

KNOWLEDGE STATEMENTS

Please review the topics listed below and address this material in the Lesson Plan/Curriculum so that students will have adequate knowledge of the Oregon laws, rules, procedures and ethics concerning the functions and duties of a notary public. The *Oregon Notary Public Guide* published by the Oregon Secretary of State should be a primary resource, in addition to ORS Ch. 194 and OAR 160-100, for the construction of the Lesson Plan.

Administration Procedures

- The role of the Secretary of State in commissioning Oregon notaries public. Include the application process, the qualification requirements and contact information.
- The jurisdiction, length of term, and role of the notary as a state officer impartially witnessing notarial acts.

Notarial Responsibilities

- The responsibilities of the notary public for the State of Oregon, as outlined in ORS Ch. 194 and OAR 160-100, including the right to refuse to notarize for cause, maintaining current commission information with the Secretary of State, proper maintenance and disposition of the notary stamp and journal, the requirement of acting with “reasonable care” when notarizing.
- The prohibited misconduct outlined in ORS Ch. 194 and OAR 160-100, such as unauthorized practice of law, notarizing records in which a notary or their spouse is named or receives a direct beneficial interest, and committing acts of fraud or deceit through notarization.

Notary Fees and Advertising

The laws and rules relating to fees, including voluntary nature of charging, the fee waiver provision and how it applies to public employees, posting requirements for fees and ads, and travel fees.

Journal

The requirements for the keeping and maintaining of notarial journal under ORS Ch. 194 and OAR 160-100, including journal entry requirements, retention, disclosure, and the journal agreement provision.

Official Stamp

The requirements under ORS Ch. 194 and OAR 160-100 for the appearance and use of the official notary public stamp, including its destruction after commission termination or expiration.

Identification

The requirements for identification of the signer under ORS Ch. 194 and OAR 160-100, including methods of identification, personal appearance, credible witness qualifications and procedure, and the ability to require more documentation until satisfied.

Capacity and Willingness

The requirements under ORS Ch. 194 and OAR 160-100 for determining the willingness and the capacity to execute a record of the signer.

Document

The procedures to review the document for information required under ORS Ch. 194 and OAR 160-100, including best practices on blank spaces, foreign language, and correct information, such as dates and the name of the signer.

Notarial Certificates

- How to evidence, through the notarial certificate, the types of notarial acts an Oregon notary public is allowed to perform under ORS Ch. 194 and OAR 160-100, including the determination of the act, the component elements and appropriate composition of the certificates, prohibitions, and best practices in attaching a certificate.
- The unique requirements of each notarial act, including administering oaths and affirmations, evidencing representative capacity, and limitations on copy certification of public documents.