STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Notary Public Office
425 Queen Street
Honolulu, Hawaii 96813

APPLICATION FOR NOTARY PUBLIC COMMISSION

Attached are the information and instruction sheets, and application form for a notary public commission. Letters of justification and character must accompany the application form. The letter of justification should state in detail the reasons for applying for a commission and should be prepared by an officer of the corporation or a partner of the organization of which the applicant is an employee. An applicant who is self-employed may prepare a letter of justification for one's self. The letter of character should be written by a reputable resident of Hawaii, other than an employer or relative, who from past association can vouch for the integrity and moral character of the applicant.

We will mail you an application or you may download an application from our website free of charge at www.hawaii.gov/ag/notary. However, for us to process your completed application, **you must submit a $20.00 payment** as required by § 5-11-46, Hawaii Administrative Rules, amended March 12, 2015. Please make the company check, cashier's check, or money order (**no personal checks**) for **$20.00** payable to the "**State Director of Finance**." There is no fee for "Government" notaries public.

The issuance of a commission depends upon the approval of the application by the Attorney General and the successful passing of a written examination by the applicant. You will be notified in writing of your examination date, time, and place once your application is approved. The examination may be held at designated locations in the county in which the applicant resides.

A Notary Public Manual, published by the Department of the Attorney General, is available for **$5.00** if you want it mailed to you, or **$3.00** if you pick it up at our office. In a separate check, you may mail a company check, cashier's check, or money order (**no personal checks**) for **$5.00** for the manual along with your application. Please make the company check, cashier's check, or money order payable to the "**State Director of Finance**." You may also access a copy of the manual from the state's website at www.hawaii.gov/ag/notary.

Please read the information and instruction sheet carefully as it contains information on the functions and responsibilities of a notary public. If there are any questions regarding the application process, feel free to call our office at (808) 586-1216. Thank you.

Attachments

STATE OF HAWAII
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425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1216

INFORMATION AND INSTRUCTIONS ON APPLYING FOR A NOTARY PUBLIC COMMISSION

(Please read carefully before proceeding to complete the application.)

1. According to Section 456-2, Hawaii Revised Statutes, every person appointed as a notary public shall, at the time of one's appointment, be a resident of the State of Hawaii, possess the other qualifications required of public officers, and be at least eighteen years of age. Public officers in the State are required to be United States citizens.

2. A person desiring to be commissioned as a notary public shall apply on the form attached hereto. The affidavit at the end of the application should be completed and sworn to before a notary public commissioned to act in the State of Hawaii. The application will not be considered unless completed in full and accompanied by a letter of justification and a letter of recommendation as required in items 15 and 17 or 19, as applicable.

3. If an application is approved by the Attorney General, the applicant must pass a written closed-book examination covering such statutory laws and rules that specifically apply to notaries public in Hawaii, as well as practical aspects of a notary's practice, and a notary's duties and responsibilities. An applicant should, for example, have a thorough understanding and knowledge of the following sections of the Hawaii Revised Statutes, as amended: 456-1 to 456-18, 502-41 to 502-46, 502-48 to 502-84, 603-1, 621-12, and 621-13. The Department of the Attorney General will inform the applicant of the examination date and time approximately 2 to 3 weeks after approving the application.

4. Upon being notified of passing the examination, the applicant shall pay to the Attorney General, for the issuance of the original commission, a fee of $100.00. The applicant shall also arrange to have a seal of office made, on which shall be engraved the notary's name, commission number, and the words, "Notary Public" and "State of Hawaii".

5. Before entering upon the duties of office, a notary must execute, at the notary's own expense, an official surety bond meeting the requirements of Section 456-5, Hawaii Revised Statutes. The bond must be approved by a judge of the circuit court. Upon approval, the bond shall be deposited and kept on file in the office of the clerk of the circuit court of the judicial circuit for and which the notary resides.

6. Each person appointed and commissioned as a notary public must forthwith file a literal of photostatic copy of one's commission, an impression of one's seal, and a specimen of one's official signature with the clerk of the circuit court in which the notary resides. The clerk of the circuit court charges a fee for the filing of the copy of a commission.

7. A Notary Public Manual, published by the Department of the Attorney General, is available for a slight charge and is strongly recommended as reading material for all potential notaries.

GENERAL INFORMATION ABOUT THE DUTIES OF A NOTARY PUBLIC

In addition to the statutes mentioned above, potential notaries should be familiar with the following information, as the notary examination may cover the same:

1. **Definition.** A notary is defined as a "public officer whose function is to attest and certify, by his/her hand and official seal, certain classes of documents, in order to give them credit and authenticity in foreign jurisdictions, to take acknowledgments of and certify deeds and other conveyances, and to perform certain official acts, chiefly in commercial matters." 66 C.J.S. Notaries § 1.

2. **Why documents are notarized.** A document is notarized in order to protect persons signing an important document. It assures the parties to an agreement that this particular document and no other is the authentic document which is intended to be given full force and effect. Because of the recent improvements in photocopying machines, it is important that certain documents be notarized and notarized properly — otherwise any imposter could forge a signature and substitute an authentic document with an illegally altered and fraudulent document.

3. **Duties.** "A notary must perform his/her official duties with integrity, diligence, and skill. His/Her duty is not confined to the one to whom he/she directly renders service, but it extends to all persons who may be affected by his/her act." 66 C.J.S. Notaries § 10. The powers and duties vested in the notary are personal to the notary and should never be delegated; i.e., a notary should not allow a clerk or deputy to perform a notarial act for the notary.

Under the Hawaii statutes, the duties of a notary public are generally confined to performing the following notarial acts:

(a) Taking an acknowledgment — "An acknowledgment is a public declaration or formal statement of the person executing (signing) an instrument made to the official authorized to take the acknowledgment, that the execution of such instrument was his or her free act and deed. The written evidence of an acknowledgment is the certificate of the officer who takes the acknowledgment, which states in substance that the person named in the acknowledgment was known to and appeared before the officer and acknowledged the instrument to be his or her act and deed." 1 Am.Jur. Legal Forms 2d Acknowledgments § 7:1.

(b) Administering an oath, affirmation or affidavit — "An oath is a solemn pledge or promise made by a person (often called the affiant) with an appeal to God, or a Supreme Being, to attest to the truth of his words." Rotham, Customs and Practices of Notaries Public and Digest of Notary Laws in the United States (Rev. 1974) at p. 14. An affirmation is "a solemn statement or declaration made as a substitute for a sworn statement by a person whose conscience will not permit him/her to be sworn." 13 Am.Jur. Legal Forms 2d Oath and Affirmation § 189:1. An affidavit is a written or printed statement of facts, made voluntarily, and under oath or affirmation of the party making it, taken before an officer having authority to administer such oath. Black's Law Dictionary (Rev. 4th Ed.), at p. 80.

(c) Taking a deposition — "The term 'deposition' is sometimes used in a broad sense to describe any written statement verified by oath; but in its more technical and appropriate sense, the meaning of the word is limited to the written testimony of a witness given in the course of a judicial proceeding, either at law or in equity, in advance of the trial or hearing upon oral examination or in response to written interrogatories and where an opportunity is given for cross-examination." 23 Am.Jur. 2d Depositions and Discovery § 108.

(d) Noting a protest — A protest is a "formal declaration made by a person interested or concerned in some act about to be done, or already performed, whereby he/she expresses his/her dissent or disapproval, or affirms the act against his/her will. The object of such a declaration is to preserve some right which would be lost if his/her implied assent could be made out or to exonerate himself from some responsibility which would attach to him/her unless he/she expressly negatived his/her assent." Black's Law Dictionary (Rev. 4th Ed.), p. 1387.

In noting a protest, a notary writes down how and when one performs certain acts the notary was called upon to perform. For example, in noting a protest of negotiable paper, a notary may declare in writing under the notary's seal of office, that at the request of the holder of a bill or note, the notary presented said bill or note to A for payment, but said payment was refused for certain reasons, whereupon the notary notified certain parties of the refusal.

4. **Limitations and obligations of a notary.**

(a) As a general rule, a notary public cannot certify to, or act in, a matter in which the notary has a personal interest. 66 C.J.S. Notaries § 6. A notary should never, under any circumstances, notarize one's own signature.

(b) "The most important obligation a Notary has to the public he/she serves to judge what acts constitute the practice of law and what acts constitute the practice of a Notary Public. If the Notary, who is not an attorney, is asked to perform a notarial act that requires the preparation of, or the giving of advice in regard to the preparation of, a legal document or form, the Notary should always obtain the advice of an attorney unless he/she has had special education and training." Rotham, **supra**, at p. 28.

(c) As a general rule, "the notarization of a document that has been written in a foreign language should only be performed by a Notary who has a thorough understanding of the foreign language in which the document and/or notarial certificate are written." Rotham, **supra**, at p. 29.

(d) "The Notary should avoid being placed in the position of having to decide whether a person is sufficiently competent to fully understand the agreement he/she is signing or the oath or affidavit he/she is taking. The notary should either seek counsel from his/her own attorney or advise the party who appears to be incompetent to go to an attorney himself. If a person is declared to have been incompetent at the time the agreement was signed and notarized, the agreement could be declared null and void. If the party is blind, senile, a minor, or does not seem to understand the importance of the document he/she is signing, the Notary will do him/herself, as well as the party, a service if he/she asks him/her to go to an attorney." Rotham, **supra**, at p. 30.

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APPLICATION FOR NOTARY PUBLIC COMMISSION

Please read the information and instructions on applying for a notary public commission before completing application.
PLEASE TYPE OR PRINT LEGIBLY IN INK.

A. PERSONAL DATA

1. Name _____ Date of Birth _____
   Last **First** **Middle**
2. Residence Address _____ Home Phone _____
   (No., Street, City, State, Zip)
3. Email Address _____ Occupation _____
4. Employer _____ Employer's Business _____
   (Describe Fully)
5. Applicant's Business Address _____ Bus. Phone _____
   (No., Street, City, State, Zip)

		Circle One	
6.	Are you a resident of Hawaii?	**Yes**	**No**
7.	Are you a U.S. citizen?	**Yes**	**No**
8.	Can you read, write, and speak the English language with understanding?	**Yes**	**No**
9.	Can you read, write, and speak a second language with understanding?	**Yes**	**No**

If **Yes**, what language(s): _____

Explain all "Yes" responses to Question Nos. 10 to 14 on a separate sheet with detailed information, including the specific conviction or type of license, the state or country where the action is pending or took place, the relevant date(s), the action taken, and the reasons for such action, and submit any supporting documents.

10. Have you ever been convicted of a crime involving theft, fraud, dishonesty, false statement, or professional misconduct in which the conviction has not been annulled or expunged? **Yes** **No**
    If **Yes**, what was the offense? _____ When? _____ Where? _____
    Was your conviction a felony or misdemeanor? _____
    What was your sentence (e.g., parole, probation, imprisonment)? _____
    Have you satisfactorily completed all terms of your sentence? **Yes** **No**
11. Have you ever been previously commissioned as a Notary Public in the State of Hawaii? **Yes** **No**
    Commission No.? _____ What circuit? _____ Expiration date of commission? _____
    Did you resign? _____ When? _____
    Were you removed from office? _____ When? _____ Why? _____
    Name previously commissioned under? _____

FOR OFFICE USE ONLY

Approved:		**Denied:**		**Score:**	
Eff. Date:		**Date of Expiration:**		**Comm. #:**	
Date Rec'd Bond:		**Exam Date:**		**Specimen Card:**	
Rcpt. #:		**Record Bks.:**		**Comm. P/U Date:**	

FEES	Date	Rcpt. #	Paid	Intl.	Reschedule	Retake
New Application:			Y / N		1.	1.
Renewal:			Y / N			
Commission:			Y / N		2.	2.
Exam:			Y / N			
					3.	3.

12. Have you ever held **any type of license** that has been revoked, suspended, placed on probation, or surrendered; or have you ever been reprimanded, admonished, issued a letter of concern or otherwise subject to disciplinary action; or have you ever entered into a consent order or settlement agreement? **Yes** **No**
    a) Is any disciplinary action pending against you or your license regarding your professional misconduct? **Yes** **No**
    b) Are you or your license presently being investigated for professional misconduct? **Yes** **No**
    c) Have you ever been denied a license or withdrawn an application for licensure? **Yes** **No**
13. Have you ever been a defendant in a civil suit involving forgery, fraud, misrepresentation, or breach of fiduciary duty? **Yes** **No**
    If **Yes**, when? _____ Where? _____
14. Are you licensed to practice law? _____. If **Yes**, where? _____
    Have you ever been disbarred? _____. If **Yes**, when? _____ Where? _____
15. Please submit a letter from a person residing in this State, not a relative or an employer, who can vouch for your integrity and moral character.

B. PUBLIC GOOD AND CONVENIENCE

16. Is anyone else in your business establishment at the business address indicated in Item A.5 above a notary public? **Yes** **No**
    If **Yes**, who? _____
    How many notarial transactions did each of them perform during the past year? _____
    How many notarial transactions do you estimate you would perform each month if granted a notary commission? _____
17. Please submit a letter from your employer, or if self-employed, from yourself, setting forth in detail the reasons why your commission is being sought, the types of documents you would be required to notarize in your line of work, and the approximate number of transactions you would perform each month. This letter must contain a statement by the employer, or the applicant if self-employed, acknowledging that the employer recognizes that a notary is a public officer and that the applicant would be permitted to serve the general public in such capacity during normal business hours. **If you are a government notary applicant, skip this item and proceed to Section C.**

C. FOR APPLICATIONS FOR GOVERNMENT NOTARIES ONLY

18. If commissioned, do you intend to only act as a notary public for government matters? **Yes** **No**
19. Please submit a letter from the head of the board, commission, or department by which you are employed, designating you to perform, without charge, the services of a notary in all business pertaining to such board, commission, or department.

D. AFFIDAVIT and OATH

STATE OF HAWAII)
) SS.
_____ COUNTY OF _____)

I, _____, being first duly sworn and appointed a Notary Public for the State of Hawaii,
(Name of Applicant)

hereby subscribe, by signing this oath, and pledge to faithfully discharge my duties as a notary public, and declare that I am the applicant named in the foregoing application; that I have read the same and know the contents thereof; and that, to the best of my knowledge and belief, the answers and statements contained in the application are true and correct and are made in good faith.

_____
(Signature of Applicant)

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____
Signature of Notary Public

Print Name: _____
Notary Public, State of Hawaii

My commission expires: _____

Date of Doc.: _____ **# Pages:** _____

Name: _____ _____ **Circuit**

Doc. Description: _____

_____

_____ _____
Notary Signature Date

NOTARY CERTIFICATION

(Place Notary Seal Here)

(Place Notary Seal Here)