COMMON NOTARY PUBLIC MISTAKES TO AVOID

MAJOR NOTARY PUBLIC MISTAKES (VERY HIGH RISK)

- **Failure to require personal appearance of your Signer.** This is a significant violation, as the Signer must be physically present (or virtually present, if permitted) for every notarization. RCW 42.45.030; RCW 42.45.040; WAC 308-30-020
- **Failure to verify your Signer's identity.** Not confirming the Signer's identity with proper ID as required by our state law. RCW 42.45.050
- **Failure to confirm competency, knowledge, and voluntariness of your Signer.** The notary public must confirm that the person signing in front of them is doing so knowingly and of their own free will. RCW 42.45.060 Being able to see and interact with the Signer gives you the opportunity to confirm that the signing party intends to sign the documents in question, is competent to sign them, and is doing so voluntarily. Examples of situations where the signing party may not be competent, knowing, or signing voluntarily include where...
    - Signer is signing under **duress** *(appears fearful, reluctant, crying, being pressured/threatened by someone)*
    - Signer does not read and write the language of the documents being signed
    - Signer is intoxicated or is under the influence of drugs
    - Signer is mentally infirm *(be particularly careful when signing in a hospital or care facility)*
    - Signer is underage

These are all **RED FLAGS**. Pay closer attention. If/when you have doubts about the competency, knowledge, and/or voluntariness of your Signer, **it is your duty to ask questions** and talk with the Signer to get a better sense of their mental state. If you are satisfied that your Signer is competent, knowing, and signing voluntarily, *proceed*. But if not, you must refuse to perform the notarization (and note it in your notary journal AND report issue if necessary.)

COMMON NOTARIAL CERTIFICATE ERRORS RCW 42.45.180; WAC 308-30-190; WAC 308-30-200; WAC 308-30-210

- **Incomplete or incorrect Notarial Certificates:** Missing or wrong **Venue** (county/state), **Date**, **Signer's or Notary's name**, or using wrong **type of certificate** *[e.g., Individual Acknowledgment vs. Representative Acknowledgement vs Verification Upon Oath or Affirmation (Jurat)]*.
- **Incorrect Names/Signatures:** Not printing or signing your name exactly as it appears on your notary public commission or putting the Notary's name in the Signer's spot (and vice versa).
- **Failure to include your title (notary public) and/or your notary commission expiration date**
- **Illegible or missing notary seal/stamp:** A smudged or incomplete notary stamp or omitting it entirely.
- **Incorrect or missing signing dates:** Entering the wrong day, month, or year or omitting it entirely.

OTHER NOTARY MISTAKES

- **Altering documents; notarizing altered documents:** Correction fluid on a notarized document or notary certificate is a big no-no due to high risk of fraud. Never use whiteout on a document. It is better to simply re-do the notarization. If it is not possible, draw a single line through your notary error, make the correction, and initial it. Note errors/corrections in your journal. Never notarize a document that has been altered with correction fluid or which has been scribbled/blacked out. WAC 308-56A-215
- **Failure to maintain your notary journal:** You must record each and every notary transaction in a bound notary journal as required by Washington state law. RCW 42.45.180
- **Providing unlawful legal/immigration advice**; unlawful practice of law; assisting with drafting of legal records; acting as immigration consultant; providing court reporting services; false or deceptive advertising; receiving compensation for prohibited acts. RCW 42.45.230; **PERJURY:** failure to read Washington notary materials as sworn/affirmed by YOU in your Washington Notary Public Oath of Office. RCW 9A.72.085

WHY IT MATTERS: Notary errors can lead to documents being rejected by title companies or courts, causing delays, financial losses, lawsuits, and may include **civil/criminal penalties for notaries.** RCW 42.45.210, RCW 18.235.110, RCW 18.235.130