

The Notary Commission Belongs to the Notary

Becoming a notary public is a noteworthy undertaking; there are many reasons why a person may apply for a notary commission. Some apply for a notary commission to broaden their professional credentials and skills for employment. Others become notaries at the request of an employer or as a service to their business clients. Law firms, shipping centers, banks, and post offices are a few of the many types of businesses that have notaries on staff.

When an employer asks an employee to become a notary, the employer may decide to pay for the employee's notary education (if required), notary seal, supplies, and notarial record book.

Regardless of who pays for the notary commission- the notary, or the employer-the notary commission, seal, and notarial records belong solely to the notary, even if the employer paid for them.

If an employee leaves his or her position of employment, does the employer retain the notary's commission, record book, or notary seal? Does an employer have the right to request that the notary employee resign his or her notary commission? "No." is the answer to both of these questions.

An employer may be under the impression that an illegal notarization performed in the future by a departing notary employee will cause liability for him or her (or the company) since the employer paid for the notary bond and commission. Therefore, employers may erroneously request that notaries resign their notary commissions; employers may also attempt to keep notary seals and records.

However, a notary must insist that he or she remain in possession of his or her notary commission, notary seal, and notary record book. If an employer refuses to give possession of a notary's commission, records, or seal to the notary owner, the notary may be able to resolve the problem by

- sending a letter via certified mail to the employer outlining that a notary's commission, seal, and records are the sole property of the notary public to whom they were assigned;
- providing his or her former employer with a copy of this article;
- including the contact information for the state notary public administrator's office with a suggestion that the employer contact the office to verify to whom the notary's seal, records, and commission belong; and
- ending a copy of the letter via certified mail to the notary public administrator's office.

Once the notary public administrator's office has been notified that an employer kept the notarial possessions of the notary, a notary should be able to replace them and continue serving as a notary public.

Notary laws vary from state to state; notaries should inquire about their states' official procedures if they find themselves leaving jobs without being allowed to take and retain possession of their notarial records, seals, or commissioning documents.