

1 18 NCAC 07B .0101 is amended with changes as published in 38:09 NCR 550 as follows:

2

3 **18 NCAC 07B .0101 SCOPE**

4 The rules in this Subchapter implement Chapter 10B of the General ~~Statutes, the Notary Public and Electronic Notary~~
5 ~~Acts, Statutes.~~ The rules ~~govern~~ govern:

- 6 (1) the qualification, commissioning, notarial acts, ~~conduct~~ conduct, and discipline of notaries public
7 as Constitutional public officers of the ~~State.~~ State;
- 8 (2) the qualification, certification, and discipline of certified notary instructors; and
- 9 (3) the qualification, approval or licensing, conduct, and discipline of technology providers.

10

11 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-14(f); 10B-102; 10B-106; 10B-125(b); 10B-126; 10B-134.15;~~*
12 *10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
13 *Eff. April 1, 2007;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
15 *~~6, 2016.~~ 2016;*
16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0102 is amended with changes as published in 38:09 NCR 550-553 as follows:

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3 **18 NCAC 07B .0102 DEFINITIONS**

4 (a) The [In addition to the] definitions in G.S. 10B-3 [10B-3, 10B-101, and 10B-134.1, and] apply to this Subchapter.

5 (b) For [for] purposes of Chapter 10B of the General Statutes and Subchapters 07B and 07C of this Chapter:

6 (1) "Applicant" means an individual who seeks appointment or reappointment to the office of notary
7 public;

8 (2) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after
9 determination that the individual has complied with Chapter 10B of the General Statutes and
10 Subchapter ~~07B~~ 07C of this Chapter. For the purposes of ~~these Rules, the~~ [Rules] rules in this
11 Chapter, the terms "appoint", "reappoint", "appointment", "reappointment", "commission",
12 "recommission", "commissioning", "appoint," "reappoint," "appointment," "reappointment,"
13 "commission," "recommission," "commissioning," and "recommissioning" all refer to the term
14 "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining ~~such the~~ the
15 ~~commission; commission.~~

16 (3) "Appointee" means an individual who has been appointed or reappointed to the office of notary
17 public but has not yet taken the oath of office to be ~~commissioned; commissioned.~~

18 (4) "Authorization" means a notary commission, an electronic notary registration, an instructor
19 certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the
20 General Statutes.

21 (5) "Authorize" means the Department's action to issue an authorization.

22 (6) "Commissioning" "Commission date" means the beginning date of commissioning or
23 recommissioning as entered on a commission ~~certificate; certificate.~~

24 (7) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally
25 recognized tribe, or any nation.

26 (8) "Crime" ~~means a crime or:~~ means:

27 (a) an offense designated by law as a felony or misdemeanor;

28 (A)(b) Attempt an attempt to commit a crime; an offense;

29 (B)(c) Accessory an accessory to commission of a crime; an offense;

30 (C)(d) Aiding aiding and abetting of a crime; an offense;

31 (D)(e) Conspiracy conspiracy to commit a crime; an offense; or

32 (E)(f) Solicitation solicitation to commit a crime; an offense; or

33 (g) threat to commit an offense.

34 An infraction as defined in G.S. 14-3.1 is not a crime.

35 (6) "Division" means the Notary Public Section of the North Carolina Department of the Secretary of State.

36 (8) "Crime involving dishonesty" means a [criminal offense] crime that [implicates untruthfulness of]
37 involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.

- 1 (9) “Criminal convictions” means the following dispositions of criminal charges; ~~[charges entered or~~
2 ~~accepted by a court;]~~
- 3 (a) adjudications of [guilt by a court;] guilt;
- 4 (b) pleas of nolo contendere;
- 5 (c) pleas of [admission;] guilty;
- 6 (d) Alford pleas;
- 7 (e) conditional discharges;
- 8 (f) prayers for judgment continued; and
- 9 (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this [Item
10 entered by a court;] Item.
- 11 (10) “Denial” with regard to public office means an individualized action:
- 12 (a) to disqualify an individual from:
- 13 (i) being a candidate for an elected public office; or
- 14 (ii) holding or filling a public office; and
- 15 (b) that is taken by:
- 16 (i) a governmental agency, a legislative body, or a member of the executive branch
17 of any locality, state, federally recognized tribe, or nation; or
- 18 (ii) a court.
- 19 (11) “Disciplinary action” means an official action by a court, legislative body, governmental [agency]
20 agency, board, or commission of any locality, state, federally recognized tribe, or [nation, or court]
21 nation resulting in:
- 22 (a) a disciplinary order;
- 23 (b) a censure;
- 24 (c) a reprimand;
- 25 (d) an admonition;
- 26 (e) a resignation in lieu of termination or revocation;
- 27 (f) a denial;
- 28 (g) a written warning; or
- 29 (h) actions denominated differently but equivalent to Sub-Items (a)–(g) in this Item.
- 30 (12) “Disciplinary order” means a directive or its equivalent that:
- 31 (a) is directed to a holder of a professional [licensee] license or a commissioned notary public;
- 32 (b) prohibits or conditions an individual [professional licensee or commissioned notary public]
33 from engaging in the practice of the [licensee’s] profession or acting as a notary public for
34 any amount of time;
- 35 (c) is issued by a court or government [agency] agency, board, or commission of any locality,
36 state, federally recognized tribe, or nation with authority to discipline or sanction the
37 [professional licensee] individual or [commissioned] notary public; and

1 (d) _____ is not stayed, rescinded, **reversed**, or expunged.

2 NOTE: Suspensions, restrictions, and revocations of commissions or licenses are examples of
3 disciplinary orders.

4 (13) “Family member” means an individual related by blood, marriage, or adoption.

5 (14) “Finding” means a decision, conclusion, or opinion by a court, legislative body, or governmental
6 [agency] **agency, board, or commission** of any locality, state, federally recognized tribe, or nation
7 that is based upon a review of evidence in an investigation, **[quasi-judicial], a quasi-judicial**
8 **proceeding**, or a judicial proceeding resulting in a determination that:

9 (a) _____ a fact has been proved according to the applicable legal standard; or

10 (b) _____ a law applies to the specific facts in a matter.

11 (15) “Harm” means:

12 (a) _____ loss or damage to a person affecting:

13 (i) _____ liberty;

14 (ii) _____ child custody, parental rights, child support, or visitation;

15 (iii) _____ reputation;

16 (iv) _____ money;

17 (v) _____ property;

18 (vi) _____ time; or

19 (vii) _____ a contract or transaction; or

20 (b) _____ an act that undermines public confidence in the reliability of notarial acts or notarial
21 instructor certification.

22 (16) “Issuance” with regard to public office means an action:

23 (a) _____ to certify the results of an election signifying that an individual has been elected to the
24 public office; or

25 (b) _____ to appoint an individual to fill a public office; and

26 (c) _____ that is taken by:

27 (i) _____ a governmental agency, **board, or commission**, a legislative body, or a member of
28 the executive branch of any locality, state, federally recognized tribe, or nation;
29 or

30 (ii) _____ a court.

31 (17) “Licensed member of the North Carolina State Bar” means an active member as defined in 27 NCAC
32 01A .0201(b).

33 (18) “Name for use on a notary public commission” **[means:] or “commission name” means the name**
34 **chosen by a commission applicant as the applicant’s commission name and consisting of:**

35 (a) _____ the full legal name of the commission applicant; or

36 (b) _____ a combination of the applicant’s surname and:

37 (i) _____ full first or middle name; or

1 (ii) full first or middle name and one or more ~~initials.~~ initials derived from the
2 applicant's full legal name.

3 NOTE: Full legal names, full first names, and full middle names shall not include nicknames.

4 (19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), ~~an act~~ acts authorized ~~by~~
5 to be performed by a notary public pursuant to:

6 (a) G.S. 163-231(a); and

7 (b) G.S. 53C-6-13(a).

8 (20) "Notary course" means a course taught by a certified notary instructor for purposes of:

9 (a) commissioning or recommissioning a notary public; or

10 (b) registering or reregistering an electronic notary public.

11 (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency
12 or its legally authorized designee in lieu of jail or prison.

13 (22) "Professional license" means an issuance that involves a grant of authority by a governmental
14 ~~agency~~ agency, board, or commission of any locality, state, federally recognized tribe, or nation,
15 to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public
16 trust, and that regards an occupation requiring training and formal qualification. Professional
17 licenses are:

18 (a) attorney;

19 (b) appraiser;

20 (c) architect;

21 (d) boiler inspector;

22 (e) building, electrical, fire, mechanical, or plumbing inspector;

23 (f) certified nursing assistant;

24 (g) certified public accountant;

25 (h) code enforcement official;

26 (i) electrical contractor;

27 (j) engineer;

28 (k) general contractor;

29 (l) geologist;

30 (m) insurance agent;

31 (n) insurance company adjuster;

32 (o) interpreter or transliterator;

33 (p) investment advisor;

34 (q) locksmith;

35 (r) motor vehicle damage appraiser;

36 (s) on-site wastewater contractor inspector;

37 (t) pharmacist;

- (u) physician;
- (v) physician assistant;
- (w) plumbing, heating, and fire sprinkler contractor;
- (x) private investigator;
- (y) professional bondsman;
- (z) real estate broker;
- (aa) registered nurse, licensed practical nurse, nurse practitioner;
- (bb) securities broker, dealer, salesman;
- (cc) self-employed insurance adjuster;
- (dd) surety bondsman;
- (ee) sworn law enforcement officer; and
- (ff) teacher.

(23) “Public office” means a ~~[position]~~ position:

- (a) created by law to which an individual has been elected or ~~[appointed, and that involves]~~ appointed;
- (b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the ~~[public]~~ public; and
- (c) ~~[that are]~~ with authority that is not solely advisory.

(24) “Restriction” with regard to public office means an individualized action:

- (a) to restrain an individual from serving in public office; and
- (b) that is taken by:
 - (i) a governmental agency, ~~board, or commission,~~ a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation;
 - or
 - (ii) a court.

(25) “Release from prison, probation or parole” means:

- (a) completion of all terms of a sentence or ~~[judgement]~~ judgment entered as part of a disposition of a criminal charge;
- (b) a certificate or order related to a criminal charge evidencing the individual’s unconditional ~~[discharge and specifying the restoration of the individual’s rights of citizenship pursuant to G.S. 13-2;]~~ discharge;
- (c) a certificate of relief pursuant to G.S. 15A-173.4;
- (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
- (e) an unconditional pardon pursuant to G.S. 13-3;
- (f) an order that a conviction is vacated; ~~[or]~~ and
- (g) the individual’s citizenship has been restored pursuant to G.S. 13-1;

1 (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official
2 or body of a state, federally recognized tribe, or nation with the authority to grant pardons.

3 (26) “Residence address” [or “residential address”] means a physical location with a street name, and a
4 number designating the building in which an individual resides, including an apartment or unit
5 number if applicable, the city, state, zip code, and nation if not the United States.

6 (27) “Revocation” with regard to an individual’s capacity to serve in a public office means an
7 individualized action:

8 (a) to void or cancel a certification of election to office; or

9 (b) to remove an individual from a public office; and

10 (c) that is taken by:

11 (i) a governmental agency, board, or commission, a legislative body, or a member of
12 the executive branch of any locality, state, federally recognized tribe, or nation;

13 or

14 (ii) a court.

15 (28) “Suspension” with regard to a public office means an individualized action:

16 (a) to prohibit, for a finite period of time, an individual’s authority to serve in a public office;
17 and

18 (b) that is taken by:

19 (i) a governmental agency, board, or commission, legislative body, or a member of
20 the executive branch of any locality, state, federally recognized tribe, or nation;

21 or

22 (ii) a court.

24 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-*
25 *134.19; 10B-134.21; 10B-134.23;*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, ~~2016~~. 2016;*

29 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0103 is amended with changes as published in 38:09 NCR 553 as follows:

2
3 **18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION**

4 (a) ~~Mailing Address. The mailing address for the Division of Certification and Filing, Notary Public Section is P.O.~~
5 ~~Box 29626, Raleigh, NC 27626-0626.~~

6 (b) ~~Hours. Office Departmental hours~~ **for the public** are 8:00 a.m. to 4:00 ~~5:00 p.m. p.m.~~, Monday through ~~Friday~~
7 ~~Friday~~, with the exception of ~~state~~ State holidays.

8 (c) ~~(b) Contacting the Division. In addition to contacting the Division by mail as provided in Paragraph (a) of this~~
9 ~~Rule, contact with the Division may be by:~~

10 (1) ~~On line information service: The Department provides on line information services at its~~
11 ~~website. The Department's website is: www.sosnc.gov.~~

12 (2) ~~Electronic Mail:~~

13 (c) ~~Email address: For basic information the~~ The Department Notary Public Section may be contacted by email for
14 notary-related issues at notary@sosnc.gov. ~~Electronic mail Unless specifically permitted by a rule in this Chapter,~~
15 email shall not be used for ~~file~~ submitting applications.

16 (3) ~~(d) Telephone Number: number: The telephone number for Notary Customer Service~~ **[departmental]** the
17 Department's customer service **unit** is (919) 814-5400.

18 (4) ~~Fax Number: To send information to the Notary Public Section via fax, the number is 919-814-~~
19 ~~5597.~~

20 (e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.

21 (f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

22
23 *History Note: Authority G.S. ~~10B-14(f); 147-34; 10B-4;~~*

24 *Eff. April 1, 2007;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
26 *6, 2016;*

27 *Amended Eff. July 1, 2024; February 1, 2021; October 1, 2019.*

1 18 NCAC 07B .0104 is adopted with changes as published in 38:09 NCR 553 as follows:

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3 **18 NCAC 07B .0104 ADA ACCOMMODATION**

4 An applicant to become a notary public, electronic ~~notary~~, notary public, or certified notary instructor who needs
5 accommodation pursuant to the Americans with Disabilities Act shall:

6 (1) with regard to a notary course and exam accommodation request, direct the request to the institution
7 offering the course and exam, in which instance the institution may consult with the Department
8 about the accommodation requested; or

9 (2) with regard to the online recommissioning exam, certified notary instructor initial or recertification
10 oral presentation or written exam, contact the Department and request an accommodation.

11

12 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07B .0105 is adopted with changes as published in 38:09 NCR 553 as follows:

2

3 **18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION**

4 A filer shall:

- 5 (1) use reasonable efforts to obtain information requested by the Department;
- 6 (2) deliver to the Department all requested information that is available to the filer; and
- 7 (3) if unable to obtain requested information, describe to the Department the ~~reasonable~~ efforts taken to
- 8 obtain the information.

9

10 *History Note:* *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07B .0106 is amended as published in 38:09 NCR 553 as follows:

2

3 **18 NCAC 07B .0106 WAIVER**

4 The ~~Director~~ Department may waive any rule in this ~~Subchapter~~ Chapter that is not statutorily required on request of
5 a filer or on its own initiative based on the factors set forth in Rule ~~.0901~~ .0108 of this ~~Chapter~~ Section.

6

7 *History Note: Authority G.S. ~~10B-4; 10B-14(f); 147-36;~~*

8 *Eff. April 1, 2007;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*

10 *6, ~~2016~~ 2016;*

11 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0107 is adopted with changes as published in 38:09 NCR 554 as follows:

2

3 **18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST**

4 A request for waiver of a rule in this Chapter shall be in writing and shall include:

5 (1) the requestor's:

6 (a) name;

7 (b) mailing address;

8 (c) email address; and

9 (d) preferred telephone number for contact;

10 (2) for a request filed on behalf of an entity:

11 (a) the name of the entity;

12 (b) the requestor's position with the entity and authority to file the request on behalf of the
13 entity;

14 (c) the mailing and business addresses of the entity;

15 (d) the telephone number for the entity; and

16 (e) the email address for the entity;

17 (3) the specific rule and paragraph number for which waiver is requested;

18 (4) an explanation of the reason for the request, including facts supporting the request;

19 (5) any additional information related to the factors in Rule .0108 of this Section that the requestor
20 wishes the Department to consider;

21 (6) supporting documentation, if any;

22 (7) ~~whether the requestor has filed any other waiver requests with the Department and a description of~~
23 ~~those any previous~~ waiver requests; requests filed with the Department; and

24 (8) the signature of the requestor and the date signed.

25

26 *History Note: Authority G.S. 10B-4;*

27 *Eff. July 1, 2024.*

1 18 NCAC 07B .0108 is adopted with changes as published in 38:09 NCR 554 as follows:

2

3 **18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS**

4 Factors to be considered when the Department considers a waiver request are:

- 5 (1) information about the requestor and the request, including the requestor's:
- 6 (a) explanation of the reasons for the request;
 - 7 (b) control over the circumstances leading to the request;
 - 8 (c) experience with the Notary Act and the ~~Rules~~ rules in this Chapter;
 - 9 (d) record of timeliness, completeness, and accuracy of filings with the Department;
 - 10 (e) history of waiver requests, if any; and
 - 11 (f) impact of granting or denying the request on the requestor; and
- 12 (2) impact on the public by granting or denying the request, including:
- 13 (a) harm or benefit to the public;
 - 14 (b) consistency of implementation and enforcement of Chapter 10B of the General Statutes
 - 15 and the ~~Rules~~ rules in this Chapter; and
 - 16 (c) any ~~the~~ harm to the Department if a waiver is ~~granted.~~ granted or denied.

17

18 *History Note: Authority G.S. 10B-4;*

19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0109 is adopted with changes as published in 38:09 NCR 554 as follows:

2

3 **18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS**

4 The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the ~~Rules~~ rules in
5 this Chapter.

6

7 *History Note: Authority G.S. 10B-4;*

8 *Eff. July 1, 2024.*

1 18 NCAC 07B .0110 is amended with changes as published in 38:09 NCR 554 as follows:

2
3 **18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL PUBLIC INFORMATION**

4 ~~(a) The information that the Department shall make available on individual notaries public include:~~

- 5 ~~(1) Full legal name;~~
- 6 ~~(2) County of Commission;~~
- 7 ~~(3) Employer's Name;~~
- 8 ~~(4) Employer's street and mailing addresses;~~
- 9 ~~(5) Employer's phone number;~~
- 10 ~~(6) Status of Commission;~~
- 11 ~~(7) Disciplinary action, if any.~~

12 ~~(b) A request to the Department for confidential notary information about a notary that is confidential pursuant to~~
13 ~~G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, or that is personally identifiable information shall shall:~~

- 14 ~~(1) be in writing writing;~~
- 15 ~~(2) and shall include documentation of the name of the requestor and contact information for the~~
16 ~~requestor; and~~
- 17 ~~(3) document the right of the requestor to receive the confidential notary information, including:~~
18 ~~information.~~
- 19 ~~(1) Authorization of the notary that the person is an agent of the notary authorized to request and receive~~
20 ~~the information;~~
- 21 ~~(2) Subpoena or court order;~~
- 22 ~~(3) Statement of authority from a law enforcement or government agency; or~~
- 23 ~~(4) N.C. State Bar applicant "Release of Information" form.~~

24
25 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-7(b); 10B-14(f); 10B-106;~~*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .1001 Eff. June 1, ~~2023- 2023;~~*

30 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0407 is adopted with changes as published in 38:09 NCR 554-555 as follows:

2
3 **18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM**

4 The initial application for notary commission form requires:

- 5 (1) the information required by G.S. 10B-5, 10B-6, and 10B-7;
- 6 (2) from the commission applicant:
- 7 (a) whether the applicant is a licensed member of the North Carolina State Bar;
- 8 (b) a ~~personal-cell~~ residential phone number, ~~if the applicant uses that number as the~~
9 ~~applicant's residential telephone number; which may be a cell phone number;~~
- 10 (c) the ~~most recent~~ North Carolina notary commission number, if one was ~~issued; issued, and~~
11 more than 12 months have elapsed since expiration;
- 12 (d) occupation;
- 13 (e) applicant's employer or status as:
- 14 (i) self-employed;
- 15 (ii) unemployed;
- 16 (iii) retired; or
- 17 (iv) a student;
- 18 (f) North Carolina county where employed;
- 19 (g) with regard to the notary course attended:
- 20 (i) the name of the eligible institution that offered the course;
- 21 (ii) the number of course hours;
- 22 (iii) the printed or typed name of the course instructor; and
- 23 (iv) the date the course was successfully completed;
- 24 (h) a description of included attachments, if any; and
- 25 (i) the declaration required by G.S. 10B-12; and
- 26 (3) from the notary course instructor:
- 27 (a) certification that:
- 28 (i) the date, eligible institution, and printed name of the instructor are correct; and
- 29 (ii) the applicant successfully completed the course and therefore qualifies for
30 consideration for a notary commission; and
- 31 (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.
- 32

33 *History Note: Authority G.S. 10B-4;*
34 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0408 is adopted as published in 38:09 NCR 555 as follows:

2
3 **18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER**

4 The affidavit of moral character form requires:

- 5 (1) the applicant's name for use on a notary public commission, if available, or the full legal name of
6 the individual about whom the affidavit is prepared;
7 (2) information about the character witness:
8 (a) the affiant's name, contact information, and occupation;
9 (b) how the affiant knows the individual;
10 (c) how long the affiant has known the individual;
11 (d) how the affiant has had the opportunity to form an opinion of the individual's character;
12 and
13 (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the
14 individual;
15 (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the
16 ability of the individual to comply with Chapter 10B of the General Statutes;
17 (4) a declaration whether the affiant personally recommends the individual for an authorization
18 requiring honesty, integrity, trustworthiness, and high standards of moral character;
19 (5) the signature of the affiant and the date signed; and
20 (6) a declaration under penalty of perjury that the information provided is true and complete to the best
21 of the affiant's knowledge and belief.

22
23 History Note: Authority G.S. 10B-4;

24 Eff. July 1, 2024.

1 18 NCAC 07B .0409 is adopted with changes as published in 38:09 NCR 555 as follows:

2

3 **18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC**

4 The form for application for recommissioning as a notary public ~~form~~ before expiration of a commission or within 12
5 months of commission expiration requires:

6 (1) information regarding the applicant’s current or, if expired, the ~~immediately preceding~~ most recent
7 commission, including the commission number;

8 (2) an imprint or stamp from the applicant’s current ~~seal~~ seal, or most recently expired ~~seal~~ seal, if the
9 applicant currently possesses a seal;

10 (3) information required pursuant to G.S. 10B-11;

11 (4) the instructor’s signature, if the applicant takes the notary course as part of the recommissioning
12 process;

13 (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items
14 (1)-(3) of this Rule; and

15 (6) the declaration under penalty of perjury that is required by G.S. 10B-12.

16

17 *History Note: Authority G.S. 10B-4;*

18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0410 is adopted with changes as published in 38:09 NCR 555-556 as follows:

2

3 **18 NCAC 07B .0410 NOTICE OF ~~CHANGE~~ CHANGES IN ~~GENERAL NOTARY INFORMATION~~**
4 **REQUIRED BY 18 NCAC 07D .0301**

5 The form for notice of change in ~~general notary~~ the information requires: required by 18 NCAC 07D .0301 shall
6 include:

- 7 (1) the ~~notary's~~ notary public's commission name and county of commission;
- 8 (2) the notary's commission number;
- 9 (3) contact information for the notary;
- 10 (4) last four digits of the notary's SSN;
- 11 (5) for ~~changes~~ each change: ~~required to be reported pursuant to G.S. 10B-50, 10B-51, 10B-52, or 18~~
12 ~~NCAC 07D .0301~~;
- 13 (a) which item of information regarding the notary has changed;
- 14 (b) the information as it existed before the change; and
- 15 (c) the information after the change; and
- 16 (6) the printed name and signature of the notary and the date signed.

17

18 *History Note:* *Authority G.S. 10B-4;*

19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0411 is adopted with changes as published in 38:09 NCR 556 as follows:

2

3 **18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD**

4 The form for notice of changes in criminal history record requires:

5 (1) the name of the individual;

6 (2) if a commissioned ~~notary~~, notary public the notary's commission number;

7 (3) the last four digits of the individual's SSN;

8 (4) contact information for the individual;

9 (5) for a previously unreported criminal charge:

10 (a) the date of the charge;

11 (b) the court in which the charge is filed;

12 (c) whether the charge is for a felony or misdemeanor;

13 (d) ~~what the charge is;~~ name of the charge;

14 (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and

15 (f) the case number;

16 (6) for notice of a disposition of a criminal charge:

17 (a) the date of the disposition;

18 (b) the name of the court and the case number;

19 (c) if the disposition resulted in a conviction:

20 (i) whether the conviction was for a felony or misdemeanor; and

21 (ii) the sentence imposed;

22 (d) a copy of the disposition ~~document;~~ document or judgment;

23 (e) a copy of any document restoring citizenship rights; and

24 (7) the signature of the individual and the date signed.

25

26 *History Note: Authority G.S. 10B-4;*

27 *Eff. July 1, 2024.*

1 18 NCAC 07B .0412 is adopted with changes as published in 38:09 NCR 556 as follows:

2

3 **18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY**
4 **COMMISSIONS, OR PUBLIC OFFICES**

5 The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

6 (1) the name of the individual;

7 (2) if a commissioned ~~notary~~, notary public, the notary's commission number;

8 (3) the last four digits of the individual's SSN;

9 (4) contact information for the individual;

10 (5) for a change in any information required by G.S. 10B-7(10), the information required by Section
11 .0700 of this Subchapter; and

12 (6) the printed name and signature of the individual and the date signed.

13

14 *History Note: Authority G.S. 10B-4;*

15 *Eff. ~~July 1, 2024~~. March 1, 2025.*

1 18 NCAC 07B .0413 is adopted with changes as published in 38:09 NCR 556 as follows:

2

3 **18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF**
4 **DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING,**
5 **OR UNAUTHORIZED PRACTICE OF LAW**

6 The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading
7 advertising, or unauthorized practice of law requires:

- 8 (1) the ~~notary's~~ notary public's commission name and county of commission;
- 9 (2) the notary's commission number;
- 10 (3) last four digits of the notary's SSN;
- 11 (4) contact information for the notary;
- 12 (5) the information required pursuant to:
 - 13 (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to
 - 14 G.S. 10B-5(d)(3);
 - 15 (b) 18 NCAC 07C .0208 for a finding of official misconduct by the ~~notary public;~~ notary;
 - 16 (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and
 - 17 (d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the
 - 18 notary; and
- 19 (6) the printed name and signature of the commission applicant or notary and the date signed.

20

21 *History Note: Authority G.S. 10B-4;*
22 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0414 is adopted with changes as published in 38:09 NCR 556-557 as follows:

2
3 **18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR**

4 The application for certification as a notary instructor form requires:

- 5 (1) the information required by Rule .0407(1)–(2)(i) of this Section;
- 6 (2) whether the applicant is currently employed as:
 - 7 (a) a register of deeds or clerk of court; or
 - 8 (b) an employee of the Department and ~~who~~ is authorized by the Secretary to serve as an
9 instructor;
- 10 (3) the eligible institution for which the applicant will teach if certified as an instructor;
- 11 (4) the name, telephone number, and email address of a contact person at the eligible institution who is
12 knowledgeable about the conditional hiring of the applicant to teach notary courses;
- 13 (5) whether the applicant has a personal copy of the most recent notary public manual approved by the
14 Department and, if yes, the year and edition number;
- 15 (6) whether the applicant has active experience as a ~~notary~~; notary public;
- 16 (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the
17 General Statutes and the ~~Rules~~ rules in this Chapter or is submitting a change form with the
18 application;
- 19 (8) the printed name and signature of the applicant and the date signed; and
- 20 (9) a declaration under penalty of perjury that:
 - 21 (a) the information provided is true and complete to the best of the applicant’s knowledge and
22 belief;
 - 23 (b) the applicant remains qualified to be commissioned as a notary public; and
 - 24 (c) the applicant will perform the duties and responsibilities of a certified notary instructor.

25
26 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
27 *Eff. ~~July 1, 2024~~. March 1, 2025.*

1 18 NCAC 07B .0415 is adopted with changes as published in 38:09 NCR 557 as follows:

2

3 **18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT**

4 The recommendation of notary instructor applicant form requires:

- 5 (1) the instructor applicant's commission name;
- 6 (2) the name and contact information for the individual completing the form;
- 7 (3) the individual's basis for recommending the applicant, including:
 - 8 (a) a declaration that the individual is not a family member of the applicant;
 - 9 (b) how the individual knows the applicant; and
 - 10 (c) whether and how the individual has knowledge of the applicant's teaching skills;
- 11 (4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of
- 12 notary applicants;
- 13 (5) a declaration that the individual personally recommends the applicant to be a notary instructor;
- 14 (6) the printed name and signature of the ~~applicant~~ individual and the date signed; and
- 15 (7) a declaration under penalty of perjury that the information provided is true and complete to the best
- 16 of the ~~affiant's~~ individual's knowledge and belief.

17

18 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0416 is adopted with changes as published in 38:09 NCR 557 as follows:

2
3 **18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE**
4 **EXPERIENCE FORM**

5 The form for the employer affidavit regarding active experience requires:

- 6 (1) the name of the person employing the applicant;
- 7 (2) information about the affiant, consisting of the following:
- 8 (a) the full printed name of the affiant;
- 9 (b) the affiant's title and position with the employer; ~~and~~
- 10 (c) the ~~address,~~ address and telephone ~~number,~~ ~~and email address~~ number of the ~~affiant~~
11 employer; and
- 12 (d) the email address of the affiant;
- 13 (3) an explanation of the reasons the instructor applicant has performed notarial acts while employed
14 by the employer;
- 15 (4) a statement specifying which of the preceding twelve months the instructor applicant performed
16 notarial acts for the employer;
- 17 (5) a declaration that:
- 18 (a) the affiant has the authority to sign; and
- 19 (b) the affiant has knowledge of the matters described in the affidavit;
- 20 (6) the signature of the affiant and date on which the affiant signed; and
- 21 (7) a jurat certificate.

22
23 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

24 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0417 is adopted as published in 38:09 NCR 557 as follows:

2

3 **18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM**

4 The student evaluation of notary instructor form requests the following information from a student:

5 (1) the name of the instructor;

6 (2) the date of the course;

7 (3) the name of the institution;

8 (4) rating of the instructor's:

9 (a) professionalism;

10 (b) subject matter knowledge;

11 (c) use of audio-visuals, handouts, and other materials; and

12 (d) responsiveness to questions from students;

13 (5) rating of the course materials;

14 (6) other information or comments that the student wishes to add; and

15 (7) the student's name and contact information if the student is willing to be contacted by the
16 Department with follow-up questions.

17

18 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

19 Eff. July 1, 2024.

1 18 NCAC 07B .0418 is adopted with changes as published in 38:09 NCR 557-558 as follows:

2

3 **18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR**

4 The notary instructor application for recertification form requires:

- 5 (1) the information specified in Rule .0414 of this Section;
- 6 (2) verification that the applicant has taught the notary instructor course at least twice a year during the
7 current two-year certification period;
- 8 (3) the date of initial certification as an instructor;
- 9 (4) whether certification has been continuous;
- 10 (5) a declaration under penalty of perjury that:
 - 11 (a) the information provided is ~~true, complete, and correct;~~ true and complete;
 - 12 (b) the applicant remains qualified to be commissioned as a notary public; and
 - 13 (c) the applicant:
 - 14 (i) understands the official duties and responsibilities of a notary public and notary
15 public instructor in North Carolina; and
 - 16 (ii) will perform to the best of the applicant's ability all responsibilities of teaching
17 the notary courses in accordance with the law.

18

19 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

20 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0501 is adopted with changes as published in 38:09 NCR 558 as follows:

2
3 **SECTION .0500 – ~~COMMISSIONS~~ CRIMINAL RECORDS**

4
5 **18 NCAC 07B .0501 CRIMES**

6 For purposes of applications and discipline under Chapter 10B of the General Statutes and the ~~Rules~~ rules in this
7 Chapter, each of the following offenses ~~are examples of, and~~ shall be classified as, ~~either~~ as a crime involving “moral
8 turpitude” as defined in G.S. 10B-3(9) or a “crime involving dishonesty” as defined in Rule .0102(8) of this

9 Subchapter:

- 10 (1) arson;
- 11 (2) assault;
- 12 (3) battery;
- 13 (4) burglary;
- 14 (5) carrying a concealed weapon without a permit;
- 15 (6) child molestation;
- 16 (7) child pornography;
- 17 (8) discharge of a firearm in a public place or into a dwelling;
- 18 (9) domestic violence;
- 19 (10) ~~driving under the influence;~~ while impaired;
- 20 (11) embezzlement;
- 21 (12) failure to comply with a court order;
- 22 (13) failure to pay child support;
- 23 (14) failure to return to confinement;
- 24 (15) false financial statement;
- 25 (16) forgery;
- 26 (17) fraud;
- 27 (18) hit and run;
- 28 (19) identity theft;
- 29 (20) impersonation of a law enforcement officer;
- 30 (21) kidnapping;
- 31 (22) practicing law without a license;
- 32 (23) prostitution;
- 33 (24) rape;
- 34 (25) receipt of stolen goods or property;
- 35 (26) ~~resisting arrest;~~ resist, delay or obstruct a public officer in discharging or attempting to discharge an
36 official duty;
- 37 (27) robbery;

- 1 (28) tax evasion;
- 2 (29) terrorist threat or act;
- 3 (30) unlawful possession or sale of drug; and
- 4 (31) worthless check.

5

6 *History Note:* *Authority G.S. 10B-4;*
7 *Eff. July 1, 2024.*

1 18 NCAC 07B .0502 is adopted with changes as published in 38:09 NCR 558 as follows:

2

3 **18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING**
4 **CONVICTIONS**

5 An individual required to provide a criminal history record pursuant to Chapter 10B of the General Statutes and the
6 ~~Rules~~ rules in this Chapter shall include:

7 (1) a complete listing of felony convictions of the individual and the name under which each conviction
8 was entered;

9 (2) a complete listing of misdemeanor convictions of the individual and the name under which each
10 conviction was entered;

11 (3) if the individual’s criminal history record includes a conviction in North Carolina, a copy of the
12 individual’s criminal history record prepared by the North Carolina State Bureau of Investigation;

13 (4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the
14 individual’s criminal history record from a criminal history record registry or repository of record
15 reflecting the conviction; and

16 (5) the signed explanation required by Rule .0503 of this Section.

17 Note: A “registry or repository of record” is the official governmental state, federal, national, or tribal archive or
18 center for collection of criminal history information.

19

20 *History Note: Authority G.S. 10B-4;*
21 *Eff. July 1, 2024.*

1 18 NCAC 07B .0503 is adopted with changes as published in 38:09 NCR 558 as follows:

2

3 **18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS**

4 An individual who submits a criminal history record shall include an explanation for each criminal conviction with:

5 (1) the individual's signature and the date on which the individual signed the explanation;

6 (2) for each felony conviction:

7 (a) the date of the conviction and the court where the conviction was entered;

8 (b) the name of the court and the case number;

9 (c) the charge upon which the conviction was entered;

10 (d) a description of the circumstances surrounding the commission of the crime;

11 (e) the sentence imposed;

12 (f) a copy of the document showing the date of release from probation, parole, incarceration,

13 or completion of the terms of the ~~applicant's~~ individual's sentence for each conviction; and

14 (g) a copy of any document restoring the individual's citizenship rights; and

15 (3) for each misdemeanor conviction the information required in Items (2)(a)-(f) of this Rule.

16

17 *History Note: Authority G.S. 10B-4;*

18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0504 is adopted as published in 38:09 NCR 558-559 as follows:

2

3 **18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS**

4 For an individual listing a criminal conviction, an affidavit of moral character shall be:

5 (1) completed by three individuals, none of whom is a family member, using the form specified in Rule
6 .0408 of this Subchapter; and

7 (2) submitted to the Department by the individual listing a criminal conviction or the individuals
8 completing the affidavits.

9

10 History Note: Authority G.S. 10B-4;

11 Eff. July 1, 2024.

1 18 NCAC 07B .0505 is adopted with changes as published in 38:09 NCR 559 as follows:

2

3 **18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES**

4 An individual required to provide a criminal history record who has a pending criminal charge in a court shall, for
5 each pending criminal charge:

- 6 (1) notify the ~~Department~~ Department:
- 7 (a) at the time of application to the Department; or
- 8 (b) within 45 days ~~of the charge~~; if a charge is brought after the application has been filed; and
- 9 (2) provide the information specified in the form in Rule .0411 of this Subchapter.

10

11 *History Note: Authority G.S. 10B-4;*

12 *Eff. July 1, 2024.*

1 18 NCAC 07B .0506 is adopted with changes as published in 38:09 NCR 559 as follows:

2

3 **18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE**

4 An individual ~~who has provided~~ required to provide the Department with information regarding a pending charge
5 pursuant to Rule .0505 of this Section shall:

- 6 (1) notify the Department within 45 calendar days of the final disposition of the charge;
- 7 (2) provide the information specified in the form in Rule .0411 of this Subchapter;
- 8 (3) provide a copy of the document reflecting the final disposition of the charge; and
- 9 (4) if convicted, comply with Rules .0503 and .0504 of this Section.

10

11 *History Note: Authority G.S. 10B-4;*

12 *Eff. July 1, 2024.*

1 18 NCAC 07B .0601 is amended with changes as published in 38:09 NCR 559 as follows:

2
3 **SECTION .0600 —~~REJECTIONS, DENIALS, DISCIPLINE, AND ENFORCEMENT~~**

4
5 **18 NCAC 07B .0601 ~~FACTORS CONSIDERED IN FOR~~ DISCIPLINARY ACTIONS**

6 When determining whether ~~and what to deny an application or take disciplinary action against a notary,~~ disciplinary
7 action to take, the ~~Director Department~~ may shall consider consider: a variety of factors including:

- 8 (1) the qualifications of the person;
- 9 ~~(1)(2) Nature, the nature, number number, timing,~~ and severity of any acts, offenses, official ~~misconduct~~
10 misconduct, or crimes under consideration;
- 11 ~~(2)(3) Evidencee~~ evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
12 applicant or notary public;
- 13 ~~(3)(4) Actual actual~~ or potential ~~monetary or other harm to the general public, group, individual, or client;~~
14 harm;
- 15 ~~(4)(5) History the history~~ of complaints against the person received by the Department;
- 16 ~~(5)(6) Prior disciplinary the record or warning from the Department; of prior disciplinary actions against~~
17 the person;
- 18 ~~(6)(7) Evidencee~~ evidence in mitigation;
- 19 ~~(7)(8) Evidencee~~ evidence in aggravation;
- 20 ~~(8)(9) Occupational, occupational,~~ vocational, or professional license disciplinary record;
- 21 ~~(9)(10) Evidencee evidence of rehabilitation. rehabilitation; NOTE: Examples include reference letters and~~
22 proof of class attendance;
- 23 ~~(10)(11) Criminal criminal [record;] history record;~~
- 24 ~~(11)(12) Reports information and reports received~~ from other law enforcement agencies;
- 25 ~~(12)(13) Willfulness; willfulness;~~
- 26 ~~(13)(14) Negligence. negligence;~~
- 27 (15) the response of the person to any alleged violations; and
- 28 (16) whether the person self-reported a matter affecting qualification or the performance of an activity
29 pursuant to authorization.

30
31 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60;*
32 *Eff. April 1, 2007;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
34 *6, 2016;*
35 *Transferred from 18 NCAC 07B .0901 Eff. June 1, 2023- 2023;*
36 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0602 is amended with changes as published in 38:09 NCR 559-560 as follows:

2
3 **18 NCAC 07B .0602 GENERAL APPLICATION DENIAL DENIALS**

4 ~~(1)(a)~~ The ~~Director~~ Department shall deny an application in which an applicant willfully and knowingly contains
5 provided false information about about: the applicant's

6 (1) _____ a criminal record [history;] history record; or

7 (2) _____ a record of civil lawsuit official findings or admissions of liability based on related to the applicant's
8 deceit; or deceit, dishonesty, or intentional disclosure of confidential information to a person not
9 legally entitled to the information.

10 ~~(2)(b)~~ The ~~Director~~ Department may deny an application which that contains misleading information; information.

11 (A) ~~The applicant's criminal record, including whether all charges were dismissed or consolidated~~
12 ~~or whether all terms and conditions of a judgment have been completed~~

13 (B) ~~Misstatement or omission of a nonmaterial fact;~~

14 (C) ~~Whether a civil lawsuit included findings based on the applicant's deceit; or~~

15 (D) ~~Whether, in a civil lawsuit or settlement of a civil lawsuit, an applicant made admissions~~
16 ~~of liability related to the applicant's deceit.~~

17 ~~(d)(c) Applicant notarization.~~ The ~~Director~~ Department shall deny an application if if:

18 (1) _____ the Department determines that the applicant is not qualified for the authorization issued pursuant
19 to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, [and] or the
20 [Rules] rules in this Chapter; or

21 (2) _____ the an applicant notarizes his or her the applicant's own signature.

22 ~~(e)~~ The ~~Director~~ shall deny an application if the applicant:

23 ~~(1) Leaves three or more sections of the application incomplete;~~

24 ~~(2) Fails to submit an application for initial appointment within 90 days of class; or~~

25 ~~(3) Fails to submit complete and correct information on an application for initial appointment or~~
26 ~~reappointment after three submissions by the applicant.~~

27
28 *History Note: Authority G.S. 10B-4; 10B-5; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*

29 *Eff. April 1, 2007;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*

32 *Transferred from 18 NCAC 07B .0902 Eff. June 1, 2023; 2023;*

33 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0603 is amended with changes as published in 38:09 NCR 560 as follows:

2
3 **18 NCAC 07B .0603 EXECUTED DOCUMENT VIOLATIONS LEVELS OF ENFORCEMENT**

4 ~~The Director shall revoke the commission of a notary who performs a notarial act knowing that the document or~~
5 ~~information contained in it is false or fraudulent, or that the intent of the executed document is dishonest. Acts of fraud~~
6 ~~or dishonesty include:~~

- 7 (1) ~~Notarizing a blank DMV vehicle title document;~~
8 (2) ~~Embezzlement;~~
9 (3) ~~Forgery;~~
10 (4) ~~Fraud;~~
11 (5) ~~Identity theft;~~
12 (6) ~~Impersonation of a law enforcement officer;~~
13 (7) ~~Receiving stolen goods or property; and~~
14 (8) ~~Theft.~~

15 Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes,
16 and the [Rules] rules in this Chapter, the Department may:

- 17 (1) upon a finding of a violation of Chapter 10B of the General Statutes or the [Rules] rules in this
18 Chapter:
19 (a) issue a letter of caution to a person along with:
20 (i) a request for compliance; and
21 (ii) a statement that future noncompliance may lead to disciplinary action by the
22 Department;
23 (b) issue a letter of warning to a person, with or without a corrective action plan. NOTE: A
24 requirement for additional education is an example of a corrective action plan;
25 (c) suspend a person's authorization and bar the grant of an authorization for a specific period
26 of time not to exceed 24 months, with or without a corrective action plan;
27 (d) issue a revocation of a person's authorization;
28 (e) issue a permanent revocation of a person's authorization;
29 (f) issue an [order] administrative action [restricting] restricting, for a specific period of time,
30 an unauthorized person from submitting an application or from being becoming [authorized
31 for a specific period of time;] authorized; or
32 (g) issue an [order] administrative action permanently restricting an unauthorized person from
33 submitting an application or from becoming authorized; and
34 (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a
35 disciplinary action.

1 Note: An application submitted in violation of an administrative action pursuant to paragraphs (f) and (g) of this Rule
2 shall be denied by the Department immediately upon identification of the applicant as being subject to the
3 administrative action during the period of time applicable to the action. The application fee shall not be refunded.

4
5 *History Note: Authority G.S. ~~10B-2; 10B-5(d); 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~*
6 *Eff. April 1, 2007;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
8 *6, 2016;*
9 *Transferred from 18 NCAC 07B .0903 Eff. June 1, ~~2023-2023;~~*
10 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0604 is amended with changes as published in 38:09 NCR 560 as follows:

2
3 **18 NCAC 07B .0604 ~~COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS~~ LETTER OF**
4 **CAUTION**

5 ~~(a) The Director~~ Department may issue a letter of caution to a person for a violation of the requirements of Chapter
6 10B of the General Statutes or the [Rules] rules in this Chapter in circumstances that do not merit take disciplinary
7 action action. ~~against a notary for an offense relating to failure to meet the statutory requirements for a notarial act.~~

8 ~~(b) Offenses relating to failure to meet the statutory requirements for a complete and lawful notarial act include:~~

- 9 ~~(1) Incomplete attestation;~~
10 ~~(2) Improper acknowledgment language;~~
11 ~~(3) Incorrect signature;~~
12 ~~(4) Incorrect expiration date;~~
13 ~~(5) Failure to administer an oath or affirmation;~~
14 ~~(6) Failure to verify identification;~~
15 ~~(7) Failure to require personal appearance;~~
16 ~~(8) Notarization of a document in which the notary is a named, interested, or signed party;~~
17 ~~(9) Notarization of a "non signature" or a copy of a signature;~~
18 ~~(10) Charging a fee in excess of that which is set by law, including fees for mileage or travel;~~
19 ~~(11) Acting as a notary when not commissioned;~~
20 ~~(12) Unauthorized use of a seal.~~

21
22 *History Note:* ~~Authority G.S. 10B-2; 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~

23 ~~Eff. April 1, 2007;~~

24 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December~~
25 ~~6, 2016;~~

26 ~~Transferred from 18 NCAC 07B .0904 Eff. June 1, -2023- 2023;~~

27 ~~Amended Eff. July 1, 2024.~~

1 18 NCAC 07B .0605 is amended with changes as published in 38:09 NCR 560 as follows:

2

3 **18 NCAC 07B .0605 ~~OTHER VIOLATIONS~~ [WARNINGS] WARNING**

4 The ~~Director~~ Department may ~~take disciplinary action against a notary~~ issue a warning to a person for ~~[any]~~ a violation
5 ~~[violations]~~ of Chapter 10B of the General Statutes or the ~~[Rules]~~ rules in this Chapter. Subchapter, including failure
6 to provide information required by Rule .0107 of this Subchapter.

7

8 *History Note:* *Authority G.S. ~~10B-2; 10B-4; 10B-5(d); 10B-14(f);~~ 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
9 *Eff. April 1, 2007;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
11 *6, 2016;*

12 *Transferred from 18 NCAC 07B .0905 Eff. June 1, ~~2023;~~ 2023;*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0606 is amended with changes as published in 38:09 NCR 561 as follows:

2

3 **18 NCAC 07B .0606 ~~MINIMUM SANCTION~~ **SUSPENSION****

4 ~~(a) If a notary commits a combination of acts of official misconduct, the notary shall receive, at a minimum, the~~
5 ~~maximum penalty of the lesser of the acts committed.~~

6 ~~(b) Nothing in this Section shall restrict the Secretary from using any other statutory penalty available.~~

7 After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person
8 who:

9 (1) violates [the requirements] a requirement of Chapter 10B of the General Statutes or the [Rules] rules
10 in this Chapter; or

11 (2) has a criminal conviction.

12

13 *History Note: Authority G.S. ~~10B-2~~; 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
14 *Eff. April 1, 2007;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*
17 *Transferred from 18 NCAC 07B .0906 Eff. June 1, ~~2023~~-2023;*
18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0607 is amended with changes as published in 38:09 NCR 561 as follows:

2
3 **18 NCAC 07B .0607 APPEAL PROCEDURES RESTRICTION**

4 ~~(a) Applicants for commissioning or recommissioning whose applications have been denied and notaries who have~~
5 ~~received disciplinary action by the Director have the right to file a petition for a contested case hearing pursuant to~~
6 ~~Article 3 of Chapter 150B of the General Statutes.~~

7 ~~(b) Petition forms may be obtained from the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh,~~
8 ~~NC 27699-6700; 1711 New Hope Church Road, Raleigh, NC 27609; 984-236-1850; <https://www.oah.nc.gov>.~~

9 ~~(c) A copy of a Petition filed with the Office of Administrative Hearings must also be served on the process agent for~~
10 ~~the Department of the Secretary of State.~~

11 Upon a finding that the person has acted without being authorized by the Department, the Department may issue an
12 administrative action to restrict that person from applying for authorization or from becoming authorized to:

- 13 (1) perform a notarial act;
14 (2) teach a notarial course;
15 (3) offer an electronic notarization system to an electronic notary public; or
16 (4) act as a depository.

17
18 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~*

19 *Eff. April 1, 2007;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, 2016;*

22 *Amended Eff. October 1, 2019; Eff. February 1, 2021;*

23 *Transferred from 18 NCAC 07B .0907 Eff. June 1, ~~2023; 2023;~~*

24 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0608 is adopted with changes as published in 38:09 NCR 561 as follows:

2

3 **18 NCAC 07B .0608 MANDATORY REVOCATION**

4 The Department shall revoke an authorization of:

- 5 (1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to,
6 an authorization issued by the Department;
- 7 (2) a notary public who notarizes the notary's own signature;
- 8 (3) a notary who performs a notarial act and either:
9 (a) fails to require the personal appearance of the principal; or
10 (b) performs a remote electronic notarial act without requiring the appearance of a principal
11 by an authorized communication technology; or
- 12 (4) a person who performs an act permitted by an authorization issued by the Department knowing that:
13 (a) the act, a document associated with the act, or information contained in a document
14 associated with the act is false or fraudulent; or
15 (b) the intent of the act or document is to perpetrate a ~~crime of dishonesty~~ crime.

16

17 *History Note:* Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;

18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0701 is amended with changes as published in 38:09 NCR 561-562 as follows:

2
3 **SECTION .0700 – REPORTING PROFESSIONAL LICENSES, CIVIL AND CRIMINAL HISTORY**
4 **PUBLIC OFFICES, AND NOTARY COMMISSIONS**

5
6 **18 NCAC 07B .0701 GENERAL**

7 ~~(a) Other Professional Licenses.~~ An applicant for a notary commission shall include with the list on his or her
8 application all suspensions, revocations and other disciplinary actions taken against the applicant regarding the
9 applicant's current or former professional licenses, a list of all professional licenses, public offices, and notary
10 commissions as required by G.S. 10B-7(10), together with the information required by the [Rules] rules in this Section.

11 ~~(b) Criminal Record.~~ An applicant shall list on his or her application all misdemeanor and felony convictions related
12 to crimes of dishonesty and moral turpitude. For purposes of this Chapter, those crimes include:

- 13 (1) Arson;
- 14 (2) Assault;
- 15 (3) Battery;
- 16 (4) Burglary;
- 17 (5) Carrying a concealed weapon without a permit;
- 18 (6) Child molestation;
- 19 (7) Child pornography;
- 20 (8) Discharge of a firearm in a public place or into a dwelling;
- 21 (9) Domestic violence;
- 22 (10) Driving under the influence;
- 23 (11) Unlawful possession or sale of drugs;
- 24 (12) Embezzlement;
- 25 (13) Failure to comply with a court order;
- 26 (14) Failure to pay child support;
- 27 (15) Failure to return to confinement;
- 28 (16) False financial statements;
- 29 (17) Forgery;
- 30 (18) Fraud;
- 31 (19) Identity theft;
- 32 (20) Impersonation of a law enforcement officer;
- 33 (21) Hit and run;
- 34 (22) Kidnapping;
- 35 (23) Prostitutions;
- 36 (24) Multiple worthless checks showing a pattern of behavior indicating moral turpitude and dishonesty;
- 37 (25) A worthless check in excess of five hundred dollars (\$500.00);

- 1 ~~(26) Possession of an unregistered firearm;~~
- 2 ~~(27) Practicing law without a license;~~
- 3 ~~(28) Rape;~~
- 4 ~~(29) Receipt of stolen goods or property;~~
- 5 ~~(30) Resisting arrest;~~
- 6 ~~(31) Robbery;~~
- 7 ~~(32) Statutory rape;~~
- 8 ~~(33) Tax evasion;~~
- 9 ~~(34) Terrorist threats or acts;~~
- 10 ~~(35) Theft;~~
- 11 ~~(36) Threats to commit a crime or cause bodily injury;~~
- 12 ~~(37) Spousal abuse.~~

13 ~~(c) In considering whether to appoint or reappoint an applicant to the office of notary public, the Director may consider~~
14 ~~the factors set forth in Rule .0901 of this Subchapter.~~

15
16 *History Note:* *Authority G.S. 10B-4; 10B-5(d); 10B-7; 10B-11; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21;*
17 *Eff. April 1, 2007;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016;*
20 *Transferred from 18 NCAC 07B .0201 Eff. June 1, ~~2023;~~ 2023;*
21 *Amended Eff. July 1, 2024. ~~March 1, 2025.~~*

1 18 NCAC 07B .0702 is adopted with changes as published in 38:09 NCR 562 as follows:

2

3 **18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL**
4 **COMMISSIONS**

5 An individual required to provide information to the Department about professional licenses and notarial commissions
6 that the individual presently holds, has held, or has applied for shall include the following, to the extent the information
7 is available to the individual after reasonable efforts, for each license and notarial commission listed:

- 8 (1) the name under which each license or notarial commission was issued;
- 9 (2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
- 10 (3) the name of the governmental ~~agency~~ agency, board, or commission that issued each license or
11 granted each commission;
- 12 (4) the name of the professional license or notary commission;
- 13 (5) the license or commission number, if one is assigned by the issuing ~~agency~~; agency, board, or
14 commission;
- 15 (6) the expiration dates for all licenses or commissions listed; and
- 16 (7) whether, to the knowledge of the individual, there is an open investigation by the issuing ~~agency~~
17 agency, board, or commission into use or misuse by the individual of a license or commission listed.

18

19 *History Note: Authority G.S. 10B-4;*
20 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0703 is adopted with changes as published in 38:09 NCR 562 as follows:

2
3 **18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR**
4 **NOTARY COMMISSION**

5 For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and
6 for which the individual has been the subject of a disciplinary ~~action~~, action by a court, legislative body, governmental
7 agency, board, or commission, the individual shall include:

- 8 (1) the date of each disciplinary action;
- 9 (2) the disciplinary action taken;
- 10 (3) a copy of each disciplinary action;
- 11 (4) if not included in the copy of the disciplinary action provided:
 - 12 (a) the reason given for the disciplinary action; ~~by the issuing agency~~;
 - 13 (b) an explanation of the circumstances that led to the disciplinary action; and
 - 14 (c) the name of the ~~court, legislative body, or governmental agency that issued or took the~~
15 ~~action~~; issuing entity;
- 16 (5) whether the disciplinary action included any corrective action or conditions on the license or
17 commission;
- 18 (6) whether the individual has complied with the corrective actions or conditions;
- 19 (7) the date on which compliance with the corrective actions or conditions was satisfied;
- 20 (8) whether the individual would be eligible for relicensure or ~~recommissioning by the issuing agency~~;
21 recommissioning; and
- 22 (9) other information that the individual wishes to include in order to aid the Department in assessing
23 the individual's professional license and notary commission history.

24
25 *History Note:* Authority G.S. 10B-4; 10B-134.21; 10B-134.23;
26 *Eff. ~~July 1, 2024~~. March 1, 2025.*

1 18 NCAC 07B .0704 is adopted with changes as published in 38:09 NCR 562 as follows:

2

3 **18 NCAC 07B .0704 PUBLIC OFFICES**

4 An individual shall include on the application for authorization:

5 (1) a list of each public office that the individual presently holds or has held;

6 (2) the name under which each public office is or was held;

7 (3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;

8 (4) the title of the public office;

9 (5) the beginning and ending dates of the term of each public office; and

10 (6) whether, to the knowledge of the individual, there is an open investigation by a government or law
11 enforcement agency into the use or misuse by the individual of the public office.

12

13 *History Note: Authority G.S. 10B-4;*

14 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

15

1 18 NCAC 07B .0705 is adopted with changes as published in 38:09 NCR 562 as follows:

2

3 **18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES**

4 If an individual was denied a public office, the individual shall include with the application:

5 (1) the name of the public office that was denied;

6 (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;

7 (3) the date of the denial;

8 (4) the name used when the denial occurred;

9 (5) the reason for the denial; and

10 (6) other information that the individual wishes to include in order to aid the Department in assessing
11 the individual's qualification for authorization.

12

13 *History Note: Authority G.S. 10B-4;*

14 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07B .0706 is adopted with changes as published in 38:09 NCR 563 as follows:

2

3 **18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES**

4 If an individual resigned from a public ~~office, office in lieu of disciplinary action,~~ the individual shall include:

- 5 (1) the name of the public office from which the individual resigned;
- 6 (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- 7 (3) the date of the resignation;
- 8 (4) the name used when the resignation occurred;
- 9 (5) the reason for the resignation; and
- 10 (6) other information that the individual wishes to include in order to aid the Department in assessing
- 11 the individual's qualification for authorization.

12

13 *History Note:* Authority G.S. 10B-4;

14 Eff. ~~July 1, 2024.~~ March 1, 2025.

1 18 NCAC 07B .0707 is adopted with changes as published in 38:09 NCR 563 as follows:

2

3 **18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE**

4 For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject
5 of a disciplinary action, the individual shall include:

- 6 (1) the date of each disciplinary action;
- 7 (2) the disciplinary action taken;
- 8 (3) a copy of each disciplinary action;
- 9 (4) if not otherwise set out in the copy of the disciplinary action provided:
 - 10 (a) the reason given for the disciplinary action; and
 - 11 (b) an explanation of the circumstances that led to the disciplinary action;
- 12 (5) whether the disciplinary action included any corrective actions or conditions;
- 13 (6) whether the individual complied with the corrective actions or conditions;
- 14 (7) the date on which compliance with the corrective actions or conditions was satisfied;
- 15 (8) whether the individual would be eligible to hold public office again; and
- 16 (9) other information that the individual wishes to include in order to aid the Department in assessing
17 the individual's qualification for authorization.

18

19 *History Note: Authority G.S. 10B-4;*

20 *Eff. ~~July 1, 2024~~. March 1, 2025.*