



**Rules of
Elected Officials
Division 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions**

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Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 100—Secretary of State— Notary Commissions

15 CSR 30-100.010 Revocation and/or Suspension of Notary Commission

PURPOSE: This rule sets out the general nature of how a notary commission may be revoked or suspended.

(1) Before a notary's commission may be revoked, the notary shall receive written notice alleging why the notary's commission should be revoked and of the right to a hearing. The notary may request a hearing on the revocation as provided in 15 CSR 30-100.020. If the notary fails to request a hearing as provided in 15 CSR 30-100.020, the notary thereby waives his/her right to a hearing and the revocation shall proceed. If a notary's commission is ordered revoked after a hearing, the notary shall have the right to appeal the revocation order.

(2) The secretary of state's office may immediately suspend a notary's commission upon written notice sent to the notary by certified mail when the secretary of state's office deems the situation has a serious unlawful effect on the general public. The notary may request a hearing on the suspension as provided in 15 CSR 30-100.015.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.*

**Original authority: 486.385, RSMo 1977, amended 2004.*

15 CSR 30-100.015 Request for Hearing on Suspension

PURPOSE: This rule provides the manner by which a notary may request a hearing when the notary has received a notice of suspension.

(1) When a notary has received a notice of suspension as provided in 15 CSR 30-100.010, the notary may request a hearing on the suspension. A request for hearing on the suspension must be received by the secretary of state's office no later than ten (10) business days after the notary receives the written notice of suspension, or the notary will have waived his/her right to a hearing on the suspension.

(2) A request for hearing must be signed by

the notary or his/her attorney, contain the name, mailing address, and telephone number(s) of the notary, and, if applicable, the notary's attorney's name, Missouri bar number, address, telephone number, facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(3) If the notary desires the hearing on the suspension to be conducted by telephone, the notary must include that request in his/her request for hearing and provide the telephone number that the notary will use during the hearing.

(4) Hearings held under this regulation will be subject to the requirements of 15 CSR 30-100.060.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed April 17, 2017, effective Oct. 30, 2017.*

**Original authority: 486.385, RSMo 1977, amended 2004.*

15 CSR 30-100.020 Notice of Revocation and Request for a Hearing

PURPOSE: This rule sets out how notice of revocation will be given, the contents of the notice, and how a notary can request a hearing.

(1) Upon receipt of a complaint and a decision to seek revocation of a notary commission, written notice shall be mailed by certified mail to the notary at the address on file with the secretary of state's office. The notice shall contain the following information:

(A) The notary's name and address;

(B) The date the notary's commission was granted and the expiration date of that commission;

(C) The specific allegations stating what grounds exist for revoking the notary's commission. The allegations shall indicate the notary's alleged misconduct, the date and place of the misconduct (if applicable and known), and the name(s) of potential witnesses on behalf of the secretary of state; and

(D) Instructions for requesting a hearing on the revocation.

(2) When a notary has received a notice of revocation, the notary may request a hearing on the revocation.

(A) A request for hearing on the revocation must be received by the secretary of state's office no later than thirty (30) calendar days after the notary receives the written notice of

revocation, or the notary will have waived his/her right to a hearing on the revocation.

(B) A request for hearing must be signed by the notary or his/her attorney, contain the name, mailing address, and telephone number(s) of the notary, and, if applicable, the notary's attorney's name, Missouri bar number, address, telephone number, facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(C) If the notary desires the hearing on the revocation to be conducted by telephone, the notary must include that request in his/her request for hearing and provide the telephone number that the notary will use during the hearing.

(D) Hearings held under this regulation will be subject to the requirements of 15 CSR 30-100.060.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.*

**Original authority: 486.385, RSMo 1977, amended 2004.*

15 CSR 30-100.030 Response to Notice of Revocation

PURPOSE: This rule describes the form and content of the response and how it shall be filed.

(1) Response.

(A) A notary may file a response to a notice of revocation.

(B) Any response shall be in writing and shall contain a short and concise statement of the facts which the notary believes are true and relevant to the issues raised in the notice of revocation. The response must be signed by the notary or his/her attorney, contain the name, mailing address, and telephone number of the notary, and, if applicable, the attorney's name, Missouri bar number, address, telephone number, facsimile number, and electronic mail address, if any, and shall be filed with the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102.

(C) All responses shall be filed with the notary's request for hearing as provided in 15 CSR 30-100.020.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.*



*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.040 Prehearing Conference
(Rescinded October 30, 2017)

AUTHORITY: section 486.385.2, RSMo 1986. Original rule filed Dec. 16, 1985, effective April 11, 1986. Rescinded: Filed April 17, 2017, effective Oct. 30, 2017.

15 CSR 30-100.050 Subpoenas
(Rescinded October 30, 2017)

AUTHORITY: section 486.385.2, RSMo 1986. Original rule filed Dec. 16, 1985, effective April 11, 1986. Rescinded: Filed April 17, 2017, effective Oct. 30, 2017.

15 CSR 30-100.060 Hearings

PURPOSE: This rule describes the nature of the hearing to revoke a notary public's commission.

(1) A revocation or suspension hearing will be conducted in the following manner:

(A) All hearings will be open to the public. All parties have a right to be present and to be represented by counsel, if they so desire. Notice of the hearing will be posted prominently in the Office of the Secretary of State, Commissions Division, 600 W. Main Street, Jefferson City, MO 65101;

(B) All hearings will be audio recorded. Upon request, and at the expense of a party to the proceeding making the request, the secretary of state's office will cause the hearing to be transcribed by a court reporter present for the hearing. Any other party may obtain a copy of the transcript upon the payment of the costs of preparation;

(C) If the hearing is not transcribed, the audio record will contain—

1. A listing of all materials filed in connection with the hearing;
2. A listing of all documents and exhibits submitted as evidence;
3. All matters officially noticed; and
4. All offers of proof, objections, and rulings;

(D) Evidence shall be received in the following manner:

1. Oral evidence shall be taken only on oath or affirmation;
2. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not subject to the direct examination, to impeach any witness regardless of

which party first called him/her to testify, and to rebut the evidence against him/her; and

3. Copies of writings, documents, and records shall be admissible without proof that the originals thereof cannot be produced if it appears by testimony or otherwise that the copy offered is a true copy of the original; and

(E) The order in which evidence will be presented is as follows:

1. The secretary of state's representative shall present evidence first;

2. The notary shall then have the opportunity to present his/her evidence in the same manner;

3. Each party has the right to rebut the evidence presented; and

4. Closing statements may be made by each party in the order evidence was presented; and

(F) The burden of proof will be on the secretary of state's representative, and the standard of proof shall be a preponderance of the evidence.

(2) Notice of the date, time, and place of the hearing will be sent by certified mail to the notary at the address on file with the secretary of state's office.

(3) A revocation hearing may be conducted by telephone upon request of the notary as set forth in 15 CSR 30-100.015 (suspension) or 15 CSR 30-100.020 (revocation).

(A) The telephone hearing will be scheduled with notice sent by certified mail to the notary at the address on file with the secretary of state.

(B) Telephone hearings shall have the following additional requirements:

1. The attorney and any witnesses for the secretary of state may be present in person while the notary is present by telephone;

2. Parties to telephone hearings shall mail copies of potential exhibits to the other party in sufficient time for the exhibit to reach those locations prior to the hearing;

3. A notary or his/her attorney shall mail potential exhibits to the Office of the Secretary of State, Commissions Division, PO Box 784, Jefferson City, MO 65102; and

4. Each potential exhibit shall be designated as a potential exhibit and paginated.

(C) Telephone hearings are evidentiary proceedings conducted for the convenience of the notary, and the parties have the following responsibilities:

1. The connection must be of sufficient quality that the persons participating can be clearly heard, and the call will not be unintentionally disconnected (due to things such as poor cellular reception);

2. The hearing shall not be subject to interruptions by the parties to attend to non-hearing matters;

3. The parties should be in a location where there will not be unreasonable background noise.

(D) Any witnesses participating by telephone are subject to the same requirements as in subsection (3)(C).

(E) If a party or witness leaves the phone for any reason, or the connection is disconnected, all such action shall be considered voluntary, and the hearing shall proceed without such party or witness.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.*

*Original authority: 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.070 Surrender of Commission

PURPOSE: This rule states how a notary public may surrender his/her commission.

(1) A notary may surrender his/her commission at any time after receiving notice of revocation and prior to adjudication. This surrender shall be executed in writing and need not admit or deny the allegations in the notice of revocation, but shall state that the notary voluntarily agrees to surrender his/her commission and will not seek to obtain another commission for a period of three (3) years.

AUTHORITY: sections 486.310 and 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017, effective Oct. 30, 2017.*

*Original authority: 486.310, RSMo 1977, amended 2004, 2016 and 486.385, RSMo 1977, amended 2004.

15 CSR 30-100.080 Appeal

PURPOSE: This rule describes how a notary public may appeal a decision revoking his/her commission.

(1) A notary who has received findings of fact, conclusions of law, and decision from the secretary of state's office (final adjudication) revoking his/her commission may seek judicial review as provided in Chapter 536.

AUTHORITY: section 486.385.2, RSMo 2016. Original rule filed Dec. 16, 1985,*



*effective April 11, 1986. Amended: Filed
April 17, 2017, effective Oct. 30, 2017.*

**Original authority: 486.385, RSMo 1977, amended 2004.*