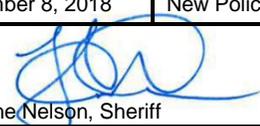




DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Notary Public	Effective Date: September 8, 2015	Policy Number: 4.42	
Accreditation Reference:	Review Date: September 8, 2018	Supercedes: New Policy	Pages: 3
Attachments:	 L. Shane Nelson, Sheriff		

I. PURPOSE

The purpose of this policy is to provide guidelines to employees who perform notary public duties for the Sheriff's Office.

These guidelines are necessary to reduce the legal risks to the Sheriff's Office and the notary due to improper notarial acts.

II. POLICY

A notary public is an important function related to the business needs of the Sheriff's Office. Employees who perform notary duties assist administration by notarizing documents that are used in the course of Sheriff's Office official business.

III. DEFINITIONS

Notary Public is an individual commissioned by the Secretary of State to perform a notarial act.

IV. PROCEDURES

A. Notary Public Employees

If the Sheriff's Office pays the application fee and purchases the notary stamp and journal, the employee shall enter into an agreement with the Sheriff's Office regarding the notary's services.

Although a notary has an ethical obligation to serve as a notary public and the public needs access to the services of notaries, under Oregon law, an employer may limit access to employee notaries during work hours.

Employees shall only perform notarial acts pertaining to official Sheriff's Office business during their working hours. Notarization for colleagues on work premises for non-official business shall be done during breaks or after working hours. The Sheriff's Office does not control notarizations done on breaks or after work hours.

B. Notary Training

First-time notary applicants shall take a mandatory training course and pass an exam. Notaries that are re-applying after their commission expiration shall participate in a free training course which can be taken in person or online. All notaries are encouraged to subscribe to the Secretary of State's Notary News online newsletter. The website provides notification of training classes and important changes to the law that impact Oregon notaries.

C. Notary Stamp and Journals

Since an individual, not an employer, is commissioned as a notary public, the notary stamp and journal(s) are the responsibility of the notary. The notary shall control and safeguard the stamp and journal(s) at all times. The stamp and the journal(s) shall be kept in a secure location that only the notary can access. The notary shall notify the Secretary of State when a journal or stamp is lost or stolen.

Each notary for the Sheriff's Office shall enter into a signed [Notarial Journal Agreement](#) stipulating that the journal(s) regarding Sheriff's Office business shall remain with the Sheriff's Office when the employee separates, per ORS 194.300(10). Journals retained by the Sheriff's Office will be stored in a secure area designated by the Sheriff for a minimum of 10 years after the last notarial act noted in the journal.

The notary stamp, however, belongs to the notary and shall not be retained by the Sheriff's Office once employment has been terminated.

A separate journal shall be maintained to document notarial acts outside of official Sheriff's Office business.

D. Management of Notary Employees

The Administrative Lieutenant oversees the Sheriff's Office notaries. Employees shall obtain permission from the Administrative Lieutenant to apply to the Secretary of State. The employee is responsible for updating notary information to the Secretary of State, including renewals, name changes and address changes.

The notary public is responsible for knowing and understanding Oregon laws and administrative rules relating to notaries.

E. Notary Complaints

Complaints filed against Sheriff's Office notaries shall be handled in accordance with OAR 160-100-0430. The notary shall disclose the contents of their notary journal or journals as part of any investigative process. The notary shall provide accurate, true and complete copies of the requested information, and/or the journal in question, for examination by the Secretary of State.

Deschutes County is self-insured, and shall cover litigation fees resulting from notary complaints regarding a notarial act completed for official Sheriff's Office business.

V. FEES

Notaries shall keep track in a journal of the amounts charged for notarizations and whether the notary receives the fee as personal income or if the fee is collected on the job and turned over to the Sheriff's Office.

A. Fee Schedule

Notarizations for the general public regarding Sheriff's Office official business shall charge pursuant to the Deschutes County Law Enforcement District #1 Fee Schedule. This fee shall be turned over to the Sheriff's Office once collected.

Notarizations for County employees regarding Sheriff's Office official business shall be charged at the discretion of the Notary Public. Notaries who do charge for their service shall do so in a consistent and non-biased manner.

The Sheriff's Office does not control fees charged by the notary outside of working hours, or for non-official Sheriff's Office business.

B. Waiver of Fees

A notary public may file with the Secretary of State a statement waiving the right to charge a notary fee. If a notary public has signed the waiver, the notary doesn't have the option to charge, however, the Sheriff's

Office shall collect notary fees per ORS 194.400(5) for acts performed by the notary for the Sheriff's Office.

Not signing the waiver of fees does not require the notary public to charge. Charging is an option, not a requirement, and shall be determined by the notary public.