



**KEN BENNETT**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**



April 11, 2011

James Rodney Largent  
Brenda Jean Largent  
3110 West Calavar Road  
Phoenix, AZ 85053

*Re: Notary Sharon Maas, Complainants James Rodney Largent & Brenda Jean Largent*

Dear Mr. and Mrs. Largent:

Pursuant to A.R.S. § 41-331(A), the Attorney General's Office ("AGO") has investigated the complaint brought against Notary, Sharon Maas ("Notary"), by James Rodney Largent & Brenda Jean Largent ("Complainant"). The Complainant alleged that the Notary notarized a Deed of Trust ("Deed") on August 29, 2005, even though the Complainants were not present for the notarization of the document and therefore someone forged their signatures on the Deed.

*The investigation into the complaint made against the Notary does not purport to conduct an exhaustive legal analysis on whether the Deed is valid, or whether the complainants are obligated by the Deed. These disputes should be resolved before the proper tribunal. The Secretary of State ("Secretary") does not have the authority to assess whether any signature(s) on the document(s) were forged or to settle any legal disputes regarding the document(s). The Secretary only has authority to determine if under the notary statutes, the Notary fully and faithfully discharged the duties of a notary public, and properly notarized the document(s).*

**A. The Notary Failed to Address the Allegations.**

Notaries are required to respond to any requests for information and comply with any investigations that are initiated by the secretary of state or the attorney general. A.R.S. §§ 41-313(B)(4) & 41-331(B). They must also maintain a journal and produce a copy if the Attorney General or a member of the public requests it. A.R.S. § 41-313(B)(1), 41-319(A) & (F).

Here, the Notary responded to the investigation in writing and provided a copy of her journal as requested. The Notary's letter states that she enclosed the requested journal copy, but the letter does not address the allegations. In providing the journal entries the Notary has met the standards of the law. In failing to address the allegations the notary has failed to respond to the AGO's request for information and comply with any investigations. Therefore, the Notary has failed to fully and faithfully discharge the duties of a notary public providing grounds for suspension or revocation. A.R.S. §§ 41-330(A)(4), 41-331(B) and 41-313(B)(4).

**B. The Notary Failed to Record Requisite ID Information.**

Notaries are required to maintain a journal and produce a copy if the Attorney General or a member of the public requests it. A.R.S. § 41-313(B)(1), 41-319(A) & (F). A notary public must maintain a journal entry for each notarial act, (A.R.S. § 41-319(A)) and their journal must

1700 W. Washington Street, 7th Floor  
Phoenix, Arizona 85007-2888  
Telephone (602) 542-4285 Fax (602) 542-4366  
[www.azsos.gov](http://www.azsos.gov)

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contain the following: (1) the date of the notarial act; (2) the document description or type of notarial act; (3) the printed name of the signer as well as his or her address and signature; (4) the type of evidence for the signer's identity; (5) the specific identity information of the signer; and (6) the fee, if any, charged for the notarization. A.R.S. § 41-319. When a Notary accepts an identification document that meets requirements set forth in A.R.S. § 41-311(1)(a)(b), they must record a description of the identification document including but not limited to; (a) a description of the identification document, (b) its serial or identification number, and (c) its issuance or expiration date. A.R.S. §§ 41-313(B)(1), 41-319(A)(5).

To perform an "acknowledgement" properly, a notary must (1) identify the signer and (2) put the signer's ID information in his notary journal; and the signer must (3) be present with the notary when the notary affixes his stamp and signature to the document. A.R.S. §§ 41-311(1) and 41-319.

In this instance, the Notary recorded the date of the notarial act, which matches the date of notarization on the Deed; the document description; the printed name and signature for each signer; and it identifies "D.L." as the type of identification the Notary accepted for the signer. However, each entry does not contain its serial or identification number and its issuance or expiration date as required by statute. The notarial certificate of the Deed contains the typed name of each signer in the acknowledgment statement, and a signature for each signer is included directly above the notarial certificate. Therefore, based on the investigation of the facts and circumstances presented it may be presumed that the signer's appeared before the Notary. However, in failing to record all requisite journal information the Notary has failed to keep a journal in accord with 41-319. This demonstrates the Notary's failure to fully and faithfully discharge the duties of notary public providing grounds for suspension or revocation. A.R.S. §§ 41-313(B)(1), 41-319 and 41-330(A)(4).

**C. Conclusion.**

The Secretary possesses special knowledge and expertise in interpreting the notary statutes and believes that the definitions, requirements (i.e. oath & bond) and duties outlined in A.R.S. § 41-311 through A.R.S. § 41-332 are standards with which each notary must comply.

The Secretary believes that in addition to the specific offenses outlined by the Arizona legislature which would warrant action against a notary's commission, in cases where there is substantial evidence that the notary's actions fail to meet the standards described in the notary statutes, the Secretary has grounds to refuse, revoke or suspend a notary's commission for "failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public." A.R.S. § 41-330(A)(4).

Therefore, the Secretary of State has determined to suspend the Notary's commission for 90 days effective immediately. The suspension of the Notary's commission is based on the following violations of Arizona notary law:

1. The Notary failed to keep a journal in accordance with A.R.S. § 41-319. A.R.S. § 41-313(B)(1).
2. Failure to discharge fully and faithfully the duties of a notary public. A.R.S. § 41-330(A)(4) & 41-331(B).

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The Notary's suspension is effective immediately and shall remain in effect until July 8, 2011. **In addition to serving the suspension, the Notary will be required to attend a free notary workshop sponsored by the Secretary of State** on or before July 8, 2011. To sign up for the workshop online the Notary may visit our website at [www.azsos.gov](http://www.azsos.gov) or contact our office. Before the Secretary of State will reinstate the notary public commission, proof of attendance must be provided by fax or mail to:

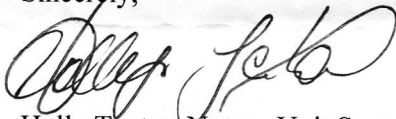
Office of the Arizona Secretary of State  
Attn: Notary Complaints  
1700 W. Washington St.  
Phoenix, Arizona 85007  
Fax: 602-542-4366

After the Notary has complied with the terms outlined above, the Secretary will lift the suspension, effective the suspension end date. At that time, the Notary may resume their duties as an Arizona notary public. In the event the notary's commission expires during the course of the suspension, it is the notary's responsibility to reapply. If the renewal is accepted, the notary will be reinstated following the completion of the terms of the suspension, including any training mandated as part of the terms of the suspension. If the notary fails to comply with any terms of the suspension, the Secretary reserves the right to revoke the notary's commission, effective the suspension end date.

The Notary has a right to request an evidentiary hearing pursuant to A.R.S. § 41-1092.03 by filing a written notice of appeal with the Office of the Arizona Secretary of State within thirty (30) days of receipt of this notice. If the Notary request an evidentiary hearing as referenced above, **he or she may also request an informal settlement conference pursuant to A.R.S. § 41-1092.06**. If a hearing is not requested within the time provided by the statute, the decision will stand.

If you have any concerns regarding this issue, you may contact Yolanda Morales directly at 602-542-6315.

Sincerely,



Holly Textor, Notary Unit Supervisor  
Business Services Division

Cc: Attorney General's Office  
Notary File

1700 W. Washington Street, 7th Floor  
Phoenix, Arizona 85007-2888  
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