STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE CIVIL-LAW NOTARIES DIVISION ADMINISTRATIVE CODE

CHAPTER 820-6-1 CERTIFICATION

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820-6-1-.01 Application.

(1) Alabama Civil-Law Notaries appointed pursuant to this rule may continue to use the title "Alabama International Notary" wherever that title is used or required to be used under this rule. Persons wishing to be appointed by the Secretary of State as Alabama Civil-Law Notaries may request an application by writing to the following address and requesting a Form ACLN-1 "Application for Appointment as an Alabama Civil-Law Notary" which form is appended to this Division. All other forms discussed in this rule may be obtained by writing the same address:

Office of the Secretary of State
Legal Division
P.O. Box 5616
Montgomery, AL 36103

(2) The application to become an Alabama Civil-Law Notary must be complete and on the Form ACLN-1 prescribed by the Secretary of State as set forth in the Appendix to this Division. The application must be accompanied by:

(a) A certificate of good standing from the Supreme Court of Alabama issued within 90 days of the date of application showing that the applicant is currently a member of the Alabama Bar and has been a member of the Alabama Bar for at least five years.

(b) An application processing fee in the amount of one hundred dollars.

Author: Charles E. Grainger, Jr.
Statutory Authority: Code of Ala. 1975, §§36-20-50, et seq.
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820-6-1-.02 Appointment, Revocation, Voluntary Resignation.

(1) Upon completion of each examination session and after the examinations are scored, the testing authority shall promptly forward the examination results to the Office of the Secretary of State. The Office of the Secretary of State shall then notify the applicants of their respective test scores and shall appoint those persons with satisfactory scores of 70% as Alabama Civil-1aw Notaries.

(2) Upon accepting appointment as an Alabama Civil-1aw Notary, the applicant shall file within 90 days after appointment with the Office of the Secretary of State a Form ACLN-2 prescribed by the Secretary of State titled "Appointment of Protocol Custodian and Seal Filing," which form is set forth in the Appendix to this Division. The applicant shall identify an Alabama Civil-1aw Notary in good standing with the Office of the Secretary of State and the Alabama Bar who has agreed to take custody of the applicant's protocol in the event that the applicant's appointment is ever suspended or revoked, or if the applicant dies or becomes incapacitated. If for any reason an Alabama Civil-1aw Notary chooses to change secondary custodial notaries, the Alabama Civil-1aw Notary shall promptly notify the Office of the Secretary of State in writing and shall make the appropriate change in the Civil-1aw notary's annual report.

(3) Unless suspended or revoked in accordance with this rule or Rule 820-6-1-.03, an appointment as an Alabama Civil-1aw Notary shall continue in force for so long as the applicant is a member in good standing of the Alabama Bar, subject to the requirement that the applicant must file an annual report with the Office of the Secretary of State at the address noted above on a Form ACLN-3 prescribed by the Secretary of State entitled "Alabama Civil-1aw Notary Annual Report," which form is set forth in the Appendix to this Division. The annual report shall include the civil-1aw notary's current business address and telephone number and the identity andsignature of another Alabama Civil-1aw Notary who has agreed to take custody of the civil-1aw notary's protocol upon the suspension, revocation, incapacitation or death of the civil-1aw notary. A processing fee payable to the Office of the Secretary of State in the amount of one hundred dollars shall accompany the annual report. The annual report shall be filed and received by the Office of the Secretary of State no later than the last business day of January. Failure to file an annual report with the Office of the Secretary of State by the last business day of January shall result in a late fee of ten dollars per calendar day late through the last business day of February with a maximum late

fee of two hundred fifty dollars. If the annual report is not filed and received by the Secretary of State by the last business day of February the Civil-1aw notary's appointment shall be revoked. A Civil-1aw notary whose appointment has been revoked due to the failure to file an annual report in accordance with this rule shall be eligible to file a new application, along with a certificate of good standing from the Supreme Court of Alabama that also states that the applicant has been a member of the Alabama Bar for at least five years, issued within 90 days of the date of application, and application processing fee of one hundred dollars, in accordance with Rule 820-6-1-.01 (2), supra. If said application, certificate, and processing fee are filed with the Secretary of State within one year of the date the Secretary of State notified the Civil-1aw notary of the revocation of appointment due to failure to file an annual report in accordance with this rule, the applicant will not be required to complete a new examination process. A Civil-1aw notary whose appointment has been revoked pursuant to this rule who seeks to resume service as a Civil-1aw notary after one year of the date the Secretary of State notified the Civil-1aw notary of the revocation of the appointment due to failure to file an annual report must, in addition to the above-stated requirements, successfully complete a new examination process in compliance with Rules 820-6-1-.02 (1), 820-6-2-.01, and 820-6-2-.02.
Author: Charles E. Grainger, Jr.
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820-6-1-.03 Discipline; Suspension And Revocation.

(1) An Alabama Civil-1aw Notary shall be disciplined for conduct involving misrepresentation or fraud in the creation or execution of an authentication instrument. All complaints to the Office of the Secretary of State concerning the conduct or acts of an Alabama Civil-1aw Notary will also be referred to the Alabama Bar for a determination by the Bar as to whether the complaint alleges a violation of the rules of the Alabama Bar governing the conduct and discipline of lawyers.

(2) All complaints to the Office of the Secretary of State concerning the conduct or acts of an Alabama Civil-1aw Notary which on their face appear to establish facts which if proven true would constitute an act of misrepresentation or fraud in the creation or execution of an authentication instrument will be investigated by the Office of the Secretary of State to determine whether cause exists to suspend the Alabama Civil-1aw Notary's appointment or reprimand the Alabama Civil-1aw Notary.

(3) After investigation and upon a determination by the Secretary of State that one or more acts of misrepresentation or fraud in the creation or execution of an authentication instrument has been committed by an Alabama Civil-1aw Notary, the Secretary of State shall, after considering the extent of the fraud or misrepresentation including the number of persons involved and the effect on those persons; the number of acts of misrepresentation or fraud; any financial loss or other injury that may have resulted; and the degree of culpability of the Alabama Civil-1aw Notary; order one or more of the following courses of action:

(a) Issue a letter of warning to the Alabama Civil-1aw Notary including the Office of the Secretary of State's findings;

(b) Order compliance with these rules;

(c) Order restitution;

(d) Order suspension of the appointment of the Alabama Civil-1aw Notary;

(e) Order revocation of the appointment of the Alabama Civil-1aw Notary;

(f) Refer the allegations to the Office of the Attorney General for criminal investigation; and/or

(g) Refer the allegations to the Alabama Bar for disciplinary proceedings.

(4) Any order under this rule which requires payment of restitution or results in the suspension or revocation of the appointment of an Alabama Civil-1aw Notary shall be accompanied by a notice of final agency action and the Alabama Civil-1aw Notary shall be entitled to a fair hearing in accordance with the provisions of the Alabama Administrative Procedures Act, Title 41, Chapter 22, Code of Ala. 1975.

(5) A former Alabama Civil-1aw Notary whose appointment has been finally revoked due to conduct involving misrepresentation or fraud shall not be eligible for a new appointment as an Alabama Civil-1aw Notary for a period of at least five years.

(6) An Alabama Civil-1aw Notary may voluntarily resign from an appointment by notifying the Office of the Secretary of State in writing at the above address of the intention to do so. Any Civil-1aw notary who voluntarily resigns from an appointment as an Alabama Civil-1aw notary shall be eligible to file a new application, along with a certificate of good standing from the Supreme Court of Alabama that also states that the applicant has been a member of the Alabama Bar for at least five years, issued within 90 days of the date of application, and application processing fee of one hundred dollars, in accordance with Rule

820-6-1-.01 (2), supra. If said application, certificate, and processing fee are filed with the Secretary of State within one year of the date the Secretary of State received notice of voluntary resignation from a Civil-1aw notary appointment, the applicant will not be required to complete a new examination process. A voluntarily resigned Civil-1aw notary who seeks to resume service as an Alabama Civil-1aw notary after one year of the date the Secretary of State received notice of voluntary resignation must, in addition to the above-stated requirements, successfully complete a new examination process in compliance with Rules 820-6-1.02(1), 820-6-2-.01 and 820-6-2-.02, supra.
Author: Charles E. Grainger, Jr., Jean Brown
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