

SUBCHAPTER 07B – GENERAL REQUIREMENTS

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General Statutes. The rules govern:

- (1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public officers of the State;
- (2) the qualification, certification, and discipline of certified notary instructors; and
- (3) the qualification, approval or licensing, conduct, and discipline of technology providers.

*History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2024.*

18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint," "reappoint," "appointment," "reappointment," "commission," "recommission," "commissioning," and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining the commission.
- (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned.
- (3) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
- (4) "Authorize" means the Department's action to issue an authorization.
- (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (7) "Crime" means:
 - (a) an offense designated by law as a felony or misdemeanor;
 - (b) an attempt to commit an offense;
 - (c) an accessory to commission of an offense;
 - (d) aiding and abetting of an offense;
 - (e) conspiracy to commit an offense;
 - (f) solicitation to commit an offense; or
 - (g) threat to commit an offense.An infraction as defined in G.S. 14-3.1 is not a crime.
- (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (9) "Criminal convictions" means the following dispositions of criminal charges:
 - (a) adjudications of guilt;
 - (b) pleas of nolo contendere;
 - (c) pleas of guilty;
 - (d) Alford pleas;
 - (e) conditional discharges;
 - (f) prayers for judgment continued; and
 - (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- (10) "Denial" with regard to public office means an individualized action:

- (a) to disqualify an individual from:
 - (i) being a candidate for an elected public office; or
 - (ii) holding or filling a public office; and
 - (b) that is taken by:
 - (i) a governmental agency, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (11) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
 - (a) a disciplinary order;
 - (b) a censure;
 - (c) a reprimand;
 - (d) an admonition;
 - (e) a resignation in lieu of termination or revocation;
 - (f) a denial;
 - (g) a written warning; or
 - (h) actions denominated differently but equivalent to Sub-Items (a)-(g) in this Item.
- (12) "Disciplinary order" means a directive or its equivalent that:
 - (a) is directed to a holder of a professional license or a commissioned notary public;
 - (b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
 - (c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or notary public; and
 - (d) is not stayed, rescinded, reversed, or expunged.

Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.
- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding resulting in a determination that:
 - (a) a fact has been proved according to the applicable legal standard; or
 - (b) a law applies to the specific facts in a matter.
- (15) "Harm" means:
 - (a) loss or damage to a person affecting:
 - (i) liberty;
 - (ii) child custody, parental rights, child support, or visitation;
 - (iii) reputation;
 - (iv) money;
 - (v) property;
 - (vi) time; or
 - (vii) a contract or transaction; or
 - (b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.
- (16) "Issuance" with regard to public office means an action:
 - (a) to certify the results of an election signifying that an individual has been elected to the public office; or
 - (b) to appoint an individual to fill a public office; and
 - (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (17) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).

- (18) "Name for use on a notary public commission" or "commission name" means the name chosen by a commission applicant as the applicant's commission name and consisting of:
- (a) the full legal name of the commission applicant; or
 - (b) a combination of the applicant's surname and:
 - (i) full first or middle name; or
 - (ii) full first or middle name and one or more initials derived from the applicant's full legal name.
- Note: Full legal names, full first names, and full middle names shall not include nicknames.
- (19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:
- (a) G.S. 163-231(a); and
 - (b) G.S. 53C-6-13(a).
- (20) "Notary course" means a course taught by a certified notary instructor for purposes of:
- (a) commissioning or recommissioning a notary public; or
 - (b) registering or reregistering an electronic notary public.
- (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.
- (22) "Professional license" means an issuance that involves a grant of authority by a governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:
- (a) attorney;
 - (b) appraiser;
 - (c) architect;
 - (d) boiler inspector;
 - (e) building, electrical, fire, mechanical, or plumbing inspector;
 - (f) certified nursing assistant;
 - (g) certified public accountant;
 - (h) code enforcement official;
 - (i) electrical contractor;
 - (j) engineer;
 - (k) general contractor;
 - (l) geologist;
 - (m) insurance agent;
 - (n) insurance company adjuster;
 - (o) interpreter or transliterator;
 - (p) investment advisor;
 - (q) locksmith;
 - (r) motor vehicle damage appraiser;
 - (s) on-site wastewater contractor inspector;
 - (t) pharmacist;
 - (u) physician;
 - (v) physician assistant;
 - (w) plumbing, heating, and fire sprinkler contractor;
 - (x) private investigator;
 - (y) professional bondsman;
 - (z) real estate broker;
 - (aa) registered nurse, licensed practical nurse, nurse practitioner;
 - (bb) securities broker, dealer, salesman;
 - (cc) self-employed insurance adjuster;
 - (dd) surety bondsman;
 - (ee) sworn law enforcement officer; and
 - (ff) teacher.
- (23) "Public office" means a position:
- (a) created by law to which an individual has been elected or appointed;

- (b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public; and
 - (c) with authority that is not solely advisory.
- (24) "Restriction" with regard to public office means an individualized action:
- (a) to restrain an individual from serving in public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (25) "Release from prison, probation or parole" means:
- (a) completion of all terms of a sentence or judgment entered as part of a disposition of a criminal charge;
 - (b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge;
 - (c) a certificate of relief pursuant to G.S. 15A-173.4;
 - (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
 - (e) an unconditional pardon pursuant to G.S. 13-3;
 - (f) an order that a conviction is vacated; and
 - (g) the individual's citizenship has been restored pursuant to G.S. 13-1;
 - (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- (26) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides, including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (27) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
- (a) to void or cancel a certification of election to office; or
 - (b) to remove an individual from a public office; and
 - (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (28) "Suspension" with regard to a public office means an individualized action:
- (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
 Eff. April 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Amended Eff. July 1, 2024.

18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION

- (a) Hours. Departmental hours for the public are 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of State holidays.
- (b) The Department's website is: www.sosnc.gov.

- (c) Email address: The Department may be contacted by email for notary-related issues at notary@sosnc.gov. Unless specifically permitted by a rule in this Chapter, email shall not be used for submitting applications.
- (d) Telephone number: The telephone number for the Department's customer service unit is (919) 814-5400.
- (e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.
- (f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2024; February 1, 2021; October 1, 2019.

18 NCAC 07B .0104 ADA ACCOMMODATION

An applicant to become a notary public, electronic notary public, or certified notary instructor who needs accommodation pursuant to the Americans with Disabilities Act shall:

- (1) with regard to a notary course and exam accommodation request, direct the request to the institution offering the course and exam, in which instance the institution may consult with the Department about the accommodation requested; or
- (2) with regard to the online recommissioning exam, certified notary instructor initial or recertification oral presentation or written exam, contact the Department and request an accommodation.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION

A filer shall:

- (1) use reasonable efforts to obtain information requested by the Department;
- (2) deliver to the Department all requested information that is available to the filer; and
- (3) if unable to obtain requested information, describe to the Department the efforts taken to obtain the information.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0106 WAIVER

The Department may waive any rule in this Chapter that is not statutorily required on request of a filer or on its own initiative based on the factors set forth in Rule .0108 of this Section.

History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2024.

18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST

A request for waiver of a rule in this Chapter shall be in writing and shall include:

- (1) the requestor's:
 - (a) name;
 - (b) mailing address;
 - (c) email address; and
 - (d) preferred telephone number for contact;
- (2) for a request filed on behalf of an entity:
 - (a) the name of the entity;
 - (b) the requestor's position with the entity and authority to file the request on behalf of the entity;

- (c) the mailing and business addresses of the entity;
- (d) the telephone number for the entity; and
- (e) the email address for the entity;
- (3) the specific rule and paragraph number for which waiver is requested;
- (4) an explanation of the reason for the request, including facts supporting the request;
- (5) any additional information related to the factors in Rule .0108 of this Section that the requestor wishes the Department to consider;
- (6) supporting documentation, if any;
- (7) a description of any previous waiver requests filed with the Department; and
- (8) the signature of the requestor and the date signed.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS

Factors to be considered when the Department considers a waiver request are:

- (1) information about the requestor and the request, including the requestor's:
 - (a) explanation of the reasons for the request;
 - (b) control over the circumstances leading to the request;
 - (c) experience with the Notary Act and the rules in this Chapter;
 - (d) record of timeliness, completeness, and accuracy of filings with the Department;
 - (e) history of waiver requests, if any; and
 - (f) impact of granting or denying the request on the requestor; and
- (2) impact on the public by granting or denying the request, including:
 - (a) harm or benefit to the public;
 - (b) consistency of implementation and enforcement of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (c) any harm to the Department if a waiver is granted or denied.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS

The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the rules in this Chapter.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL INFORMATION

A request to the Department for information about a notary that is confidential pursuant to G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, or that is personally identifiable information shall:

- (1) be in writing;
- (2) include the name of the requestor and contact information for the requestor; and
- (3) document the right of the requestor to receive the confidential information.

History Note: Authority G.S. 10B-4; 10B-106;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .1001 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

SECTION .0200 – FEES PAID TO THE DEPARTMENT

18 NCAC 07B .0201 U.S. CURRENCY

Filers shall tender fees in U.S. dollars and cents.

History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0105(a) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0202 ONLINE FEE PAYMENT

Filers who tender fees online shall pay by:

- (1) an automated clearinghouse debit account (ACH);
- (2) a credit card; or
- (3) a debit card.

History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0105(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0203 FEES PAID IN PERSON

Filers who tender fees in person shall pay with:

- (1) one of the following types of checks, made payable to the N.C. Department of the Secretary of State:
 - (a) a personal or business check; or
 - (b) a cashier's check;
- (2) cash;
- (3) money order; or
- (4) a credit or debit card.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0204 FEES PAID BY USPS OR BY DELIVERY SERVICE

Filers who tender fees through delivery by United States Postal Service (USPS) or by a designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) shall pay using one of the following methods, made payable to the N.C. Department of the Secretary of State:

- (1) a personal or business check;
- (2) a money order; or
- (3) a cashier's check.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0205 FEE FOR DISHONORED PAYMENT

Pursuant to G.S. 25-3-506, the Department may charge a thirty-five dollar (\$35.00) processing fee to a filer if a tendered payment is dishonored by a bank or financial institution.

History Note: Authority G.S. 10B-4; 25-3-506;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0105(c) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0206 FILING NOT PROCESSED IF PAYMENT DISHONORED

The Department shall not continue to process a filing for which processing has not been completed if the Department receives notice that a payment has been dishonored.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07B .0207 DEPARTMENT ACTIONS UPON DISHONORED PAYMENT

If the Department has received notice that a tendered payment has been dishonored, regardless of whether the Department has completed processing the filing:

- (1) the filing shall be deemed incomplete;
- (2) the filing shall be voided if payment is not made in full within 15 calendar days of the dishonor pursuant to Rule .0208 of this Section; and
- (3) if any information has been posted on the Department's website indicating that commissioning, registration, licensure, or approval has occurred, the Department shall:
 - (a) remove the information from the website; or
 - (b) annotate the entry as incomplete or void.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07B .0208 NOTICE TO FILER OF DISHONORED PAYMENT

Upon receipt of notice of dishonor of a tendered payment, the Department shall notify a filer orally or in writing that:

- (1) the payment the filer tendered has been dishonored; and
- (2) the filing shall:
 - (a) not be processed or deemed completed until the filer has tendered in full the payment and the fee in Rule .0205 of this Section; and
 - (b) be voided if payment and fees are not tendered in full within 15 calendar days of the date the Department orally or in writing notifies the filer of the dishonor.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

SECTION .0300 – FILING, SIGNATURES ON FILINGS, AND RESPONSES TO REQUESTS FOR INFORMATION

18 NCAC 07B .0301 FORM USE REQUIRED

In submitting a filing, a filer shall:

- (1) use a form in Section .0400 of this Subchapter; or
- (2) if there is not a form for the filer's purpose in Section .0400 of this Subchapter, provide in writing the information required by G.S. Chapter 10B or the rules in this Chapter.

*History Note: Authority G.S. 10B-4; 10B-14(a),(f); 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2024.*

18 NCAC 07B .0302 MODE OF FILING

Filers shall submit filings electronically by means established by the Department unless paper filing is permitted pursuant to:

- (1) Chapter 10B of the General Statutes; or
- (2) Rule .0303 of this Section.

*History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.*

18 NCAC 07B .0303 PAPER FILINGS PERMITTED

Paper filings shall be permitted:

- (1) where the Department has not established electronic means for submittal of a filing; or
- (2) in the case of a traditional notary public:
 - (a) initial applications;
 - (b) recommissioning applications; and
 - (c) affidavits, criminal records, and other documents required to be submitted with applications by notary, electronic notary, or notary instructor applicants pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-5(e);
Eff. July 1, 2024.

18 NCAC 07B .0304 INAPPLICABLE QUESTIONS

If a question or item is not applicable to a filer, the filer shall not leave the question or item blank but shall respond "not applicable" or "N/A."

History Note: Authority G.S. 10B-4; 10B-5(e); 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0305 RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION

A filer shall respond to departmental requests for information within the time and in the manner specified based upon the Department's consideration of:

- (1) the nature of the information requested;
- (2) the urgency of the Department's need for the information; and
- (3) the ease of production by the recipient of the request.

History Note: Authority G.S. 10B-4; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0306 ATTACHMENTS

If a form does not include enough space to provide a complete and accurate response to a question or request for information from the Department, a filer shall include an attachment with the form.

History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0307 NOTICE OF ATTACHMENT

A filer shall:

- (1) make a note at the location of a question or request for information that an attachment has been added in order to fully respond. Note: An example is "See Attachment 1"; and
- (2) identify on the attachment to which question or request for information the additional information relates.

History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0308 SIGNATURE FOR ENTITY

(a) If a person is signing a form or other document for a technology provider or other business entity:

- (1) the signer shall be duly authorized by law or the entity to sign; and
- (2) the signer shall state the signer's title, position, and authorization to sign.

(b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the owner for a sole proprietorship, or by a general partner for a general partnership.

History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0309 FORM PREPARER SIGNATURE REQUIRED

A form preparer signing for a technology provider or other business entity shall:

- (1) sign in the space provided for a preparer's signature on a form; or
- (2) document and note "form preparer" next to the signature in the space provided for a preparer's signature on a form.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0310 INCOMPLETE FILINGS

The Department shall consider a filing incomplete for:

- (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the rules in this Chapter;
- (2) lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or
- (3) lack of a notarial act where required by Chapter 10B or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0311 REJECTION OF INCOMPLETE FILINGS

The Department shall reject a filing if it is incomplete and not remedied by the filer within the time specified by the Department.

History Note: Authority G.S. 10B-4; 10B-134.19; Eff. July 1, 2024.

18 NCAC 07B .0312 FILING DATE OF DOCUMENT

A form or document is deemed filed on the day that it is deemed complete and shall not relate back to the date the filing was received.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

SECTION .0400 – FORMS

18 NCAC 07B .0401 GENERAL

All forms issued pursuant to Chapter 10B of the General Statutes may be found on the Department's website or, where not available through the website, may be obtained by contacting the Department using one of the means set out in Section .0100 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-5(e); 10B-6; 10B-106; 10B-125; 10B-134.17; 10B-134.21; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0104 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07B .0402 CONTACT INFORMATION

For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

- (1) for an individual who is identified pursuant to G.S. 10B-134.19(c)(2):
 - (a) the full name of the individual;
 - (b) the following addresses:
 - (i) residential address;
 - (ii) business address;

- (iii) mailing address;
- (c) business telephone numbers;
- (d) business email addresses;
- (e) any other names by which the individual is known, including nicknames;
- (2) for a business entity:
 - (a) the name of the entity on record with the Secretary of State, formation or filing office in its state, federally recognized tribe, or country of formation;
 - (b) the name of the state, federally recognized tribe, or country of formation;
 - (c) the street address, and the mailing address if different, of the entity's principal office;
 - (d) the street address, and the mailing address if different, of the entity's registered office;
 - (e) the principal office telephone number of the entity;
 - (f) the email address of the entity;
 - (g) the URL for the entity's website, if any;
 - (h) the name of an individual who is designated by the entity as the primary contact between the Department and the entity, and for that individual:
 - (i) title and position;
 - (ii) telephone number;
 - (iii) mailing address if different from the addresses provided in Sub-Items (2)(c) and (d) of this Item;
 - (iv) primary email address;
 - (v) secondary email address, if applicable;
 - (i) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in Sub-Item (2)(h) of this Item is not available; and
 - (j) the information in Sub-Item (2)(h) of this Item for the secondary contact individual named in Sub-Item (i) of this Item; or
- (3) for a registered agent listed on an application filed pursuant to G.S. 10B-134.19:
 - (a) the name of the registered agent;
 - (b) the registered office address for the registered agent and mailing address if different; and
 - (c) a business email address for the registered agent.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0403 CERTIFICATE OF APPOINTMENT FORM

The certificate of appointment form includes:

- (1) space for the entry by the Register of Deeds in the county of the commission to enter:
 - (a) the name of the individual administering the oath;
 - (b) the title of the individual administering the oath;
 - (c) the name of the appointee who appeared before the individual and took the oath; and
 - (d) the signature of the individual who administers the oath; and
- (2) space for the signature of the notary public after the oath has been administered.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0404 ELECTRONIC NOTARY PUBLIC REGISTRATION FORM

An electronic notary public applicant registration form includes:

- (1) the name on the applicant's commission;
- (2) the applicant's commission number;
- (3) whether the applicant has any changes to report under G.S. 10B-50, G.S. 10B-51, G.S. 10B-52, G.S. 10B-53, G.S. 10B-54, 18 NCAC 07F .0403, 18 NCAC 07F .1106, 18 NCAC 07F .1109, or 18 NCAC 07F .1110;
- (4) for reapplications, a statement with regard to technology providers that:
 - (a) the notary will continue to use:
 - (i) the electronic notarization system of the technology provider for which the notary has previously provided notice; and

- (ii) the custodian for the electronic journal for which the notary has previously provided notice;
- (b) the names of the technology provider that the notary will now use; or
- (c) at this time, the notary does not have a technology provider;
- (5) the signature of the electronic notary applicant; and
- (6) the date on which the applicant signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21;
Eff. March 1, 2025.

18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY ELECTRONIC NOTARIES

The form notifying the Department of the selection of technology providers by an electronic notary public includes:

- (1) the name on the notary's commission;
- (2) the notary's commission number;
- (3) the name of the technology providers selected by the notary to provide:
 - (a) electronic signatures;
 - (b) electronic seals; and
 - (c) electronic journals;
- (4) the name of the custodian selected by the notary to provide custodial services for electronic journals;
- (5) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
- (6) the anticipated dates on which the notary will begin using the technology providers;
- (7) the signature of the notary; and
- (8) the date on which the notary signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-134.23;
Eff. March 1, 2025.

18 NCAC 07B .0406 NOTICE TO DEPARTMENT OF CHANGE BY ELECTRONIC NOTARY IN TECHNOLOGY PROVIDER

The notice to the Department of change by an electronic notary in technology provider form includes:

- (1) the name of the technology provider that the electronic notary previously notified the Department the notary would use;
- (2) the type of service the technology provider previously provided to the notary;
- (3) the date on which the notary stopped or will stop using the technology provider to perform electronic notarizations;
- (4) the name of the technology provider that the notary will now use;
- (5) the date on which the notary anticipates beginning to use the new technology provider;
- (6) the signature of the notary; and
- (7) the date on which the notary signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;
Eff. March 1, 2025.

18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM

The initial application for notary commission form requires:

- (1) the information required by G.S. 10B-5, 10B-6, and 10B-7;
- (2) from the commission applicant:
 - (a) whether the applicant is a licensed member of the North Carolina State Bar;
 - (b) a residential phone number, which may be a cell phone number;
 - (c) the North Carolina notary commission number, if one was issued, and more than 12 months have elapsed since expiration;
 - (d) occupation;

- (e) applicant's employer or status as:
 - (i) self-employed;
 - (ii) unemployed;
 - (iii) retired; or
 - (iv) a student;
- (f) North Carolina county where employed;
- (g) with regard to the notary course attended:
 - (i) the name of the eligible institution that offered the course;
 - (ii) the number of course hours;
 - (iii) the printed or typed name of the course instructor; and
 - (iv) the date the course was successfully completed;
- (h) a description of included attachments, if any; and
- (i) the declaration required by G.S. 10B-12; and
- (3) from the notary course instructor:
 - (a) certification that:
 - (i) the date, eligible institution, and printed name of the instructor are correct; and
 - (ii) the applicant successfully completed the course and therefore qualifies for consideration for a notary commission; and
 - (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER

The affidavit of moral character form requires:

- (1) the applicant's name for use on a notary public commission, if available, or the full legal name of the individual about whom the affidavit is prepared;
- (2) information about the character witness:
 - (a) the affiant's name, contact information, and occupation;
 - (b) how the affiant knows the individual;
 - (c) how long the affiant has known the individual;
 - (d) how the affiant has had the opportunity to form an opinion of the individual's character; and
 - (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the individual;
- (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the ability of the individual to comply with Chapter 10B of the General Statutes;
- (4) a declaration whether the affiant personally recommends the individual for an authorization requiring honesty, integrity, trustworthiness, and high standards of moral character;
- (5) the signature of the affiant and the date signed; and
- (6) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC

The form for application for recommissioning as a notary public before expiration of a commission or within 12 months of commission expiration requires:

- (1) information regarding the applicant's current or, if expired, the most recent commission, including the commission number;
- (2) an imprint or stamp from the applicant's current seal, or most recently expired seal, if the applicant currently possesses a seal;
- (3) information required pursuant to G.S. 10B-11;
- (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning process;

- (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items (1)-(3) of this Rule; and
- (6) the declaration under penalty of perjury that is required by G.S. 10B-12.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0410 NOTICE OF CHANGES REQUIRED BY 18 NCAC 07D .0301

The form for notice of change in the information required by 18 NCAC 07D .0301 shall include:

- (1) the notary public's commission name and county of commission;
- (2) the notary's commission number;
- (3) contact information for the notary;
- (4) last four digits of the notary's SSN;
- (5) for each change:
 - (a) which item of information regarding the notary has changed;
 - (b) the information as it existed before the change; and
 - (c) the information after the change; and
- (6) the printed name and signature of the notary and the date signed.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD

The form for notice of changes in criminal history record requires:

- (1) the name of the individual;
- (2) if a commissioned notary public the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;
- (5) for a previously unreported criminal charge:
 - (a) the date of the charge;
 - (b) the court in which the charge is filed;
 - (c) whether the charge is for a felony or misdemeanor;
 - (d) the name of the charge;
 - (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
 - (f) the case number;
- (6) for notice of a disposition of a criminal charge:
 - (a) the date of the disposition;
 - (b) the name of the court and the case number;
 - (c) if the disposition resulted in a conviction:
 - (i) whether the conviction was for a felony or misdemeanor; and
 - (ii) the sentence imposed;
 - (d) a copy of the disposition document or judgment;
 - (e) a copy of any document restoring citizenship rights; and
- (7) the signature of the individual and the date signed.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

- (1) the name of the individual;
- (2) if a commissioned notary public, the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;

- (5) for a change in any information required by G.S. 10B-7(10), the information required by Section .0700 of this Subchapter; and
- (6) the printed name and signature of the individual and the date signed.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING, OR UNAUTHORIZED PRACTICE OF LAW

The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading advertising, or unauthorized practice of law requires:

- (1) the notary public's commission name and county of commission;
- (2) the notary's commission number;
- (3) last four digits of the notary's SSN;
- (4) contact information for the notary;
- (5) the information required pursuant to:
 - (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to G.S. 10B-5(d)(3);
 - (b) 18 NCAC 07C .0208 for a finding of official misconduct by the notary;
 - (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and
 - (d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the notary; and
- (6) the printed name and signature of the commission applicant or notary and the date signed.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR

The application for certification as a notary instructor form requires:

- (1) the information required by Rule .0407(1)–(2)(i) of this Section;
- (2) whether the applicant is currently employed as:
 - (a) a register of deeds or clerk of court; or
 - (b) an employee of the Department and is authorized by the Secretary to serve as an instructor;
- (3) the eligible institution for which the applicant will teach if certified as an instructor;
- (4) the name, telephone number, and email address of a contact person at the eligible institution who is knowledgeable about the conditional hiring of the applicant to teach notary courses;
- (5) whether the applicant has a personal copy of the most recent notary public manual approved by the Department and, if yes, the year and edition number;
- (6) whether the applicant has active experience as a notary public;
- (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the General Statutes and the rules in this Chapter or is submitting a change form with the application;
- (8) the printed name and signature of the applicant and the date signed; and
- (9) a declaration under penalty of perjury that:
 - (a) the information provided is true and complete to the best of the applicant's knowledge and belief;
 - (b) the applicant remains qualified to be commissioned as a notary public; and
 - (c) the applicant will perform the duties and responsibilities of a certified notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. March 1, 2025.

18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT

The recommendation of notary instructor applicant form requires:

- (1) the instructor applicant's commission name;

- (2) the name and contact information for the individual completing the form;
- (3) the individual's basis for recommending the applicant, including:
 - (a) a declaration that the individual is not a family member of the applicant;
 - (b) how the individual knows the applicant; and
 - (c) whether and how the individual has knowledge of the applicant's teaching skills;
- (4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of notary applicants;
- (5) a declaration that the individual personally recommends the applicant to be a notary instructor;
- (6) the printed name and signature of the individual and the date signed; and
- (7) a declaration under penalty of perjury that the information provided is true and complete to the best of the individual's knowledge and belief.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE EXPERIENCE FORM

The form for the employer affidavit regarding active experience requires:

- (1) the name of the person employing the applicant;
- (2) information about the affiant, consisting of the following:
 - (a) the full printed name of the affiant;
 - (b) the affiant's title and position with the employer;
 - (c) the address and telephone number of the employer; and
 - (d) the email address of the affiant;
- (3) an explanation of the reasons the instructor applicant has performed notarial acts while employed by the employer;
- (4) a statement specifying which of the preceding twelve months the instructor applicant performed notarial acts for the employer;
- (5) a declaration that:
 - (a) the affiant has the authority to sign; and
 - (b) the affiant has knowledge of the matters described in the affidavit;
- (6) the signature of the affiant and date on which the affiant signed; and
- (7) a jurat certificate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. March 1, 2025.

18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM

The student evaluation of notary instructor form requests the following information from a student:

- (1) the name of the instructor;
- (2) the date of the course;
- (3) the name of the institution;
- (4) rating of the instructor's:
 - (a) professionalism;
 - (b) subject matter knowledge;
 - (c) use of audio-visuals, handouts, and other materials; and
 - (d) responsiveness to questions from students;
- (5) rating of the course materials;
- (6) other information or comments that the student wishes to add; and
- (7) the student's name and contact information if the student is willing to be contacted by the Department with follow-up questions.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR

The notary instructor application for recertification form requires:

- (1) the information specified in Rule .0414 of this Section;
- (2) verification that the applicant has taught the notary instructor course at least twice a year during the current two-year certification period;
- (3) the date of initial certification as an instructor;
- (4) whether certification has been continuous;
- (5) a declaration under penalty of perjury that:
 - (a) the information provided is true and complete;
 - (b) the applicant remains qualified to be commissioned as a notary public; and
 - (c) the applicant:
 - (i) understands the official duties and responsibilities of a notary public and notary public instructor in North Carolina; and
 - (ii) will perform to the best of the applicant's ability all responsibilities of teaching the notary courses in accordance with the law.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. March 1, 2025.

SECTION .0500 – CRIMINAL RECORDS

18 NCAC 07B .0501 CRIMES

For purposes of applications and discipline under Chapter 10B of the General Statutes and the rules in this Chapter, each of the following offenses shall be classified as a crime involving "moral turpitude" as defined in G.S. 10B-3(9) or a "crime involving dishonesty" as defined in Rule .0102(8) of this Subchapter:

- (1) arson;
- (2) assault;
- (3) battery;
- (4) burglary;
- (5) carrying a concealed weapon without a permit;
- (6) child molestation;
- (7) child pornography;
- (8) discharge of a firearm in a public place or into a dwelling;
- (9) domestic violence;
- (10) driving while impaired;
- (11) embezzlement;
- (12) failure to comply with a court order;
- (13) failure to pay child support;
- (14) failure to return to confinement;
- (15) false financial statement;
- (16) forgery;
- (17) fraud;
- (18) hit and run;
- (19) identity theft;
- (20) impersonation of a law enforcement officer;
- (21) kidnapping;
- (22) practicing law without a license;
- (23) prostitution;
- (24) rape;
- (25) receipt of stolen goods or property;
- (26) resist, delay or obstruct a public officer in discharging or attempting to discharge an official duty;
- (27) robbery;
- (28) tax evasion;
- (29) terrorist threat or act;
- (30) unlawful possession or sale of drug; and
- (31) worthless check.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING CONVICTIONS

An individual required to provide a criminal history record pursuant to Chapter 10B of the General Statutes and the rules in this Chapter shall include:

- (1) a complete listing of felony convictions of the individual and the name under which each conviction was entered;
- (2) a complete listing of misdemeanor convictions of the individual and the name under which each conviction was entered;
- (3) if the individual's criminal history record includes a conviction in North Carolina, a copy of the individual's criminal history record prepared by the North Carolina State Bureau of Investigation;
- (4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the individual's criminal history record from a criminal history record registry or repository of record reflecting the conviction; and
- (5) the signed explanation required by Rule .0503 of this Section.

Note: A "registry or repository of record" is the official governmental state, federal, national, or tribal archive or center for collection of criminal history information.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS

An individual who submits a criminal history record shall include an explanation for each criminal conviction with:

- (1) the individual's signature and the date on which the individual signed the explanation;
- (2) for each felony conviction:
 - (a) the date of the conviction and the court where the conviction was entered;
 - (b) the name of the court and the case number;
 - (c) the charge upon which the conviction was entered;
 - (d) a description of the circumstances surrounding the commission of the crime;
 - (e) the sentence imposed;
 - (f) a copy of the document showing the date of release from probation, parole, incarceration, or completion of the terms of the individual's sentence for each conviction; and
 - (g) a copy of any document restoring the individual's citizenship rights; and
- (3) for each misdemeanor conviction the information required in Items (2)(a)-(f) of this Rule.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS

For an individual listing a criminal conviction, an affidavit of moral character shall be:

- (1) completed by three individuals, none of whom is a family member, using the form specified in Rule .0408 of this Subchapter; and
- (2) submitted to the Department by the individual listing a criminal conviction or the individuals completing the affidavits.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES

An individual required to provide a criminal history record who has a pending criminal charge in a court shall, for each pending criminal charge:

- (1) notify the Department:
 - (a) at the time of application to the Department; or
 - (b) within 45 days if a charge is brought after the application has been filed; and

- (2) provide the information specified in the form in Rule .0411 of this Subchapter.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE

An individual required to provide the Department with information regarding a pending charge pursuant to Rule .0505 of this Section shall:

- (1) notify the Department within 45 calendar days of the final disposition of the charge;
- (2) provide the information specified in the form in Rule .0411 of this Subchapter;
- (3) provide a copy of the document reflecting the final disposition of the charge; and
- (4) if convicted, comply with Rules .0503 and .0504 of this Section.

History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.

SECTION .0600 – DENIALS, DISCIPLINE, AND ENFORCEMENT

18 NCAC 07B .0601 FACTORS FOR DISCIPLINARY ACTIONS

When determining whether and what disciplinary action to take, the Department shall consider:

- (1) the qualifications of the person;
- (2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under consideration;
- (3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
- (4) actual or potential harm;
- (5) the history of complaints against the person received by the Department;
- (6) the record of prior disciplinary actions against the person;
- (7) evidence in mitigation;
- (8) evidence in aggravation;
- (9) occupational, vocational, or professional license disciplinary record;
- (10) evidence of rehabilitation;
- (11) criminal history record;
- (12) information and reports received from other law enforcement agencies;
- (13) willfulness;
- (14) negligence;
- (15) the response of the person to any alleged violations; and
- (16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0901 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0602 DENIALS

(a) The Department shall deny an application in which an applicant willfully and knowingly provided false information about:

- (1) a criminal history record; or
- (2) a record of official findings of liability related to the applicant's deceit, dishonesty, or intentional disclosure of confidential information to a person not legally entitled to the information.

(b) The Department may deny an application that contains misleading information.

(c) The Department shall deny an application if:

- (1) the Department determines that the applicant is not qualified for the authorization issued pursuant to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, or the rules in this Chapter; or
- (2) an applicant notarizes the applicant's own signature.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
 Eff. April 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0902 Eff. June 1, 2023;
 Amended Eff. July 1, 2024.

18 NCAC 07B .0603 LEVELS OF ENFORCEMENT

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the rules in this Chapter, the Department may:

- (1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
 - (a) issue a letter of caution to a person along with:
 - (i) a request for compliance; and
 - (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
 - (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A requirement for additional education is an example of a corrective action plan;
 - (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;
 - (d) issue a revocation of a person's authorization;
 - (e) issue a permanent revocation of a person's authorization;
 - (f) issue an administrative action restricting, for a specific period of time, an unauthorized person from submitting an application or from being becoming authorized; or
 - (g) issue an administrative action permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
- (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule shall be denied by the Department immediately upon identification of the applicant as being subject to the administrative action during the period of time applicable to the action. The application fee shall not be refunded.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
 Eff. April 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0903 Eff. June 1, 2023;
 Amended Eff. July 1, 2024.

18 NCAC 07B .0604 LETTER OF CAUTION

The Department may issue a letter of caution to a person for a violation of the requirements of Chapter 10B of the General Statutes or the rules in this Chapter in circumstances that do not merit disciplinary action.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
 Eff. April 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0904 Eff. June 1, 2023;
 Amended Eff. July 1, 2024.

18 NCAC 07B .0605 WARNING

The Department may issue a warning to a person for a violation of Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. May 1, 2008;
Transferred from 18 NCAC 07B .0905 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0606 SUSPENSION

After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person who:

- (1) violates a requirement of Chapter 10B of the General Statutes or the rules in this Chapter; or
- (2) has a criminal conviction.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0906 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0607 RESTRICTION

Upon a finding that the person has acted without being authorized by the Department, the Department may issue an administrative action to restrict that person from applying for authorization or from becoming authorized to:

- (1) perform a notarial act;
- (2) teach a notarial course;
- (3) offer an electronic notarization system to an electronic notary public; or
- (4) act as a depository.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2021; October 1, 2019;
Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0608 MANDATORY REVOCATION

The Department shall revoke an authorization of:

- (1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to, an authorization issued by the Department;
- (2) a notary public who notarizes the notary's own signature;
- (3) a notary who performs a notarial act and either:
 - (a) fails to require the personal appearance of the principal; or
 - (b) performs a remote electronic notarial act without requiring the appearance of a principal by an authorized communication technology; or
- (4) a person who performs an act permitted by an authorization issued by the Department knowing that:
 - (a) the act, a document associated with the act, or information contained in a document associated with the act is false or fraudulent; or
 - (b) the intent of the act or document is to perpetrate a crime.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;

Eff. July 1, 2024.

SECTION .0700 – REPORTING PROFESSIONAL LICENSES, PUBLIC OFFICES, AND NOTARY COMMISSIONS

18 NCAC 07B .0701 GENERAL

An applicant for a notary commission shall include with the application a list of all professional licenses, public offices, and notary commissions as required by G.S. 10B-7(10), together with the information required by the rules in this Section.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0201 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL COMMISSIONS

An individual required to provide information to the Department about professional licenses and notarial commissions that the individual presently holds, has held, or has applied for shall include the following, to the extent the information is available to the individual after reasonable efforts, for each license and notarial commission listed:

- (1) the name under which each license or notarial commission was issued;
- (2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
- (3) the name of the governmental agency, board, or commission that issued each license or granted each commission;
- (4) the name of the professional license or notary commission;
- (5) the license or commission number, if one is assigned by the issuing agency, board, or commission;
- (6) the expiration dates for all licenses or commissions listed; and
- (7) whether, to the knowledge of the individual, there is an open investigation by the issuing agency, board, or commission into use or misuse by the individual of a license or commission listed.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR NOTARY COMMISSION

For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and for which the individual has been the subject of a disciplinary action by a court, legislative body, governmental agency, board, or commission, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not included in the copy of the disciplinary action provided:
 - (a) the reason given for the disciplinary action;
 - (b) an explanation of the circumstances that led to the disciplinary action; and
 - (c) the name of the issuing entity;
- (5) whether the disciplinary action included any corrective action or conditions on the license or commission;
- (6) whether the individual has complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible for relicensure or recommissioning; and
- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's professional license and notary commission history.

History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23;
Eff. March 1, 2025.

18 NCAC 07B .0704 PUBLIC OFFICES

An individual shall include on the application for authorization:

- (1) a list of each public office that the individual presently holds or has held;
- (2) the name under which each public office is or was held;
- (3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;
- (4) the title of the public office;
- (5) the beginning and ending dates of the term of each public office; and
- (6) whether, to the knowledge of the individual, there is an open investigation by a government or law enforcement agency into the use or misuse by the individual of the public office.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES

If an individual was denied a public office, the individual shall include with the application:

- (1) the name of the public office that was denied;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the denial;
- (4) the name used when the denial occurred;
- (5) the reason for the denial; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES

If an individual resigned from a public office, the individual shall include:

- (1) the name of the public office from which the individual resigned;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the resignation;
- (4) the name used when the resignation occurred;
- (5) the reason for the resignation; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.

18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE

For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject of a disciplinary action, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not otherwise set out in the copy of the disciplinary action provided:
 - (a) the reason given for the disciplinary action; and
 - (b) an explanation of the circumstances that led to the disciplinary action;
- (5) whether the disciplinary action included any corrective actions or conditions;
- (6) whether the individual complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible to hold public office again; and

- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

*History Note: Authority G.S. 10B-4;
Eff. March 1, 2025.*

- 18 NCAC 07B .0708 EVIDENCE OF MINIMUM EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0201 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0709 JOURNAL AS EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0204 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0710 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0209 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0711 ALTERNATIVE EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0212 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0712 RECOMMENDATIONS (TRANSFERRED TO 18 NCAC 07E .0112 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0713 ORAL PRESENTATION REQUIREMENT FOR APPLICANT (TRANSFERRED TO 18 NCAC 07E .0303 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0714 NOTARY PUBLIC INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAMINATIONS (TRANSFERRED TO 18 NCAC 07E .0302)**
- 18 NCAC 07B .0715 ADDITIONAL REQUIREMENTS (TRANSFERRED TO 18 NCAC 07E .0701 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0716 MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY PUBLIC INSTRUCTORS (TRANSFERRED TO 18 NCAC 07E .0601 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0717 EVALUATIONS OF INSTRUCTION (TRANSFERRED TO 18 NCAC 07E .1001 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0718 ELIGIBILITY FOR RECERTIFICATION AS NOTARY PUBLIC INSTRUCTOR (TRANSFERRED TO 18 NCAC 07E .1101 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0719 NOTARY PUBLIC INSTRUCTOR RECERTIFICATION REQUIREMENTS (TRANSFERRED TO 18 NCAC 07E .1102 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0720 DENIAL OF NOTARY PUBLIC INSTRUCTOR CERTIFICATION OR RECERTIFICATION (TRANSFERRED TO 18 NCAC 07B .1103 EFF. JUNE 1, 2023)**

SECTION .0800 – INVESTIGATIONS – RESERVED

SECTION .0900 – ENFORCEMENT AND DISCIPLINARY ACTION

- 18 NCAC 07B .0901 FACTORS CONSIDERED IN DISCIPLINARY ACTIONS (TRANSFERRED TO 18 NCAC 07B .0601 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0902 GENERAL APPLICATION DENIAL (TRANSFERRED TO 18 NCAC 07B .0602 EFF. JUNE 1, 2023)**

- 18 NCAC 07B .0903 EXECUTED DOCUMENT VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0603 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0904 COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0604 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0905 OTHER VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0605 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0906 MINIMUM SANCTION (TRANSFERRED TO 18 NCAC 07B .0606 EFF. JUNE 1, 2023)**
- 18 NCAC 07B .0907 APPEAL PROCEDURES (TRANSFERRED TO 18 NCAC 07B .0607 EFF. JUNE 1, 2023)**

SECTION .1000 – PUBLIC RECORDS AND REQUESTS FOR INFORMATION

- 18 NCAC 07B .1001 PUBLIC INFORMATION (TRANSFERRED TO 18 NCAC 07B .0110 EFF. JUNE 1, 2023)**