



10 U.S.C. §1044a Notary Certification Training

Legal Assistance Policy Division (Code 16)



Learning Objectives

- Identify the primary sources of notary authority
- Identify authorized recipients of notarial services under 10 U.S.C. §1044
- Understand the three powers of a notary public
- Understand Navy JAG Corps standardized requirements and procedures to notarize a document properly pursuant to the authority granted under 10 U.S.C. §1044a and the JAGMAN
- Understand how to use a notary seal
- Understand how to properly record entries in your notary log
- Understand the duties and responsibilities of a notary



References and Hierarchy

- 10 U.S.C. §1044a
 - Basic statutory law prescribing general criteria under which notary acts may be performed
- JAGINST 5800.7F Manual of the Judge Advocate General (26 Jun 12)
 - Guidelines interpreting 10 U.S.C. § 1044 for DON
 - Chapter VII Section 0705 Legal Assistance Eligibility
 - Chapter IX Authority of Armed Forces Personnel to Perform Notarial Acts
- JAGINST 5801.2 (series)
 - DON standardized requirements and operating procedures for the provision of legal assistance in accordance with 10 U.S.C. §1044



What is a 10 U.S.C. §1044a Notary Public?

- An individual commissioned to perform notarial acts pursuant to 10 U.S.C. §1044a
- 10 U.S.C. §1044a is a Federal law that explicitly authorizes certain commissioned officers, enlisted and civilian personnel to serve as federal notaries
- The individual States and Territories also appoint and commission civilians as State or Territory Notaries Public
- This training focuses on the 10 U.S.C. §1044a Federal notary



Notarial Authority

- 10 U.S.C. §1044a grants general powers of a notary public to certain individuals including:
 - All judge advocates, including reserve judge advocates
 - All civilian legal assistance attorneys
 - All adjutants, assistant adjutants, and personnel adjutants, including reserve members when not in a duty status
 - For the performance of notarial acts at locations outside the U.S., all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the U.S.
 - All other members of the armed forces, designated by regulations of the armed forces or by statute to have those powers
 - So, what are these Dept of Navy regulations?



Notarial Authority (con't)

- JAGMAN 0902(d) pursuant to authority reserved to the Secretary of the Navy under 10 U.S.C. §1044a expands the group of persons who may serve as a Federal notary to the following persons:
 - DoN civilians and certain contracted foreign nationals who support legal assistance offices OCONUS
 - All officers in the grade of O-4 and above
 - All COs, XO's and admin officers
 - All legal and assistant legal officers
 - All Marine Corps officers with an MOS of 4430 while assigned as legal administrative officers
 - All LDOs (law)
 - All legalmen upon completing training, signing a duties and responsibilities form, registering with Code 16 (linked to relevant duty assignment – need to re-register upon PCS)
 - All Marine Corps legal services specialists E-4 and above, while serving in legal assistance billets, when authorized by the cognizant SJA



Authorized Recipients

- 10 U.S.C. §1044a notaries shall only provide notarial services for those who are authorized to receive services under 10 U.S.C. § 1044 and as expanded under JAGMAN 0705
- JAGMAN expands the category of persons eligible to receive legal assistance services pursuant to power reserved to the Secretary of the Navy under 10 U.S.C. § 1044
- Because JAGMAN 0705 expands the category of persons eligible to receive legal assistance services from those specifically enumerated in 10 U.S.C. § 1044, always have a copy of JAGMAN 0705 and refer to it if you are not sure about someone's eligibility



Three Notarial Services

- Administration of oaths and affirmations
- Administering acknowledgements
- Certifying copies



What does a notary signature mean?

- That the signer personally appeared before a notary on the date and at the location indicated
- That the signer was positively identified by the notary
- That the signer acknowledged to the notary that the signature was freely made for the purpose stated in the document



Definitions (A-Z)

➤ Acknowledgement

- Signed statement by the notary that the signer 1) personally appeared before the notary 2) was positively identified by the notary and 3) acknowledged having signed the document in the physical presence of the notary who affixes his or her notary acknowledgment to the power of attorney, deed, beneficiary designation form, contract, etc

➤ Affirmation (has the same legal effect as an oath)

- An affirmation is a solemn declaration regarding the contents of the written affidavit, made by persons who decline to take an oath referencing God for religious or conscientious reasons



Definitions (A-Z)

- Apostille (pronounced a-po-stee)
 - French word meaning “certification”; refers to a certificate issued by a higher government authority to authenticate the validity or good standing status of the notary’s signature and commission
 - Apostilles for 10 U.S.C. §1044a notaries shall be obtained thru the U.S. Department of State’s Authentication Office, <http://www.state.gov/m/a/auth>



Definitions (A-Z)

➤ Certified copy

- Document certified (verified) as being a true copy of the original document on file in the originating office
- Only the specific business or other entity that originated the document or maintains the original as part of its official responsibilities has the legal authority to verify the authenticity of a copy of that original document
- 10 U.S.C. §1044 Notaries and Department of the Navy legal assistance state notaries shall not certify copies of public records, court records, county recorder records, birth certificates, marriage certificates, etc. The word “records” is synonymous with the word “documents”
- 10 U.S.C. §1044 Notaries and Department of the Navy legal assistance state notaries shall only certify documents originally created within the Notary’s own legal assistance/command services/trial services department as a true and correct copy of the original document



Definitions A-Z

➤ Competence

- The mental ability to distinguish right from wrong and to manage one's own affairs
- A notary should be certain that all parties understand what they are signing and swearing or affirming to

➤ Instrument

- A legal document, such as a power of attorney, contract, deed, will, or mortgage, which is to be executed by a principal, grantor, or party



Definitions A-Z

➤ Jurat

- Signed statement by the notary affixed to a document stating the signer (affiant)
 - 1) personally appeared before the notary;
 - 2) on the date indicated and in the location indicated;
 - 3) signed the document in the presence of the notary;
 - 4) took an oath or affirmation administered by the notary affirming the voluntariness of the act and the truth of the contents of the document; and
 - 5) the notary verified the identify of the signer (affiant)



Definitions A-Z

- **Notary Log (Synonymous with “Notary Journal”)**
 - An official record of each notarial act performed by the notary public, required for all notarial acts (including recording presence of witnesses)
 - Must be maintained and kept indefinitely by each notary, even after release from active duty/employment from the Navy to permit that notary to potentially testify in court in a contested matter involving the authenticity of a notary act
 - Must use the prescribed standardized CNLSC (OJAG) Notary Log for all 10 U.S.C. §1044a notarial acts (and by all Navy employed State commissioned notaries with limited exceptions)
 - Not part of a Navy system of records, however, the notary log contains PII and must be protected and secured at all times; requests for copies of notary log entries may only be provided upon proper discovery requests being forwarded to Code 14 (and notice to Code 16) through the chain of command
 - However, notary logs are for official use only and must be safeguarded since they contain personal information about our customers



Definitions A-Z

➤ Oath

- A solemn, formal declaration or promise to tell the truth, made before a notary public, under penalty of perjury that traditionally invoked reference to “so help me God” as witness
 - Do you solemnly swear or affirm, under the laws of (the state in which this document is to be honored) that you have read and understand the document you are about to sign and that the contents of the document are true and correct to the best of your knowledge?

➤ Official Seal (Impression or Stamp) of the Notary

- 10 U.S.C. § 1044a specifically exempts Federal military notaries from the requirement to place an official seal (impression/stamp) on documents they have notarized (continued on next slide)



Definitions A-Z

- Official Seal (Impression or Stamp) of the Notary (con't)
 - JAGINST 5801.2 (series) highly recommends and encourages all notaries acting under the authority of 10 U.S.C. § 1044a to use an official 10 U.S.C. §1044a rubber seal personalized with his or her name and rank and title as a “best practice” enhancing public acceptance of the underlying document. Commands are authorized to purchase these seals for their LOs, JOs and LNs.
 - Command Seals (e.g. “USS VELLA GULF”) are **strictly prohibited** for use on 10 U.S.C. § 1044 documents. You are the notary, not your command.
 - See sample seal language on Slide 36 for enlisted personnel, Slide 37 for officers, and Slide 38 for civilian legal assistance attorneys.



Definitions (con't)

➤ Seal or "L.S." on Privately Drafted Documents

- The Latin phrase *logus sigilli* means "place of the seal." You may see these letters at the end of a signature line for the document signer or for the notary in more archaic or boiler plate documents.
- Older documents used melted wax impressions over the L.S., bearing the corporate, government, or private insignia (the seal) of the signer.

➤ SS.

- An abbreviation of the Latin word *scilicet*, (to wit) meaning "in particular" or "namely."
- Commonly referred to as "jurisdiction" and traditionally included to the right of the venue in notary certificates.



Definitions (con't)

➤ Subscribe

- To sign at the end of the document, so that the signature is at the very end of all substantive provisions
- Requirement for a subscribed document exists to ensure that the acknowledgment is only good for documents as they appeared at the time of the acknowledgment, and not for any changes or additions following the signing by the customer or client.

➤ Venue

- The location in which the notarization was performed.
- “With the United States Armed Forces at (insert country, state, and county where the instrument is acknowledged).”



Acknowledgment

- The act most commonly authenticated by a notary public is the certificate of acknowledgment, where the notary public certifies that the signer:
 - was proven by adequate evidence to be the person he or she claimed to be; and
 - personally appeared before the notary public on the date indicated in the jurisdiction indicated; and
 - verbally acknowledged executing (signing) an *unsworn* document in the presence of the notary.



Acknowledgment (con't)

- A 10 U.S.C. § 1044 federal notary shall refuse to perform the notary service if:
 - the signer is not eligible for 10 U.S.C. §1044 legal services
 - the signer cannot verify his or her identification in accordance with JAGINST 5801.2 (series)
 - the signature was not made in the notary's presence (unless the client or customer is willing to re-sign in the notary's presence after satisfactorily proving his or her identity)
 - Take away: The signer, the document and the notary must be in the same room at the same time. **NO EXCEPTIONS.**



Verifying Eligibility for Notary Services & Verifying Signatures in Executing Services

- Eligibility for 10 U.S.C. § 1044 services must be verified by viewing the customer or the client's Uniformed Services (or Retiree/Dependent) Identification and Privilege Card.
- Notaries, by virtue of serving as the notary, are certifying that the signature provided on the document being notarized appears to be similar to the signature on a valid state or federally issued identification card, driver's license or passport presented by the customer or client to the notary and the photo on that same valid state or federally issued identification card strongly resembles the person receiving the notary service.
- **TAKE AWAY:** *Navy federal and state notaries must require two forms of ID from each potential client and each customer–*
 - a CAC/military ID to prove eligibility for legal assistance services
AND
 - a driver's license or other valid state or Federal ID/passport that contains the person's signature **and** photo (there are limited exceptions in exigent circumstances as defined in JAGINST 5801.2 [series])



Verifying Eligibility for Notary Services & Verifying Signatures in Executing Services (Con't)

➤ Exception A

- 10 U.S.C. §1044a notary may in exigent circumstances
- with approval of notary's CO or authorized designee
- rely on the CAC as proof of eligibility and as verification of identification for the notary act
- for active duty personnel **only** and
- **only** in those limited circumstances where it is impossible or impractical for the active duty member to retrieve his or her secondary ID (containing his/her signature)



Verifying Eligibility for Notary Services & Verifying Signatures in Executing Services (Con't)

➤ Exception B

- Only in exigent circumstances where it is impossible or impractical for SVCM to retrieve the valid state or federally issued photo identification that also contains his or signature
- State notaries whose states authorize use of personal knowledge or use of a credible witness and 10 U.S.C. §1044a notaries
- may use personal knowledge of the active duty service member or
- the personal knowledge of a credible witness
- to verify the SVCM's identity when the SVCM has a CAC but no secondary ID with his/her signature
- Personal knowledge for these purposes means direct interaction and contact that leaves no doubt that the person is who he (she) says he (she) is. If there is reason to have even the slightest doubt, satisfactory proof of identification must be produced by the affiant.
- In this exception, the notary can notarize without approval from notary's CO



Prerequisites To Providing Notary Services

- Privately evaluate the client (customer) for
 - basic competency and
 - understanding of the nature of the document
 - What would you like notarized today?
 - Have you read this document already?
 - Do you agree with everything contained in this documents?

- You must be satisfied that the customer is not under duress or being coerced into signing the document



Signature by Mark

- Customer is unable to physically sign his/her name due to a disability
 - The customer may make a mark on the document in the presence of two disinterested witnesses
 - The notary shall print the customer's first name at the beginning of the designated mark and print the customer's last name at the end of his designated mark and
 - Print the words, "his mark" below the customer's mark and have
 - Two witnesses print their names and sign as witnesses
 - Have the customer place his/her mark as a "signature" in the notary log book, along with the signatures and information of the two witnesses



Sample 1044a Acknowledgment (Mandatory use for military notaries)

ACKNOWLEDGEMENT

WITNESS the following signature this ____ day of _____, _____.

Grantor (other title as appropriate)

Pick one, cross out/delete the other

**WITH THE UNITED STATES ARMED FORCES
AT NAVAL SUPPORT ACTIVITY NAPLES, ITALY**

I, the undersigned notary, granted general powers of a Notary Public under 10 U.S.C. § 1044a and/or appropriate state laws, do hereby certify that on _____ before me, personally appeared _____ who has presented a valid Federal or state identification card, and is the identical person who is described therein, who signed and executed the foregoing instrument, and having first made known to him/her the contents thereof, he/she personally acknowledged to me that he/she signed the same, on the day it bears, as his/her true, free, and voluntary act and deed, for uses, purposes and considerations therein set forth. I, do further certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. § 1044a of the position or grade, branch of service, and organization stated below in the service of the United States Armed Forces, and that by statute, no seal is required on this certificate, under authority granted to me by 10 U.S.C. § 1044a.

NOTARY'S SIGNATURE

Printed Name, Rank, Title, Command

Notary Pursuant to 10 U.S.C. § 1044 a (No Seal required)



Oaths & Affirmations - Jurat

- The second form most commonly completed by a notary public is the “jurat,” short for the Latin “*juratum est*,” meaning, “It has been sworn” – this is the notary’s power to certify sworn/affirmed statements and declarations
- The jurat is identified by the wording, “Subscribed and sworn (or affirmed)” contained in the form presented to the notary by the customer or client. Look at the bottom of a document to see if the notarization says, “subscribed and sworn to” or “affirmed before me” or “attested this day” or similar words indicating an oath or affirmation is required
- You must place the client or customer under oath and then administer the oath to him or her.
 - Have the client raise his/her right arm; and
 - Have him/her swear to or affirm the contents of the document and his/her identity



Oaths & Affirmations - Jurat

- In the jurat, the notary public certifies:
 - That the signer personally and physically appeared before the notary
 - On the date and at the location indicated on the document
 - That the signer signed the document in the presence of the notary
 - That the notary public administered the oath or affirmation, and
 - That the notary verified the identification of the signer



Verifying Eligibility for 10 U.S.C. 1044 Services and Verifying Identity of Affiant for **Sworn Instruments**

- The notary is required to both verify the affiant's proof of eligibility for legal assistance services (military ID card) AND verify the affiant's signature in a second valid state or federally issued **PHOTO** identification card bearing the client or customer's signature (e.g. driver's license, passport) with the single following exception under JAGMAN 0906(b)(2) Exception in Exigent Circumstances
 - In exigent circumstances an authorized officer or legalman, acting under 10 U.S.C. §1044a, may, with the Commanding Officer's permission, identify the affiant via personal knowledge
 - Personal knowledge for these purposes means direct interaction and contact that leaves no doubt that the person is who he (she) says he (she) is. If there is reason to have even the slightest doubt, satisfactory proof of identity must be produced by the affiant.

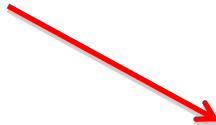


Sample Jurat (Mandatory use for military notaries)

**WITH THE UNITED STATES ARMED FORCES
AT THE U.S. REGION LEGAL SERVICE OFFICE NAVAL DISTRICT WASHINGTON IN WASHINGTON, D.C.**

[Body – substance of the affidavit or other sworn instrument]

Pick one, cross out/delete the other



Signature of person making statement

Printed name of person making statement

I, the undersigned notary, granted general powers of a Notary Public under 10 U.S.C. § 1044a, do hereby certify that the foregoing instrument was subscribed and (sworn) (affirmed) before me on _____ by _____ who has presented a valid (state)(federal) identification card, and is the identical person who is described therein, who signed and executed the foregoing instrument. I, do further certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. § 1044a of the position or grade, branch of service, and organization stated below in the service of the United States Armed Forces, and that by statute, no seal is required on this certificate, under authority granted to me by 10 U.S.C. § 1044a.

NOTARY'S SIGNATURE

Printed Name, Rank, Title, Command

Notary Pursuant to 10 U.S.C. § 1044 a (No Seal required)



Proof of Authority

- 10 U.S.C. §1044a as discussed in JAGMAN 0902g provides:
 - That the signature of any person administering an oath or acting as a notary under 10 U.S.C. §1044a together with the
 - Title of his or her office is prima facie evidence that the signature is genuine, that the person holds the office designated, and that he or she has the authority to so act
 - No seal is required on the document being notarized (though the use of the seal is highly recommended as a best practice)



Sample Proof of Authority – 10 U.S.C. §1044a

- Notarizing documents without a seal via 10 U.S.C. §1044a (handwritten/typed, but no rubber stamp seal)

Laura Richardson

LN2(SW) Laura Richardson, U.S. Navy
Command Legalman
Notary Public

Under the authority of 10 U.S.C. §1044a
No seal required
Commission Expires: _____

Notary's Signature (red arrow pointing to signature)

Title of Office (purple arrow pointing to "Command Legalman")

Need to write that no seal is required when you're not using a seal (orange text with arrow pointing to "No seal required")

Insert EOS here (blue arrow pointing to the blank line after "Commission Expires:")



Proof of Authority (con't)

- Although 10 U.S.C. §1044a does not require a seal, why should a seal be used anyway?
 - 10 U.S.C. §1044a gives authority to notaries without a seal, but does not require third parties to accept the notarized document
 - Most notarized documents will be produced in a non-military setting (banks, stores, other government agencies)
 - These outside agencies are accustomed to seeing a seal and may reject a validly notarized document that doesn't have a seal
 - Your customer will have to return to you because he or she encounters resistance to the notarized document without the seal
 - Providing the seal helps the customer/client
 - Providing the seal reduces “come backs” and associated frustrations



Notary Public Seal

- As a best practice, Code 16 recommends that each 10 U.S.C. §1044a notary have a personalized seal

- What is a notary public seal?
 - The seal contains information attesting to the authority of the notarial act by the individual notary
 - The impression of the seal must be visible in a photocopy of the notarized document
 - Normally a rubber stamp
 - The seal must always be secured (as you would your CAC) to prevent fraudulent use by another person
 - If your notary authority is terminated you are required to physically destroy the seal so that it is totally unusable



Notary Public Seal

➤ Sample 10 U.S.C. §1044a legalman notary seal:

LN2(SW) Laura Richardson, U.S. Navy
Command Legalman, RLSO MID-LANT
Notary Public

Under the authority of 10 U.S.C. §1044a
Commission Expires: _____

Insert EAOS here



Notary Public Seal

- Sample 10 U.S.C. §1044a judge advocate notary seal:

LT Laura Richardson, U.S. Navy
Legal Assistance Attorney, RLSO Hawaii
Notary Public
Under the authority of 10 U.S.C. §1044a
Commission Expires: Indefinite



Notary Public Seal

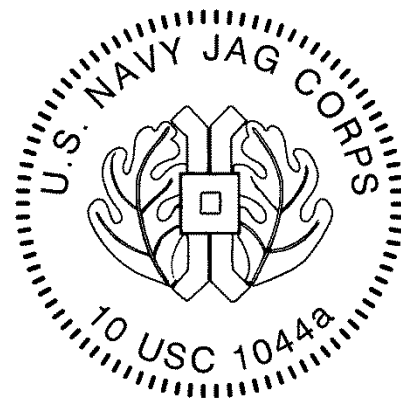
- Sample 10 U.S.C. §1044a civilian legal assistance attorney notary seal:

Laura Richardson, J.D.
Legal Assistance Attorney, RLSO Hawaii
Notary Public
Under the authority of 10 U.S.C. § 1044a
Commission Expires: Indefinite



Optional Notary Embosser

- It is another best practice (but not required) for commands to have a decorative metal **10 U.S.C. § 1044a** embosser to further aid in conforming with nonmilitary products (Use of "Command" Embossers bearing the name of the command (e.g. USS Peleliu) is strictly prohibited and cannot be used as a substitute for a proper 10 U.S.C. § 1044a notary seal.
- One 10 U.S.C. § 1044a embosser bearing the following information can be purchased for the office and must remain secured with the legal office at the command





Notary Log Book Minimum Requirements

- Each Notary log book must contain:
 - Signer's name, local address, & signature
 - Witness names, local addresses, & signatures (where applicable)
 - Type of document notarized/attested to
 - Date & location of notary act
 - Type of identification used to verify signer's identity & signature (do not record the identification number)
 - Include thumbprint of signer (all notaries both State and 10 USC §1044a)
 - Acknowledgements affecting title to real property **require** thumbprints [see JAGMAN 0906(h) – no change from previous edition]; JAGINST 5801.2 (Series) expands this requirement to all notarial acts shall be concluded with obtaining the thumbprint subject to exception below
 - This practice protects both the customer and the notary from a potential challenge regarding the validity of the notarial act
 - If, after explaining the importance of the thumbprint to the signer, he/she still refuses to have his/her thumbprint taken, the best practice is to still notarize the signature and note in your notary log that the signer refused to give his/her thumbprint, even after you explained the benefits behind it and cautioned him/her that states may not accept the validity of the notarial act



CNLSC Standardized Notary Log

- Required for all 10 U.S.C. §1044a notarial entries
- Protects you from potential challenges

S E R I A L #	CUSTOMER/ CLIENT SIGNATURE	PRINTED NAME & ADDRESS OF CUSTOMER/CLIENT	TYPE OF ID, ISSUING COUNTRY/STATE, & EXP. DATE	DOCUMENT(S) EXECUTED	DATE, TIME, & PLACE OF NOTARY ACT	TYPE OF NOTARY ACT	CUSTOMER/ CLIENT THUMB PRINT
001	x Yukako Anderson	Yukako Anderson	(2) DoD Dep, Exp 2/15/14	(1) (5) (8) (9),	10/1/12	(3) (3) (3)	
		400 Kentucky Ave., NW	(4) Japan, Exp 1/1/15	(12) - In Loco Parentis	0930	(3) (1)	
		Washington, DC 20003	(5), DC, Exp 4/1/16		RLSO NDW		
002	x James McLean	James McLean	(5) VA, Exp 12/11/16	(13) Served as witness for	10/1/12	(3) (3) (3) (3)	N/A - witness
		300 Van Dorn St.		documents (15) (8) and (9) in	0930		
		Alexandria, VA 22304		Serial #001 above	RLSO NDW		

Customer signs here

Print customer or witness name & complete address

Always use at least two forms of ID – one ID to verify legal assistance eligibility (see JAGMAN 0705) and one ID to verify the person's identity & signature

List by number all documents being executed & indicate nature of drafted document (e.g. auto sale, affidavit for stolen vehicle)

Record date, time & location of notarial act

Record type of each notary act provided

Customer provides his or her thumbprint here. Note: Witnesses do not need thumbprint

***If you are also recording the information of a WITNESS, please have the witness sign on the entry directly below the customer's information, listing type of document executed as (13) Other, specifying the type of document witnessed and referencing the serial number of the witnessed notarial act with a note indicating that the person listed served as a witness. Note: Witnesses do not have to be eligible for LA services.

Office of the Judge Advocate General
Standardized Notary Training

Informational

UNCLASSIFIED

18 July 13



Additional Notary Requirements

- Ensure that notary entries are in sequential order on sequentially-numbered pages
- Maintain your log in a three-ring binder or in a bound version
- When closing your notary log, draw a diagonal line through the remaining space on the page after your last entry and mark, “no further entries.”
- Always secure both your notary log and your notary seal to prevent unauthorized use
- Your notary log belongs to you and you are responsible for maintaining it, even after release from active duty



Duties and Responsibilities of a Notary

- Notaries shall not engage in the practice of law unless the notary is also an attorney
- Notaries shall not sign their names to blank instruments
- Notaries shall not certify the authenticity of public, registered, or court records or documents, nor issue certified true and copies of such documents
- Notaries shall not take an affidavit or an acknowledgment unless the person signing the instrument is actually in their presence
- Notaries shall administer oaths and take affirmations in person
- Notaries shall not perform any action with the intent to deceive, such as predating or postdating the document
- Notarial authority shall not be delegated to another person
- Notaries shall not perform a notarial act when the notary is party to, personally involved in, or financially impacted by the transaction



Duties and Responsibilities of a Notary (con't)

- No notary may perform a notary where he or she is an interested party (grantor, agent, beneficiary)
- Notaries shall not acknowledge a document if they are related by blood or marriage to the principal
- Notaries shall not serve as witness and notary in the same transaction
- Notaries will not accept any fees or compensation for oaths or notarial acts performed
- No notary will perform or be required to perform a notarial act that the notary believes
 - Is for a transaction which the notary suspects is illegal, false, or deceptive
 - Is for a person being coerced
 - Is for a person whose demeanor causes compelling doubts about whether the person knows the consequences of the transaction required for a notarial act
 - Impugns or compromises the notary's impartiality



Duties and Responsibilities of a Notary (con't)

- Notaries are required to understand and comply with:
 - 10 U.S.C. §1044a
 - JAGINST 5800.7F (series), Manual of the Judge Advocate General (JAGMAN), Chapters VII and IX
 - JAGINST 5801.2 (series), Navy-Marine Corps Legal Assistance Manual
- Notaries are responsible for reviewing all Legal Assistance Practice Advisories and any other information promulgated by the Deputy Judge Advocate General for Legal Assistance and/or Code 16 and for complying with that guidance regarding notarial duties.
- Notaries must complete certification training and prominently display his/her certificate for customer review
- Notaries may be subject to civil and criminal liability, including fines and imprisonment for misconduct, negligence, malpractice, or other breach of official duties



Questions? Suggestions?

- Please contact your Code 16 team:
- CDR Andy House, Division Director
 - Phone: (202) 685-5393; Email: andrew.house@navy.mil
- Ms. Kate Somerville, Deputy Division Director and Navy Tax Counsel
 - Phone: (202) 685-4639; Email: kathlene.somerville@navy.mil
- LT Ericka Ensign, Action Officer
 - Phone: (202) 685-46417; Email: ericka.ensign@navy.mil
- Mr. Mike Cole, Immigration Paralegal
 - Phone: (202) 685-4643; Email: michael.s.cole1@navy.mil