

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 records that relate to the allegations.
- **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 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	AFFIDAVIT OF NOTARY MISCONDUCT (Notary Public Complaint)	IN THE PROBATE COURT OF _____ COUNTY, ALABAMA <i>(if filed with judge of probate)</i>
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Notary Public Information (Alleged Violator)

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: _____

My Information (Complainant)

Name: _____ Phone Number: _____
Address: _____

Street *City* *State* *Zip*

Email Address: _____

Witness(es) 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

Complaints must present factual evidence, within the personal knowledge of the person making the complaint, that the notary engaged in conduct that violates the laws and rules governing 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 (ALEA). ALEA shall then initiate and carry out, on their own or in coordination with local law enforcement agencies, investigations of violations. Where appropriate, ALEA 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, ranging from a warning 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, ordering 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) 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 on an additional page.

I have personal knowledge that the notary has done any of the following:

- Held himself/herself out to the public as a notary without being commissioned;
- Performed a notarial act with an expired, suspended, or restricted commission;
- Performed a notarial act before taking an oath of office;
- Charged a fee for a notarial act in excess of the maximum fee allowed by law (\$10);
- Performed an acknowledgment or administered an oath or affirmation without the principal being present and without complying with remote notarization law requirements;
- Took an acknowledgement or administered an oath or affirmation without personal knowledge or satisfactory evidence of the identity of the principal;
- Took a verification or proof without personal knowledge or satisfactory evidence of the identity of the subscribing witness;
- Took an acknowledgement, a verification or proof, or administered an oath or affirmation, he or she reasonably believes to be false;
- Committed any of the acts described in this list with the intent to commit fraud;
- Committed any of the acts described in this list to intentionally assist with committing a fraudulent act.

Please continue to page 4.

Supporting Records

Please mark each supporting record attached to this affidavit that should be reviewed by the Office of the Secretary of State or the judge of probate.

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- Copy of the notarized document(s) in question.
- Copy of receipt for overcharged notarization.
- Other (Please list and specify each record in the space below).

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: _____