

## **Affidavit of Notary Misconduct (Notary Public Complaint)**

The attached form is designed to meet the statutory filing requirements pursuant to Alabama Code § 36-20-75. **This form and the information provided are not substitutes for the advice and services of an attorney.**

### **Commentary**

Alabama Code § 36-20-75(d)(1) states that “[a]ny party to a transaction requiring a notarial certificate for certification for verification and any attorney licensed in this state who is involved in such a transaction in any capacity, may execute an affidavit and file it with either the Secretary of State or the judge of probate who issued the commission to the notary public, setting forth the action which the affiant alleges are violations.” The affidavit must be typewritten or legibly printed. Upon receipt of a properly submitted affidavit, the Secretary of State or the judge of probate who issued the commission to the notary public shall forward the affidavit to the Alabama Law Enforcement Agency, which will then initiate and carry out investigations of violations.

### **Instructions for Form**

- **Notary Public Information:** Include as much of the requested information as you know.
- **Complainant Information:** Provide the required contact information, which includes your name, address, phone number, and email address, for the person alleging the misconduct.
- **Witness Information:** List the names, addresses, phone numbers, and email addresses of any witnesses who have personal knowledge of the alleged misconduct. Explain what each witness can attest to in relation to the allegations you are presenting. Use an additional sheet if necessary.
- **Allegations:** Please select the specific allegation that best describes the nature of the notary misconduct. You may select more than one allegation. Provide relevant information relating to each allegation.
- **Supporting Documentation:** The affidavit must include copies of all documents that relate to the allegations made.
- **Execution:** Sign and date the last page of the affidavit before a notary public or other office authorized to perform an oath.
- **Delivery Instructions:** This affidavit and supporting documentation may be delivered either to the Office of the Alabama Secretary of State or to the office of the judge of probate who issued the commission to the notary public. If you wish to file with the Alabama Secretary of State, this affidavit and supporting documentation may be mailed to Administrative Services, P.O. Box 5616, Montgomery AL 36103-5616 or delivered to 600 Dexter Ave Ste S-105, Montgomery, AL 36130 as well. If you wish to file with the office of the judge of probate, you can find the appropriate judge of probate to file with, along with their office information, at <https://www.sos.alabama.gov/city-county-lookup/probate-judges>.

*Questions concerning the affidavit may be directed to the Administrative Services section of the Alabama Secretary of State at (334) 353-7854 or the clerk of the office of the judge of probate who issued the commission to the notary public.*

Drafted 08/2023

State of Alabama	<b>AFFIDAVIT OF NOTARY MISCONDUCT (Notary Public Complaint)</b>	IN THE PROBATE COURT OF  _____ COUNTY, ALABAMA <i>(if filed with judge of probate)</i>
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**Notary Public Information**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
*Street* *City* *State* *Zip*

Employer: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_  
*Street* *City* *State* *Zip*

Date Notary's Commission Expires *(as shown on document(s))*: \_\_\_\_\_

Date(s) of alleged improper acts: \_\_\_\_\_

**Complainant Information**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
*Street* *City* *State* *Zip*

Email Address: \_\_\_\_\_

**Witness Information**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
*Street* *City* *State* *Zip*

Email Address: \_\_\_\_\_

\_\_\_\_\_  
This Witness can attest to:

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
*Street* *City* *State* *Zip*

Email Address: \_\_\_\_\_

\_\_\_\_\_  
This Witness can attest to:

*USE AN ADDITIONAL SHEET IF NECESSARY*

## Important Notice Regarding the Complaint Process

Complainants need to present factual evidence, within the complainant's personal knowledge, that the notary engaged in conduct that violates the laws and rules governing the conduct of Alabama notaries public. Upon receipt of a properly submitted affidavit, the Secretary of State or the judge of probate who issued the commission to the notary public shall forward the affidavit to the Alabama Law Enforcement Agency. The Alabama Law Enforcement Agency shall then initiate and carry out, on their own or in coordination with local law enforcement agencies, investigations of violations. Where appropriate, the Alabama Law Enforcement Agency shall then refer the matter to the local district attorney for criminal prosecution.

The judge of probate who issued the commission to the notary public may also take disciplinary action against a notary public. This disciplinary action can range from a warning to a notary to a restriction, suspension, or revocation of a notarial commission. Additionally, the judge of probate may order injunctive relief against any person who violates the laws and rules governing the conduct of Alabama notaries public. This injunctive relief may include, but is not limited to, the ordering of the surrender and destruction of a notary commission and a notary seal.

**Your complaint must allege a violation of Alabama Code § 36-20-75. Below, please check the specific allegation(s) brought against the notary public and complete page 4. If additional allegations have been violated by the notary but are not listed below, please include those allegations on page 4 or an additional page.**

- I have personal knowledge that the notary has done any of the following:
  - 1) Held himself/herself out to the public as a notary without being commissioned;
  - 2) Performed a notarial act with an expired, suspended, or restricted commission; or
  - 3) Performed a notarial act before taking an oath of office.
- I was overcharged for a notarial act.
- I did not appear before the notary for the notarization, and the notarization was not a remote notarization.
- The notary did not follow the statutory procedures for remote notarization.
- The notary took an acknowledgement or administered an oath or affirmation without personal knowledge or satisfactory evidence of the identity of the principal.
- The notary took a verification or proof without personal knowledge or satisfactory evidence of the identity of the subscribing witness.
- My signature was forged on the notarized document.
- I have personal knowledge that the notary executed a notarial certificate that included a false statement.
- I have personal knowledge that the notary has committed any of the acts previously described in this list with the intent to commit fraud or intentionally assist in the commission of a fraudulent act.

**Please continue to page 4.**



## Supporting Documentation

Please mark each supporting document attached to this affidavit that should be reviewed by the Office of the Secretary of State or the judge of probate. *(Please do not submit confidential information such as driver license numbers, etc.)*

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- Copy of the notarized document in question.
- Copy of the notary log if obtained from notary public.
- Copy of receipt for overcharged notarization.
- Other (Please list and specify in the space below).

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## Verification

*I declare under penalty of perjury that the foregoing is true and correct.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

**STATE OF ALABAMA**

\_\_\_\_\_  
Printed or typed name of Complainant

**COUNTY OF** \_\_\_\_\_

I, the undersigned authority, in and for said County and State, hereby certify that \_\_\_\_\_ whose name is signed to the foregoing and who is known to me, who being first duly sworn on oath, acknowledged before me on this day, that the statements contained herein are true and correct and (s)he executed the same voluntarily on the day the same bears date.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(AFFIX NOTARY SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_