

**Title 15 ELECTED OFFICIALS
Division 30 Secretary of State
Chapter 100 [Secretary of State -] Notary Commissions**

EMERGENCY RULE

15 CSR 30-100.005 Notary Complaint Process

PURPOSE: This rule lays out the process for filing a complaint against a notary.

EMERGENCY STATEMENT: The Secretary of State determined that this emergency rule is necessary to preserve a compelling government interest. This emergency rule is necessary to address changes made by the legislatures, which takes effect on August 28, 2020, to electronic notarization. The Secretary of State needs this emergency rule since the Executive Order issued by the Governor expired on August 28, 2020. The Secretary of State finds there is a compelling government interest, which requires this emergency action since due to the pandemic of COVID-19 in person notarization is unable to be performed for wills, powers of attorney and durable power of attorney in health care decisions.

A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 31, 2020, becomes effective September 10, 2020, and expires March 10, 2021.

- 1. A complaint may be filed by an individual or by the Notary Commission Unit. All complaints must be:**
 - (A) In writing and signed.**
 - (B) Submitted to the Notary Commission Unit either by mail to commissions@sos.mo.gov or P.O. Box 784, Jefferson City, MO 65101.**
 - (C) At a minimum, the complaint must contain the following information:**
 - (i) Circumstances surrounding the situation;**
 - (ii) The notary's name, commission number (if known) and the county in which the alleged wrong doing allegedly took place.**
 - (D) The complaint should include, if known, the names and contact information of any witnesses or parties; including addresses and telephone number, all documents related to the transaction; including copies of the notarized document in question, and any police report filed or investigative information if referred by another agency , and any contact information for legal representative.**

(E) Upon receipt of the complaint the Notary Commission Unit will review the matter and determine if further action is required.

(F) If further action is required, the Notary Commission Unit will notify the notary and may request additional information from the notary.

(G) A notary has thirty (30) days from receipt of such notification from the Notary Commission Unit in which to respond. Failure to respond shall constitute grounds for suspension of the notary commission until compliance with the request is met.

(H) The Notary Commission Unit will review the response from the notary, and if necessary, make follow-up request for information.

(I) Upon completion of their review, the Notary Commission Unit will forward the matter to the Director of Business Services or their designee who will review the matter to determine appropriate action.

(J) Upon a decision by the Director of Business Services or their designee, the complainant and notary shall be notified of the decision made.

(H) If the action taken by the Director of Business Services or their designee is to suspend or revoke the notary's commission, the notary may appeal such decision as outlined under the rules.

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

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

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Secretary of State, P.O. Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

