

ESCROW ACCOUNT-FOR COUNTY USE ONLY:

AGENT CHARGE CODE: _____

EFFECTIVE DATE: _____

APPROVED BY: _____



JORDAN Z. MARKS
ASSESSOR/RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO

www.sdarcc.gov

1600 Pacific Highway, Suite 260
San Diego, CA 92101-2400
P.O. Box 121750, San Diego, CA 92112-1750
(619) 237-0502 / Fax (619) 557-4155

Application for Approval to Issue Confidential Marriage Licenses

(FAMILY CODE SECTION 531)

ANNUAL FEE: \$300.00 / TERM OF REGISTRATION: 1 YEAR

Name as it appears on Notary Oath: _____

Full name: _____ Date of Birth: ____/____/____

My notary commission number is: _____ which expires on: ____/____/____

My residential address is: _____

Telephone #: (____) _____ My E-mail address is: _____

Telephone # where I will issue confidential marriage licenses: (____) _____

Address where I will issue confidential marriage licenses:

Self-employed (Y/N): _____ Full name of employer, if any, is: _____

Have you engaged in any of the acts specified in Gov. Code Section 8214.1? (Y/N): _____

I can perform marriage ceremonies in the following languages: _____

This application can only be submitted in person at the County Administration Center:

1600 Pacific Highway Suite 260, San Diego, CA 92101

If paying by check or money order, please make the check or money order payable to:

"San Diego Assessor/Recorder/County Clerk"

Please send any questions to: arccauthorizednotary@sdcounty.ca.gov

AUTHORIZED NOTARY REQUIREMENTS

Pursuant to Family Code Sections (FAM) 530-536, the San Diego Recorder/County Clerk's office is responsible for approving and monitoring authorized notaries - those notary publics approved to issue confidential marriage licenses. FAM 535(b) sets forth the procedures which must be followed when a violation of authorized notary requirements occur, such as errors made by an authorized notary public when issuing confidential marriage licenses. Violations may result in restrictions, suspension, or revocation of the approval to issue confidential marriage licenses. The laws and requirements that must be followed are for the protection of the public we serve.

The authority for a notary public to issue confidential marriage licenses is a privilege, not a right (FAM 531). It may be revoked by the county clerk (FAM 535).

A questionnaire may be sent by the San Diego Recorder/County Clerk's office to couples who have purchased a confidential marriage license by an authorized notary in order to verify that proper procedures were conducted and to solicit feedback about the program.

Authorized notaries are required to publicly post itemized fees.

Authorized notaries are subject to inspection and audit. Random site visits may be conducted. Authorized notaries shall provide all information and documents as deemed necessary by the San Diego Recorder/County Clerk's office to ensure compliance with authorized notary requirements.

New and renewing notaries must successfully complete a course of instruction, not to exceed six hours in duration, concerning the issuance of confidential marriage licenses (FAM 532). All notaries who wish to be authorized to issue confidential marriage licenses must successfully complete the course each year prior to authorization.

Any notary applying to be authorized must be an active notary in San Diego County.

All authorized notary publics must maintain a 5% or less error rate. There will be no exceptions. The error rate will be based on the total number of licenses returned to the San Diego Recorder/County Clerk between the effective date of approval and expiration date. If the overall percentage rate exceeds 5%, the notary will not be reauthorized to issue confidential marriage licenses. For errors, an email will be periodically sent to the authorized notary with a summary of licenses purchased/turned in with any errors outlined.

Authorized notaries in violation of the San Diego Recorder/County Clerk Authorized Notary Violations (on the following pages) will be notified in writing to appear for additional training/counseling or if a hearing will take place to determine if the notary public should be placed on probation or have their registration suspended or revoked. The Recorder/County Clerk will notify the Secretary of State of any action taken per FAM 535(a).

Authorized notaries must purchase a minimum of **12** confidential marriage licenses to issue annually. Authorized notaries are responsible for tracking the number of licenses that they have purchased. If the minimum number of confidential marriage licenses is not purchased, authorization may be revoked.

Authorized notaries shall serve all qualified couples.

Authorized notaries shall treat members of the public and Recorder/County Clerk staff with respect, fairness, and honesty.

Authorized notaries shall respond to all emails/phone calls from Recorder/County Clerk staff within one business day.

Authorized notaries shall assume responsibility for knowing, understanding, and having knowledge of the laws and requirements applicable to the authorization to issue confidential marriage licenses.

Authorized notaries are responsible for providing written notice to the San Diego Recorder/County Clerk if requesting to be removed from the authorized notary list. Authorization to issue confidential licenses is non-transferrable.

AUTHORIZED NOTARY VIOLATIONS

Optimum performance is required of San Diego County's Authorized Notaries in order to protect the public and provide essential marriage license services. Professionalism, knowledge, alertness, attention to detail and skill are necessary. Errors are considered either serious or critical.

Violations Requiring Additional Training and/or Counseling

(Numerous occurrences may lead to restrictions, suspension, and/or revocation.)

The following or other similar items are considered serious errors. Numerous occurrences of serious errors may warrant counseling in an effort to avoid restrictions, suspension and/or revocation. This is not a comprehensive list. Additional errors not listed could be considered serious errors based on the severity and frequency of the error. If an amendment or duplicate license is required due to error, all errors on that license will count as a single error.

1. An error rate exceeding 5%
2. Non-sufficient funds/returned check from authorized notary
3. Incorrect completion of a marriage license
4. Failure to add the notary stamp to the marriage certificate application and license
5. Failure to return the original application and/or confidential marriage license
6. Listing incorrect data on the marriage license application
7. Issuing a license to someone who is currently married or prior to the finalized divorce date
8. Making typographical errors on the license causing amendments and/or duplicates to be issued
9. Customer complaints regarding the notary public that are proven valid after investigation
10. Issuing a license provided by the San Diego Recorder/County Clerk in another county other than San Diego County
11. Failure to submit to an audit
12. Failure to provide information or documents upon request of the Recorder/County Clerk
13. Failure to respond to the Recorder/County Clerk within five (5) business days of being notified of a missing license or application
14. Failure to submit a completed license within ten (10) business days
15. Failure to provide an update on a pending license amendment within ten (10) business days and follow up bi-weekly
16. Failure to complete or communicate the status of a pending duplicate license within 15 business days
17. Failure to purchase the minimum requirement of 12 licenses per year

Violations Subject to Suspension and/or Revocation

To ensure that adequate service is provided, and that couples and the Recorder/County Clerk's office do not incur the potential of financial harm or suffer hardship, each occurrence of the following are critical errors that may result in restrictions, suspension, or revocation without first being provided additional training or counseling. This is not a comprehensive list. Additional errors not listed could be considered critical errors based on the severity and frequency of the error and the potential for harm or hardship.

1. Engaging in any of the actions specified in Section 8214.1 of the Government Code
2. Issuing or providing any confidential information, certificate, or document to an unauthorized party
3. Mailing documents to an incorrect or incomplete address
4. Signing and/or stamping of a confidential marriage license prior to obtaining the signatures of the couple

5. Misplacing a check or money order payment
6. Failure to personally verify the identity of a person signing
7. Return, loss, misplacement, or damaging of an original document submitted for recording before the registration process is complete
8. Issuance of blank marriage license to a couple
9. Asking the couple to sign a blank marriage license
10. Issuance of a marriage license to a minor
11. Charging a license fee in excess of the original cost
12. Falsifying information on the marriage license
13. Issuance of marriage licenses after notary commission has expired
14. Issuance of marriage licenses after approval to act as an authorized notary has expired
15. Refusal to submit to an audit
16. Failure to complete or communicate the status of a pending duplicate license within 15 business days.
17. Refusal to provide information or documents upon request of the Recorder/County Clerk
18. Not disclosing actual business or home address
19. Issuance of expired marriage licenses
20. Performing a ceremony after a marriage license expiration date
21. Refusal to issue a marriage license without ceremony

CALIFORNIA CODE SECTIONS APPLICABLE TO AUTHORIZED NOTARIES

I, _____ acknowledge that I have read, understand, and agree to the Authorized Notary Requirements and Authorized Notary Errors. I understand that an approval to issue confidential marriage licenses shall be valid for one year and the fee for renewal of an approval is \$300.00. Further, it is my responsibility to apply for renewal prior to or on each subsequent expiration date. I understand that if it is discovered that I have engaged in any of the actions specified in Government Code section 8214.1, approval shall be revoked, and the fee paid shall be retained by the Recorder/County Clerk. I further understand that it is my responsibility to notify the Recorder/County Clerk of any changes to my name, current address and telephone number, address where I will issue confidential marriage licenses, and the names and address of the party for whom I am employed.

I declare that:

(All boxes must be checked)

I am a notary public commissioned in the County of San Diego, state of California.

I currently reside in the County of San Diego.

I am authorized under Family Code Section 400 as a _____ (Title) under
_____ denomination.

I will not discriminate and will serve all qualified couples.

I declare under the laws of the State of California that the foregoing is true and correct.

Executed on _____, _____
Date City, State

Signature of Applicant