

## Administrative Rules for Notary Public Continuing

### Education

#### **Part 1: Definitions**

1-1 "Commission" means a notary public commission issued by the Vermont Office of Professional Regulation.

1-2 "Director" means the Director of the Office of Professional Regulation.

1-3 "Office" means the Office of Professional Regulation.

#### **Part 2: Administration**

2-1 **Applicable Laws.** 26 V.S.A. § 5343(b) requires notaries public applying for renewal of a Vermont Commission to complete continuing education approved by the Office during the two-year period preceding application for renewal of the Commission. Per 26 V.S.A. § 5343(c), the Office shall establish by rule the guidelines and criteria for obtaining continuing education credit.

2-2 **Waiver or Variance.** The Director will not grant routine waivers or variances from any provisions of these rules without amending the rules. See 3 V.S.A. § 845. Where, in extraordinary circumstances, application of a rule would result in manifest unfairness, an absurd result, unjustifiable inefficiency, or an outcome otherwise inimical to the public health, safety, and welfare, the Director may, upon written request of an interested party, so find, grant a waiver with or without particular conditions and limitations, and record the action and justification in a written memorandum. This rule shall not be construed as creating any hearing right or cause of action.

#### **Part 3: Commission Renewal Requirement**

##### **3-1 Hours of Continuing Education.**

a. As a condition of Commission renewal, notaries public shall complete no fewer than one hour of continuing education over the two-year period preceding the application for renewal.

b. One hour is defined as 60 minutes.

##### **3-2 Documentation.**

a. Documentation of successful completion of continuing education must be included in a notary public's application for renewal of a Commission.

b. Documentation of continuing education must include sufficient information to indicate the notary public's successful completion of a course that complies with these Rules, such as the name and date of the course, proof of attendance, and the number of continuing education credit hours awarded.

### **3-3 New Commission Holders.**

a. Commissions are valid for fixed, two-year biennial periods and shall expire if not renewed before the end of each biennial period. Expiration dates are printed on Commission. A lookup tool on the Office website may be considered a primary source verification as to the license status and expiration date of all Office licensees.

b. Commission holders are required to complete one hour of continuing education prior to the first renewal of a Commission after a full, two-year biennial period.

i. The continuing education requirement is not mandatory for an initial renewal of the Commission if the notary public has held the Commission for less than two years. In turn, Commission holders who first obtain a Commission during a two-year biennium period do not need to complete one hour of continuing education before the first renewal of the Commission.

c. If an initial Commission is issued fewer than 90 days prior to the beginning of a two-year biennial Commission period

i. The Commission holder does not need to renew the Commission at the beginning of that biennial period.

ii. The Commission shall be valid through the end of that next two-year biennial period.

iii. The Commission holder is required to complete one hour of continuing education during that two-year biennial period and show compliance with the continuing education requirements when renewing the Commission at the end of that two-year biennial period.

## **Part 4: Continuing Education Course**

**4-1 Content.** The content of a continuing education course being used by a notary public as a basis for renewal of a Commission shall be directly related to the maintenance and enhancement of the skill, knowledge, and competency to perform notarial acts in accordance with Vermont's laws and requirements.

### **4-2 Form.**

a. A continuing education course shall be at least one hour in length.

b. The continuing education course may be synchronous or asynchronous, recorded or live, or in-person or remote. The course may be interactive but does not have to be.

c. A continuing education course must include both audio and visual content.

#### **4-3 Approval of Courses.**

a. Continuing education courses that fulfill the requirements for Rules 4-1 and 4-2 and that are provided or approved by the following organizations are approved without prior review by or approval from the Office: American Bar Association, Vermont Bar Association, and any Vermont State government agency.

b. Except for those courses offered by an organization listed in Rule 4-3(a), continuing education course providers shall not advertise or hold out a course as approved for continuing education credit in Vermont unless the Director has approved the course as satisfying the requirements of these Rules. Course providers must apply to the Director for approval of the continuing education course through the Office's online portal.

**4-4 Acceptable Hours.** Continuing education credit will be granted only for the actual time a notary public spends as a learner during the course. Breaks, business meetings, and lunches are not to be counted toward continuing education credits.

#### **4-5 Continuing Education Audits.**

a. The Office shall conduct continuing education audits of randomly selected Commission holders, including Commission holders whose Commissions are conditioned. The Office may also audit reinstating Commission holders, and Commission holders who, in any of the preceding two renewal cycles, were initially found to have not met continuing education renewal requirements.

b. When a Commission holder appears on the audit list, the Office shall review the documentation provided by the Commission holder as part of the renewal application to determine whether the continuing education requirements have been satisfied. The Office may also request additional documentation and information from the Commission holder showing a detailed account of the credits claimed.

c. Under 3 V.S.A. § 129(k), the Office may give Commission holders ninety (90) days to develop and complete a corrective action plan to cure any deficiencies in continuing education requirements. Courses taken pursuant to a corrective action plan may be counted for only the Commission period being audited. Failure to comply with a corrective action plan may result in disciplinary action per 3 V.S.A. § 129a(a)(4).