I am not an attorney licensed to practice law in the District. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.” If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(f) A notary public shall not charge a higher fee than permitted in rules issued by the Mayor.

(Dec. 4, 2018, D.C. Law 22-189, § 26, 65 DCR 11606.)

**§ 1–1231.26. Validity of notarial acts.**

Except as otherwise provided in § 1-1231.03(c), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter shall not invalidate a notarial act performed by the officer. The validity of a notarial act under this chapter shall not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of the District other than this chapter or law of the United States. This section shall not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

(Dec. 4, 2018, D.C. Law 22-189, § 27, 65 DCR 11606.)

**§ 1–1231.27. Existing notary public commission.**

A commission as a notary public in effect on December 4, 2018 shall continue until its date of expiration. A notary public who applies to renew a commission as a notary public on or after December 4, 2018 is subject to and shall comply with this chapter. A

notary public, in performing notarial acts after December 4, 2018, shall comply with this chapter.

(Dec. 4, 2018, D.C. Law 22-189, § 28, 65 DCR 11606.)

**§ 1–1231.28. Savings clause.**

(a) This chapter shall not affect the validity or effect of a notarial act performed before December 4, 2018.

(b) A notary public appointed before December 4, 2018 shall continue in such capacity until the expiration of the notary’s commission.

(Dec. 4, 2018, D.C. Law 22-189, § 29, 65 DCR 11606.)

**§ 1–1231.29. Uniformity of application and construction.**

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of this chapter with respect to its subject matter among states that enact it.

(Dec. 4, 2018, D.C. Law 22-189, § 30, 65 DCR 11606.)

**§ 1–1231.30. Relation to electronic signatures in global and national commerce act.**

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 et seq.), but does not modify, limit, or supersede section 101(c) (15 U.S.C. § 7001(c)) of that act, or authorize electronic delivery of any of the notices described in section 103(b) (15 U.S.C. § 7003(b)) of that act.

(Dec. 4, 2018, D.C. Law 22-189, § 31, 65 DCR 11606.)

**§ 1–1231.31. Rules.**

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

(b) Rules issued regarding the performance of notarial acts with respect to electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification.

(Dec. 4, 2018, D.C. Law 22-189, § 32, 65 DCR 11606.)

**DIVISION V. LOCAL BUSINESS AFFAIRS.  
TITLE 28. COMMERCIAL INSTRUMENTS AND TRANSACTIONS.  
SUBTITLE II. OTHER COMMERCIAL TRANSACTIONS.  
CHAPTER 49. UNIFORM ELECTRONIC TRANSACTIONS.**

**§ 28-4910. Notarization and acknowledgment.**

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

(Oct. 3, 2001, D.C. Law 14-28, § 3502(b), 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 64, 51 DCR 881.)

**DIVISION VII PROPERTY  
TITLE 42. REAL PROPERTY  
SUBTITLE I GENERAL  
CHAPTER 1. ACKNOWLEDGMENTS**

**SUBCHAPTER I. GENERAL**  
**PART A. ACKNOWLEDGMENTS OF DEEDS**

**§ 42-101. No acknowledgment of deed by attorney.**

(a) A general or specific power of attorney executed by a person authorizing an attorney-in-fact to sell, grant, or release any interest in real property shall be executed in the same manner as a deed and shall be recorded with or prior to the deed executed pursuant to the power of attorney. If the power of attorney is recorded prior to the deed executed pursuant to the power of attorney, the deed being executed pursuant to the power of attorney shall include a recording date and instrument number reference of where the original recorded power of attorney is located in the Office of the Recorder of Deeds for the District of Columbia. All powers of attorney executed in accordance with this section shall contain on the top of the front page, in bold and capital letters, the following words: “THIS POWER OF ATTORNEY AUTHORIZES THE PERSON NAMED BELOW AS MY ATTORNEY-IN-FACT TO DO ONE OR MORE OF THE FOLLOWING: TO SELL, LEASE, GRANT, ENCUMBER, RELEASE, OR OTHERWISE CONVEY ANY INTEREST IN MY REAL PROPERTY AND TO EXECUTE DEEDS AND ALL OTHER INSTRUMENTS ON MY BEHALF, UNLESS THIS POWER OF ATTORNEY IS OTHERWISE LIMITED HEREIN TO SPECIFIC REAL PROPERTY.”

(b) A person with a general or specific power of attorney executing a deed for another shall sign and acknowledge the deed as attorney-in-fact.

(c) A power of attorney is deemed to be revoked when the instrument containing the revocation is recorded in the Office of the Recorder of Deeds for the District of Columbia. A person revoking a power of attorney shall sign and acknowledge the instrument containing the revocation. Notwithstanding the above, any attorney-in-fact receiving written notice of the revocation by the party who granted the power of attorney shall cease from any further action as attorney-in-fact on behalf of the party who granted the power of attorney. The instrument of revocation should reference the recording date and instrument number of the original power of attorney. A person granting a power of attorney may revoke the power to convey real property without affecting any other powers contained in the original power of attorney by reciting in the revocation that the revocation of the power to convey real property shall not affect the remaining powers granted in the original power of attorney.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 498; Apr. 27, 1994, D.C. Law 10-110, § 2(b), 41 DCR 1023.)

**PART B. ACKNOWLEDGMENT IN U.S. TERRITORIES**

**§ 42-111. Acknowledgments in Guam, Samoa, and Canal Zone.** Deeds and other instruments affecting land situate in the District of Columbia may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public; provided, that the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, 34 Stat. 552, ch. 3585.)

**§ 42-112. Acknowledgments in Philippine Islands and Puerto Rico.** Deeds and other instruments affecting land situate in the District of Columbia may be acknowledged in the Philippine Islands and Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public; provided, that the certificate by such notary in the Philippine Islands or in Puerto Rico, as the case may be, shall be accompanied by the certificate of the Executive Secretary of Puerto Rico, or the Governor or Attorney General of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be. (Mar. 22, 1902, 32 Stat. 88, ch. 273; Mar. 2, 1917, 39 Stat. 968, ch. 145, § 54; May 17, 1932, 47 Stat. 158, ch. 190.)

### **PART C. REPEALED PROVISIONS**

**§§ 42-121 to 42-123. Manner of acknowledgment; form of certificate; acknowledgment out of District; acknowledgment in foreign country.**  
Repealed. (Mar. 6, 1991, D.C. Law 8-205, § 12(a), 37 DCR 8444.)

**§§ 42-124 to 42-129. Certain defective acknowledgments prior to March 3, 1879, validated.**  
Repealed. (Apr. 21, 1994, D.C. Law 10-110, § 4, 41 DCR 1023.)

### **SUBCHAPTER II. UNIFORM NOTARIAL ACTS**

**§§ 42-141 to 42-148. Uniform notarial acts.**  
Repealed (Dec. 4, 2018, D.C. Law 22-189, § 34, 65 DCR 11606.)

### **CHAPTER 12A UNIFORM REAL PROPERTY ELECTRONIC RECORDING.**

**§ 42-1232. Validity of electronic documents and digitized images.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document or digitized image that satisfies this act satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature or digitized image of a wet signature on a paper document satisfies the law.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal is not required to accompany an electronic signature.

(Oct. 18, 2005, D.C. Law 16-25, § 3, 52 DCR 8084.)

### **DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS**

#### **TITLE 17. BUSINESS, OCCUPATIONS, AND PROFESSIONS CHAPTER 24. NOTARIES PUBLIC**

**17-2400. Appointment of Notaries.**

**2400.1** New appointments of notaries public shall be made to serve the needs and

convenience of members of the public, the bar, financial institutions, and other fiduciary bodies.

**2400.2** The District of Columbia Office of the Secretary, Office of Notary Commissions and Authentications Section, may appoint citizens of the United States who are residents of the District of Columbia or whose sole place of business or employment is located in the District.

**2400.3** Any person requesting an appointment as a notary public in the District of Columbia shall be at least eighteen (18) years of age.

**2400.4** Each person requesting an appointment as a notary public shall indicate to the Office of Notary Commissions and Authentications (ONCA) the hours during which he or she will be available at a designated place of business in the District or if a residential notary the hours he or she will be available in the residence.

**2400.5** Requests for an appointment as a notary public by a privately employed or self-employed person shall be made by the employer or an official of the company or business in which the applicant is employed. The employer's letterhead must have a District of Columbia physical address and phone number.

**2400.6** Request for an appointment as a notary public by a government employee shall be made by the employer or an official of the government office in which the applicant is employed.

**2400.7** An individual requesting a residential appointment as a notary public must submit the request in writing on his or her official letterhead. The letterhead must have a District of Columbia address and phone number.

**2400.8** Applications for dual commissions (business and residential), shall include a both a letter from the employer and a letter from the individual.

**2400.9** A letter requesting an appointment of a notary public shall include:

(a) For business notaries, the reasons the business or government needs the individual to serve as a notary and how that will improve the service to the customers, public and others; and

(b) For residential notaries, the individual should state how they intend to use their commission to serve the public, their community and others.

**2400.10** Letters requesting appointment shall be sent to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street N.W., Suite 810 South, Washington D.C. 20001.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2401. Government Employees.**

**2401.1** A person employed in an executive department or other government office shall

not be appointed or reappointed a notary public to function for the government business unless his or her appointment is requested by the head of the department or office or designee to facilitate the transaction of government business.

**2401.2** The commission of a government employee shall be terminated when the employee leaves government service. The notary must notify ONCA and return his or her official notary seal to the ONCA office (see Section 2409 on the Expiration of Commission).

**2401.3** Government employees who desire to exercise notarial powers other than in connection with their government work, or in addition to that work, may be granted a separate residential commission upon submission of an application and upon compliance with the appointment requirements.

**2401.4** Government employees who have dual commissions (business and residential) may not charge any fee for notarial service performed during hours of active duty as a government employee.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

#### **17-2402. Application and Orientation; Reappointment.**

**2402.1** Application shall be made on the form furnished by the Office of Notary Commissions and Authentications at 441 4 [th]Street N.W., Suite 810 South, Washington D.C. 20001, or online at <http://os.dc.gov/service/notary-commissions>.

**2402.2** Each application shall include the names, addresses, phone number, and email address of two (2) individuals who can attest to the character of the applicant. The references may not include family members or the employer submitting the letter of request.

**2402.3** Each candidate applying for a new appointment, or applying for reappointment after more than twelve (12) months, shall be required to attend an orientation session provided by ONCA.

**2402.4** District notary publics are appointed for a renewable five (5)-year term, and may apply for reappointment at the end of the term.

**2402.5** A notary public applying for reappointment shall submit the reappointment application, furnished by ONCA, by the deadline indicated by ONCA. A reappointment only applies to those who have been a notary in the District of Columbia within twelve (12) months of commission expiration. A notary whose commission has been expired for more than twelve (12) months must apply as a new applicant.

**2402.6** A notary in another jurisdiction must apply as a new applicant.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2403. Commission Fees, Oath, and Surety Bond Requirements.**

**2403.1** Each notary public, before obtaining his or her commission, and for each renewal of his or her commission, shall pay to the District of Columbia Treasurer an application fee of seventy-five dollars (\$ 75.00). District and federal government employees whose notarial duties are confined solely to official government business are exempt from the application fee.

**2403.2** Before entering upon the duties of the office, each notary public will take the Oath of Office administered by an official of ONCA. The names and business addresses of all approved notary publics will be published in the D.C. Register.

**2403.3** Before entering upon the duties of the office, each notary public shall give bond to the District of Columbia in the sum of two thousand dollars (\$ 2,000), with security, to be approved by ONCA, for the faithful discharge of the duties of the office.

**2403.4** District of Columbia Government employees whose notarial duties are confined solely to government official business are not required to obtain an individual surety bond, but may be covered by bond obtained by the Mayor of the District of Columbia. Federal government employees are required to obtain an individual surety bond.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2404. Signatures and Seals.**

**2404.1** Each notary public commissioned in the District shall file his or her official signature and an impression of his or her official seal with ONCA.

**2404.2** A notary shall keep an official seal that is the exclusive property of the notary. When not in use, the seal shall be kept secure and accessible only to the notary. In addition:

(a) A business notary who no longer is employed by that business may take his or her commission with him or her upon the approval of the business. If the business does not consent to the continuation of the commission, the commission shall be terminated.

(b) Upon termination of a commission, a notary shall return the notary seal to ONCA.

**2404.3** The seal shall not be possessed or used by any other person, nor be used for any purpose other than performing lawful notarizations.

**2404.4** An official notary seal shall include the following elements:

(a) The notary's name at the top, exactly as indicated on the commission;

(b) The words "Notary Public" in the center

(c) The words "District of Columbia" at the bottom

(d) The expiration date in the center

(e) A border in a circular shape no larger than one and three-quarters inches (1.75 in.) surrounding the required words.

**2404.5** A notary public shall affix his or her official signature and official seal on every document notarized, at the time the notarial act is performed.

**2404.6** A seal impression inker shall be used in conjunction with the official seal, making the impression legible, permanent, and photographically reproducible.

**2404.7** In the case that the document being notarized is made of a non-porous material, such as Mylar or a similar material to which standard ink will not adhere, an embossed seal shall be used alone or in conjunction with a non-porous, permanent ink that dries through evaporation, which will adhere without smearing.

**2404.8** Notaries public commissioned prior to December 15, 2010, may use an official seal that does not comply with Subsection 2404.4 provided that seal is made visible with a seal impression inker and coupled with an expiration stamp on all notarizations.

**2404.9** Notaries public commissioned on or after December 15, 2010, must obtain a seal impression inker that complies with Subsection 2404.4 upon being newly- or re-appointed.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

### **17-2405. Notary Sign.**

**2405.1** Each notary public must exhibit a sign.

**2405.2** The provisions of this section do not apply to notaries functioning in the government service.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

### **17-2406. Notary Public Procedures and Fees.**

**2406.1** Each notary public shall have the authority as follows:

- (a) To take and to certify the acknowledgement or proof of powers of attorney, mortgages, deeds, and other instruments of writing;
- (b) To take depositions;
- (c) To administer oaths and affirmations;
- (d) To take affidavits to be used before any court, judge, or officer within the District;
- (e) To demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and nonpayment;
- (f) To demand acceptance of inland bills of exchange and payment thereof, and of promissory notes and checks, and may protest the same for non-acceptance and nonpayment;
- (g) To exercise such other powers and duties notary publics are authorized by the law of nations and according to commercial usages; and
- (h) To exercise such other powers and duties notary publics are authorized by the law of any state or territory of the United States, or any foreign government in amity with the United States;

**2406.2** Fees. Notary publics may not charge more than \$5.00 per notarial act.

**2406.3** Any notary public who shall take a higher fee than is prescribed by Subsection 2409.2

shall pay a fine of \$100 and be removed from office.

**2406.4** A notary is prohibited from a notarial act in matters in which the notary is a signatory; employed as counsel, attorney, or agent; or in any way directly interested in the matter.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

### **17-2407. Notary Public Records.**

**2407.1** Each notary public shall keep a fair record of all official acts performed, and when required, provide a certified copy of any record in his office to any person upon payment of the fees incurred. Based on national standard practices, the Office of Notary Commissions and Authentications recommends that each notary's log include the:

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

**2407.2** The certificate of a notary public, under hand and seal of office, drawn from the notary public's record, stating the protest and the facts recorded in the record, shall be accepted as evidence of the facts in like manner as an original protest.

**2407.3** The log may be kept by hard copy or electronically, but if electronically, a record of the signature of the person who had the document notarized should be saved. All signatures must be completed in person. No electronic signatures shall be accepted.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

### **17-2408. Changes in Name, Address, or Office Hours.**

**2408.1** Each notary shall inform ONCA promptly of any change in name, address, or phone number. No fees will be charged for a change of name or address.

**2408.2** If a notary changes a place of business, the individual should provide a letter from the new employer providing the name, physical address, and phone number of the new place of employment. If a notary changes his or her name, the individual shall provide ONCA with a copy of the legal document showing the change of name and shall come into the office to provide a new impression of their seals.

**2408.3** Notaries should also inform the surety bond company of the change of name or address; order new seal(s); and provide a new impression of the seal with ONCA.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2409. Expiration of Commission.**

**2409.1** Notary commissions expire at the end of the five year term or upon resignation of the commission. (See Section 2402 on Reappointment). 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, at: Secretary of the District of Columbia Attention: Office of Notary Commissions and Authentications, 441 4th Street N.W., Suite 810 South, Washington D.C. 20001. Notification may also be sent by email to: notary@dc.gov

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2410. Denial or Revocation of Commission.**

**2410.1** The Office of Notary Commissions and Authentications may refuse to issue a commission to an applicant or may remove a notary public from office upon determining that the action is necessary in view of the conditions and restrictions as provided in this chapter and by law, as well as upon written complaints received by the Secretary of the District of Columbia.

(a) 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 incomplete, it will be returned and may be re-submitted.

(b) 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.

**2410.2** A notice, in writing, of a determination to deny or revoke a commission shall be given by ONCA to the person concerned.

**2410.3** The notice of determination shall explain the following:

(a) The nature of and grounds for the action;

(b) The right of the person concerned to be heard on the matter; and

(c) The finality of the decision to deny or revoke a commission unless the person concerned requests a hearing on the matter by filing a petition for review with the Office of Administrative Hearings.

**2410.4** Applicants denied a notary commission or removed from office may file a petition for review of the decision. The petition for review will be governed by the Office of Administrative Hearings Rules of Practice and Procedure as set forth in 1 DCMR Chapter 28.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2411. Filing a Petition for Review of Adverse Notary Commission Decision.**

**2411.1** A petition for review shall be sent to the Office of Administrative Hearings (OAH),

pursuant to 1 DCMR § 2808, within twenty (20) days after service of the notice to deny or revoke a license.

**2411.2** The petition for review may be delivered as follows:

- (a) By certified letter to the Office of Administrative Hearings, 441 Fourth Street, N.W., Suite 450 North, Washington D.C. 20001;
- (b) By email, pursuant to the procedures in 1 DCMR § 2841;
- (c) By fax, to (202) 442-4789.

**2411.3** To file any paper at OAH, a person must bring, mail, fax, or have the paper delivered to the Clerk's office during regular business hours from 9:00 a.m. to 5:00 p.m. on a business day. A paper is filed on the day the Clerk's office receives it during business hours, except as provided in Subsections 2411.4 and 2411.5.

**2411.4** The filing date of a fax transmission will be determined as follows:

- (a) The filing date is the date on which the fax is received in the Clerk's office between the hours of 9:00 a.m. and 5:00 p.m. If a paper is received on a date or at a time when the Clerk's office is not open, the paper shall be deemed to have been filed when the Clerk's office is next open.
- (b) A party filing a paper by fax is responsible for delay, disruption, interruption of electronic signals, and legibility of the paper, and accepts the risk that the paper may not be filed.
- (c) Any incomplete or illegible fax will not be considered received unless a hard copy of the fax is filed or a complete and legible fax is received within three (3) calendar days of the first transmission. In a response to a motion, the Administrative Law Judge may extend this time.

**2411.5** The filing date for an e-mail filing received between 9:00 a.m. and 5:00 p.m. on any OAH business day will be the date it is received in the correct OAH electronic mailbox. The filing date for an e-mail filing received at other times will be the next day that the Clerk's Office is open for business. The date and time recorded in the correct OAH electronic mailbox shall be conclusive proof of when it was received.

**2411.6** The petition for review shall be signed by the petitioner and shall follow the guidance for requesting a hearing with the Office of Administrative Hearings pursuant to 1 DCMR § 2808, include the following:

- (a) A request for review of the decision of ONCA;
- (b) A statement of why the petitioner believes the decision of ONCA was in error;
- (c) A copy of the notice denying or revoking the notary commission;
- (d) The petitioner's full name, address, telephone numbers, and email address, if available; and
- (e) If the petitioner will be represented by legal counsel, the name, address, email address, and telephone number of that legal counsel.

**2411.7** OAH shall, after receipt of the petition of review, notify the petitioner concerned of the time and place of a hearing. Hearings shall be governed by OAH Rules of Practice and Procedure, as set forth in 1 DCMR Chapter 28.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2412. Certification (Authentications) of Notaries Public and Certification of Records.**

**2412.1** The Secretary of the District of Columbia shall issue certifications (authentications) of seals and signatures of notaries appointed in the District of Columbia pursuant to Section 588 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code § 1-1201), and this chapter.

**2412.2** The Secretary of the District of Columbia shall issue certifications of the signatures of the District of Columbia governmental officials who are required to sign documents of public records. The certifications shall be as follows:

(a) A Certificate: For documents that will be used within the United States, generally for interstate commerce.

(b) Department Head Certificate: For documents that require the signature of an agency head (or his or her designee) and the official seal of the agency.

(c) Apostille: For documents destined for countries that are parties to the Hague Convention.

(d) Foreign Certificate: For documents destined for countries that are not parties to the Hague Convention.

**2412.3** A fee of fifteen dollars (\$ 15.00) per certificate shall be charged for the issuance of District certifications under this section. The certifications will be issued through the Office of Notary Commissions and Authentications.

**2412.4** For procedures on obtaining notarizations in other state or foreign jurisdictions that will be recognized in the District of Columbia, please see D.C. Official Code §§ 42-141 et seq.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).

## **17-2499. Definitions.**

When used in this chapter, the following terms and phrases shall have the meanings ascribed as follows:

**Business Notary** - A business notary public is an individual who is employed by a business physically operating in the District of Columbia, but who may or may not reside in the District, and exercises notarial functions on behalf of his or her employer.

A person may also apply to be a “government” notary public if they obtain a business commission in their role as a government employee, providing the agency is physically located in the District of Columbia. The notarial functions may only be exercised on behalf of the government employer. The application is submitted to ONCA as a Business application, but no fee is required.

## District - The District of Columbia

Dual Commission - A District of Columbia resident who desires to exercise notarial functions from his/her personal residence in the District 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.

## ONCA - The Office of Notary Commissions and Authentications

Residential Notary - A residential notary public resides in and performs notarial functions from his/her personal residence in the District of Columbia. 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.

SOURCE: Final Rulemaking published at 63 DCR 3573 (March 4, 2016); Final Rulemaking published at 63 DCR 10932 (August 26, 2016); and Final Rulemaking published at 64 DCR 2791 (March 17, 2017).