

## CA SOS: State's Notaries May Work During 'Shelter In Place' Order, With Precautions

By Phillip Browne on March 24, 2020

The California Secretary of State reports that Notaries in California are permitted to perform notarizations, and will not be penalized for doing so, during the current COVID-19 "shelter in place" order as long as there are no restrictions from individual county health officers, and you follow federal, state and local guidelines to protect public health.

The clarification was welcome news for California Signing Agents during the critical end-of-the-month period when most mortgage loans are closed and Signing Agents are in high demand.

The Secretary of State's office issued its official statement Tuesday at the request of the National Notary Association to dispel unsubstantiated rumors that Notaries — particularly mobile Notaries and Signing Agents — would face administrative, criminal, and/or significant fines if they were found to be working during the state's shelter in place order.

"Although the California Secretary of State's office cannot determine whether or not notarial services provided are deemed essential during this pandemic, California Notaries Public are not prohibited from performing a notarial act during a shelter in place order. However, our office does recommend that California Notaries Public contact their respective county health officers for guidance," the Secretary of State's office said in its statement.

"The California Secretary of State's office will not take administrative action against a Notary Public for performing a notarial act where a shelter in place order has been given," added Bill Downs, the Secretary's Notary Section Manager.

Despite the statewide clarification, Notaries are being urged to follow all prescribed health and safety procedures, to abide by any safety or procedural changes issued by your contracting party in the mortgage finance industry, and to use common sense when going on assignment. In general, if you are called to perform notarizations for an "essential service," like mortgage closings or health care related documents, consider fulfilling the request if it's safe. Other non-essential notarizations should be left for completion when the crisis lifts.

Additionally, while remote online notarizations (RON) are currently not permitted in California, you can safely advise signers to use an out of state RON service if they need it. "California citizens who wish to have their documents notarized remotely can obtain notarial services in another state that currently provides remote online notarization. California Civil Code 1189(b) provides that any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the law of the place where the acknowledgment is made," according to the SOS statement.

The SOS statement follows a memo issued by U.S. Department of the Treasury Secretary Steven Mnuchin that declared the nation's financial services sector workers were a part of the country's "essential critical infrastructure." Mnuchin explicitly named "settlement services" as essential critical infrastructure. Signing Agents and many mobile Notaries provide financial settlement services.

"If you work in a critical infrastructure sector, as defined by the Department of Homeland Security, you have a special responsibility to maintain your normal work schedule," Mnuchin said. However, "Everyone should follow guidance from the Centers for Disease Control and Prevention as well as state and local officials regarding strategies to limit disease spread."

