

VIRGIN ISLANDS CODE

TITLE 3. EXECUTIVE CHAPTER 29. NOTARIES PUBLIC

§ 771. Appointment of notaries public by Lieutenant Governor

(a) The Lieutenant Governor may appoint and commission not more than 600 notaries public for the Virgin Islands, exclusive of notaries public ex officio and members of the Virgin Islands Bar, who shall hold office for a period of four years. The Executive Secretary of the Legislature of the Virgin Islands shall be granted a commission by the Lieutenant Governor as a notary public ex officio. Each official court reporter and assistant court reporter to the Territorial Court of the Virgin Islands and the District Court of the Virgin Islands, each official reporter of the Legislature of the Virgin Islands, and the Registrar and Deputy Registrars of Vital Statistics of the Department of Health shall be granted commissions by the Lieutenant Governor as notaries public ex officio. Any person admitted to practice law in the Virgin Islands as a member of the Virgin Islands Bar shall upon application and a showing of his membership be issued a commission for a period of four years.

(b) The Lieutenant Governor may promulgate such rules and regulations as he deems necessary, pursuant to the provision of Title 3, chapter 35, Virgin Islands Code, for the proper administration and enforcement of this chapter.

(Amended Feb. 20, 1964, No. 1077, § 1, Sess. L. 1964, p. 21; April 6, 1964, No. 1184, Sess. L. 1964, p. 197; July 2, 1965, No. 1485, Sess. L. 1965, Pt. I, p. 379; May 4, 1967, No. 1954, § 1, Sess. L. 1967, p. 189; May 8, 1968, No. 2196, Sess. L. 1968, Pt. I, p. 494; Jan. 6, 1971, No. 2912, §§ 1, 2, Sess. L. 1970, p. 397; April 29, 1974, No. 3558, Sess. L. 1974, p. 86; Sept. 6, 1978, No. 4198, Sess. L. 1978, p. 216; Oct. 25, 1978, No. 4239, § 1, Sess. L. 1978, p. 272; Oct. 20, 1981, No. 4650, § 2, Sess. L. 1981, p. 267; Feb. 11, 1986, No. 5143, § 1(1), Sess. L. 1986, p. 20.)

§ 772. Qualifications

Every person appointed as a notary public shall

(1) be a citizen of the United States at least 21 years of age and a resident of the Virgin Islands for at least 5 years preceding his appointment; Provided, however, That notaries ex officio and members of the Virgin Islands Bar commissioned in accordance with the provisions of section 771 of this title shall not be required to comply with the five year residency requirement imposed by this section; and

(2) be a graduate of an accredited high school or have passed the high school equivalency test;

(3) continue to reside within the Virgin Islands during the term of his office; and

(4) shall not have been convicted of any crime either within or without the Virgin Islands.

Every applicant for a notary appointment shall be investigated by the Office of the Lieutenant Governor with respect to his character so that prior to the issuance of a commission the Lieutenant Governor is satisfied with the applicant's good character and integrity for the office.

Removal from the Virgin Islands shall vacate his office and be the equivalent of a resignation.

(Amended Feb. 20, 1964, No. 1077, § 4, Sess. L. 1964, p. 20; Feb. 19, 1971, No. 2944, § 1, Sess. L. 1971, p. 7; Feb. 11, 1986, No. 5143, § 1(2), Sess. L. 1986, p. 21.)

§ 773. Commission fees; bonds; issuance of commission

(a) Each notary public shall pay to the Treasury of the Virgin Islands an initial fee of \$100.00 for the commission and thereafter, on the 1st day of January of each year, an annual fee of \$25.00. Upon failure to pay the annual fee, the Lieutenant Governor shall, after giving the notary public 30 calendar days notice of his intention to do so, cancel such appointment.

(b) Each notary public shall execute a bond in favor of the Government of the United States Virgin Islands, in the sum of \$5,000, from any insurance/bonding company authorized to do business in the Virgin Islands, or submit two (2) resident sureties who are owners, within the Virgin Islands, of real property with the value of \$10,000 over and above encumbrances thereon, which bonds must be approved by the Presiding Judge of the Territorial Court; provided that the Presiding Judge of the Territorial Court shall notify the Office of the Lieutenant Governor and the applicant of the approval of the bond.

(c) Each notary public, upon the approval of his bond and after having taken the official oath, shall transmit such bond and oath, duly signed by him, to the Office of the Lieutenant Governor, whereupon the Lieutenant Governor may issue a commission.

(d) A notary public may, at the expiration of his or her term of office, apply for a renewal of the commission by the filing of an application accompanied with a new bond and a renewal fee of \$75.00, and such application shall, if all other qualifications are in order, be given priority over other applications, provided it is postmarked no later than 60 days after the term ends.

(e) A notary public who fails to timely apply for a renewal shall be notified and a determination made regarding his or her desire to apply for renewal of the commission.

(f) The Lieutenant Governor shall have the authority to promulgate and issue an application form incorporating therein the qualifications and conditions as set forth in this chapter.

(g) The Lieutenant Governor may cancel a commission if there is satisfactory proof that the notary public is no longer qualified in accordance with the provisions of this chapter. Any such decision must be made known to the notary public within ten days after the Lieutenant Governor's determination, and such notary public shall have the right to appear in person or in writing to appeal the decision. The decision of the Lieutenant Governor, after hearing and determination on the appeal, shall be final; provided, an aggrieved notary shall have the right to appeal the final decision of the Lieutenant Governor to the Territorial Court.

(Amended June 24, 1958, No. 319, Sess. L. 1958, p. 88; Feb. 11, 1986, No. 5143, § 1(3), Sess. L. 1986, p. 21; Oct. 21, 1988, No. 5369, § 3, Sess. L. 1988, p. 257.)

§ 774. Liability of notaries and sureties

Each notary public and the sureties on his bond shall be liable for all the damages sustained by a party injured by the official misconduct or neglect of that notary public.

§ 775. Records to be kept; inspection by Lieutenant Governor; filing

(a) Each notary public shall keep an official record in which a memorandum of all official acts shall be noted.

(b) The Lieutenant Governor may inspect the official record of any notary public at any time.

(c) Upon the expiration of the term of office, the notary public's official record and seal shall be filed in the Office of the Lieutenant Governor, in the judicial division of his or her residence, for a period of five years. The Lieutenant Governor shall make an impression of such seal and keep such impression with the records of the notary public.

(d) The records kept by the notary public shall include, among other information, the date of the document, the nature or name of the document, the consideration named in the document, if any, the parties making the oath and such other information as the Lieutenant Governor may, by regulation, deem necessary.

(e) A notary public shall not be eligible for a renewal of office unless there is presented with the application for renewal a receipt showing the deposit of official records and seal with the Lieutenant Governor.

(Amended Feb. 11, 1986, No. 5143, § 1(4)-(6), Sess. L. 1986, p. 22.)

§ 776. Notarial seal; signature

(a) Each notary public shall keep an official impression seal bearing his name, date of expiration of commission, and judicial division.

(b) The notary public must affix his impression seal to each document and either write, print or stamp his or her name in a legible fashion on the document.

(c) A document is not properly notarized until both the seal has been impressed thereon and the name of the notary public has been affixed thereto.

(Amended Feb. 11, 1986, No. 5143, § 1(7), Sess. L. 1986, p. 23.)

§ 777. Powers; limitations

(a) Notaries public may take acknowledgments of deeds and other instruments, administer oaths and affirmations, and perform such other acts as may be authorized by law.

(b) No notary public shall certify, attest or take an oath or acknowledgment for or to an instrument to which he is an interested party.

(c) Each notary public shall administer the oath or inquire of each person executing a document as to the truth and authenticity of such document; and shall request identification of the person(s) requiring his or her notarial services. Failure to do so shall subject the notary public to an administrative fine of \$100.00 or to revocation of his or her commission, or both, by and in the discretion of the Lieutenant Governor.

(Amended Feb. 11, 1986, No. 5143, § 1(8), Sess. L. 1986, p. 23.)

§ 778. Fees; retention by notary

(a) Each notary public may charge and retain a fee not to exceed \$5.00 for each document notarized or for each time his or her seal is affixed to a document.

(b) A fee of \$5.00 shall be collected by the office of the Lieutenant Governor for providing certificates of authenticity for documents to be sent out of the Territory or when such certificates are otherwise required.

(Amended Feb. 11, 1986, No. 5143, § 1(9), Sess. L. 1986, p. 23.)

SUBCHAPTER II. SPECIAL NOTARIES PUBLIC

§ 801. Appointment of government employees as notaries public

In addition to the notaries public provided for in subchapter I of this chapter, the Lieutenant Governor may authorize and empower employees of the Government of the United States Virgin Islands or of the United States, not exceeding 40 in number, to take acknowledgments of deeds and administer oaths and affirmations, and such employees shall be appointed and commissioned as notaries public with terms of office at the pleasure of the Lieutenant Governor.

(Amended Feb. 20, 1964, No. 1077, § 2, Sess. L. 1964, p. 21; Jan. 13, 1975, No. 3658, Sess. L. 1974, p. 288; Feb. 11, 1986, No. 5143, § 1(10), Sess. L. 1986, p. 24.)

§ 802. Oath of office; records to be kept

Notaries public appointed and commissioned under section 801 of this title shall take an official oath and keep an official record in which a memorandum of all official acts shall be noted.

§ 803. Commission fees; bonds

Notaries public appointed and commissioned under section 801 of this title, shall not be required to pay license fees, nor to give bond.

§ 804. Notarial seal

(a) Notaries public appointed and commissioned under section 801 of this title shall keep an official impression seal which shall be furnished by the respective department.

(b) Chief clerks of the United States District Court for the Virgin Islands and the Territorial Court of the Virgin Islands shall submit, at least once a year, to and for the information of the Office of the Lieutenant Governor, a list of all persons authorized as ex officio notaries public.

(Amended Feb. 11, 1986, No. 5143, § 1(11), Sess. L. 1986, p. 24.)

§ 805. Restriction on powers; exception

(a) Except as otherwise provided in subsection (b) of this section, notaries public appointed and commissioned under section 801 of this title, shall not be permitted to take acknowledgments of deeds and administer oaths and affirmations except on matters of official business of the Government of the United States Virgin Islands or the Government of the United States, and no fees for such acknowledgments and oaths or affirmations shall be charged.

(b) Not to exceed four of the notaries public commissioned under subsection (a) of section 801 of this title for the Island of St. John, two for the area of Cruz Bay and two for the area of Coral Bay, shall be permitted, in addition to the powers granted in that section, to take acknowledgments of deeds, and administer oaths and affirmations in matters not connected with official business of the Government of the Virgin Islands, in which cases the regular fees for such acknowledgments, oaths and affirmations shall be charged and deposited in the General Fund of the Treasury.

(Amended Feb. 20, 1964, No. 1077, § 3, Sess. L. 1964, p. 21.)

CHAPTER 33. PUBLIC RECORDS; FEES

§ 881. Examination of public records

Public records defined

(a) When used in this chapter “public records” includes all records and documents of or belonging to this Territory or any branch of government in such Territory or any department, board, council or committee of any branch of government.

Citizens right to examine

(b) Every citizen of this Territory shall have the right to examine all public records and to copy such records, and the news media may publish such records, unless some other provision of the Code expressly limits such right or requires such records to be kept secret or confidential. The right to copy records shall include the right to make photographs or photographic copies while the records are in the possession of the lawful

custodian of the records. All rights under this section are in addition to the right to obtain certified copies of records under section 882 herein.

Supervision

(c) Such examination and copying shall be done under the supervision of the lawful custodian of the records or his authorized designee. The lawful custodian may adopt and enforce reasonable rules and regulations regarding such work and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for such work, but if it is impracticable to do such work in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for such work. All expenses of such work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or his authorized deputy in supervising the records during such work.

Hours when available

(d) The rights of citizens under this chapter may be exercised at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m., Monday through Friday, excluding legal holidays, unless the citizen exercising such right and the lawful custodian agree on a different time.

Enforcement of rights

(e) The provisions of this chapter and all rights of citizens under this chapter may be enforced by mandamus or injunction whether or not any other remedy is also available.

Penalty

(f) It shall be unlawful for any person to deny or refuse any citizen of this Territory any right under this chapter, or to cause any such right to be denied or refused. Any person knowingly violating or attempting to violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars.

Confidential records

(g) The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information:

1. Personal information in records, regarding a student, prospective student, or former students of a public or nonpublic school or educational institution maintaining such records.
2. Hospital records and medical records of the condition, diagnosis, care or treatment of a patient or former patient, including outpatients.
3. Trade secrets which are recognized and protected as such by law.
4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.
5. Peace officers investigative reports, except where disclosure is authorized elsewhere in this Code.
6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.

8. Information regarding negotiations with a prospective beneficiary for investment incentive benefits.

9. Criminal identification files of the U.S. Virgin Islands Police Department (V.I.P.D.). However, records of current and prior arrests shall be public records.

10. Personal information in confidential personnel records of the Division of Personnel or other department or agency where same may be kept.

11. Information concerning elderly and disabled adult abuse maintained under Title 34, chapter 15, VIC.

12. All working papers, recorded information, documents or copies produced, obtained or disclosed to the Commissioner of Insurance during the course of an examination.

13. All working papers, draft reports and documents containing evidence to support findings, conclusions, and judgments of auditors of the Office of the V.I. Inspector General.

Injunction to restrain examination

(h) In accordance with the rules of civil procedure the district court may grant an injunction restraining the examination (including copying) of a specific public record, if the petition supported by affidavit shows and if the court finds that such examination would clearly not be in the public interest and would substantially and irreparably injure any person or persons. The district court shall take into account the policy of this chapter that free and open examination of public records is generally in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Such injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond. Reasonable delay by any person in permitting the examination of a record in order to seek an injunction under this section is not a violation of this chapter, if such person believes in good faith that he is entitled to an injunction restraining the examination of such record.

(Amended Dec. 6, 1972, No. 3346, Sess. L. 1972, p. 520; June 15, 1984, No. 4964, § 1(b), Sess. L. 1984, p. 177; Sept. 25, 1984, No. 4990, § 9, Sess. L. 1984, p. 249; Dec. 19, 1984, No. 5032, § 6, Sess. L. 1984, p. 414; 1988, No. 5330, § 2, Sess. L. 1988, p. 114; Aug. 17, 1993, No. 5881, § 2, Sess. L. 1993, p. 174; Nov. 23, 1999, No. 6333, § 14(b), Sess. L. 1999, p. 195.)

§ 882. Fees for certified copies of public records

Except when a different amount is prescribed, the following fees shall be paid in advance for certified copies of public records:

(1) For making a certified copy, 75 cents for the first 300 words or part thereof, and 15 cents for each additional 100 words or part thereof.

(2) If the record is in a foreign language, \$1.00 for the first 100 words or part thereof.

(3) For comparing for certification a copy furnished by the applicant, one-half the fee for making a copy.

CHAPTER 37. CONFLICTS OF INTEREST

§ 1101. Definitions

As used in this chapter the following terms are to be given the following meanings:

(1) "Financial interest" includes as to any individual, firm or corporation, any of the following:

(A) Entitlement to salary or other valuable remuneration as an officer of a business or

corporation;

(B) Ownership of more than ten (10%) percent of the shares of a corporation for profit, or an annual income from dividends, including the value of stock dividends and any other payments made by the corporation, in excess of \$2,000.00 of the recipient's annual income;

(C) The right upon liquidation or dissolution to more than ten (10%) percent of the assets of a firm, partnership, or other noncorporate business entity, or an annual income to the recipient from a firm, partnership or other noncorporate business entity in excess of \$2,000.00 of such recipient's income;

(2) "Business entity" means any commercial undertaking operated for profit including but not limited to a corporation, partnership, proprietorship, association, joint venture or firm;

(3) "Regulated" or "subject to the regulation of a public agency", is defined by applying the test of whether a regulatory agency is authorized to grant or deny licenses, operating rights or other benefits that can substantially affect the profit of the business entity. Any person or officer or member serving any public agency covered by this chapter may request from the Attorney General a list of business entities regulated or subject to the regulation of that public agency;

(4) "Statutory officer" means the Governor, Lieutenant Governor, Members of the Legislature and all other elected territorial officials;

(5) "Appointive officer" means any salaried officer appointed to his office by any members of the executive, legislative or judicial branch of government. It includes appointed employees who are exempt from the Personnel Merit System Law;

(6) "Salaried officer" means any official who receives a fixed compensation for his service at regular intervals;

(7) "Public agency" means the Government of the United States Virgin Islands or any department, board, commission, body or agency of the foregoing including any public corporation and public authority. The term "public agency" does not include any board of commission or committee, the functions of which are purely advisory;

(8) "Territorial officer or employee" includes "statutory officers"; all officers and employees of the legislative, executive and judicial branch of the Government of the United States Virgin Islands or a "public agency" and officers, employees and consultants of any branch of the Government or public agency employed on a contract or fee basis;

(9) "Ownership of a business entity" means ownership by such person or ownership by his spouse and or child, or both;

(10) "Instrument of ownership" means the instrument defining the fiscal relationship of the owner to the business entity or to real property. This would include but not be limited to: common stock, preferred stock, rights, warrants, options, articles of partnership, proprietary interests and debt instruments if convertible to equity instruments. A convertible debt instrument would include bonds, notes, debentures, and mortgages;

(11) "Real property" means any interest in, or option to purchase any interest in, any real property held for income or gain provided the fair market value of the real property is in excess of \$1,000. The term "real property" does not include a home or property used primarily for personal or nonprofit recreational purposes;

(12) "Fair market value" means (A) if a marketed security, the quoted price on the date of filing; (B) if not a marketed security the value at which price a willing buyer would pay to a willing seller, assuming both know the full information on the asset,

neither being under any duress to transact;

(13) "Time or demand deposit" means checking and savings accounts in banks, and shares or deposits in savings and loans institutions, unless such shares are marketed securities.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 117, 118.)

§ 1102. Prohibited acts

No territorial officer or employee shall:

(1) be financially interested in any contract made or negotiated by him in his official capacity, or by any public agency of which he is a member.

(2) be a purchaser at any sale or a vendor at any purchase made by him in his official capacity.

(3) have any interest, financial or otherwise, direct or indirect, or engaged in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of the Virgin Islands.

(4) accept other employment which will either impair his independence of judgment as to his official duties or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(5) wilfully and knowingly disclose, for pecuniary gain to any other person, confidential information acquired by him in the course of and by reason of his official duties or use any information for the purpose of pecuniary gain.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 118, 119.)

§ 1102a. Repealed. Act Dec. 7, 1984, No. 5024, Sess. L. 1984, p. 39

§ 1103. Substantial conflict of interest

A person subject to this chapter has an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of the Virgin Islands or a personal interest, arising from any situation, within the scope of this chapter, if he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of the Virgin Islands or a personal interest, arising from any situation, within the scope of this chapter, if any benefit or detriment accrues to him as a member of an industry, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 119.)

§ 1104. Remote interest

(a) A territorial officer or employee shall not be deemed to be interested in a contract entered into by a public agency of which he is a member within the meaning of this chapter if he has only a remote interest in the contract and if the fact of such interest is disclosed to the public agency of which he is a member and noted in its official records, and thereafter the public agency authorizes, approves, or ratifies the contract in good faith.

(b) As used in this chapter "remote interest" means:

(1) that of a nonsalaried officer or a nonprofit organization;

(2) that of a former employee or agency of a party contracting with the government, if the territorial officer or employee was an employee or agent of said contracting party for at least three (3) years prior to his initially becoming a territorial officer or employee. Time of

employment with the contracting party shall be counted in computing the three (3) year period even though such contracting party has been converted from one form of business organization to a different form of business organization within the three (3) years of the initial taking of office by such territorial officer or employee. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. Stock holders, bond holders, partners, or other persons holding an interest in the contracting party are regarded as having the “real or ultimate ownership” of such contracting party.

(3) that of a parent in the earnings of his minor child for personal services.

(4) that of a landlord or tenant of the party contracting with the government.

(5) that of an attorney of the party contracting with the government but not representing the contracting party in negotiating with the government.

(6) that of a former supplier of goods or services to a party contracting with the government when such goods or services were supplied to the contracting party by the territorial officer or employee for at least five (5) years prior to his election or appointment to a territorial office or employment.

(c) The provisions of this section shall not be applicable to any territorial officer or employee interested in a contract who influences or attempts to influence another member of a public agency of which he is a member to enter into the contract.

(d) The willful failure of a territorial officer or employee to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in this chapter. Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

(e) A territorial officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee or a bank or financial institution with which a party to the contract has the relationship of borrower or depositor or creditor. (Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 119-121.)

§ 1105. Disclosure of financial interests

(a) Not later than April 30 of each year every statutory officer, every judge of the Territorial Court, and every salaried appointed officer of a public agency exempt from the Personnel Merit System shall file a report disclosing certain financial interests as provided by this subsection (a), and shall file an amendment to such report stating any new instrument of ownership acquired which would be subject to this subsection (a) if it had been a financial interest of the person disclosing at the time of his last filing. Amendments shall be filed no later than 30 days after the date of acquisition of the new instrument of ownership. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts as follows:

Part I

(1) List the name, instrument of ownership, and any position of management held in any business entity in which the ownership is in excess of \$5,000 fair market value as of the date of filing or from which income of \$1,000 or more was derived during the preceding calendar year. No time or demand deposit in a financial institution, or any debt instrument having a fixed yield need be listed unless it is convertible to any equity

instrument.

(2) List the name, address and type of practice of any professional organization in which the person reporting, or his spouse, is an officer, director, or partner, or serves in any advisory capacity, from which income of \$1,000 or more was derived during the preceding calendar year.

(3) List the source of each of the following items received during the preceding calendar year:

(a) any income for services rendered exceeding \$5,000;

(b) any capital gain from a single source exceeding \$5,000, other than from the sale of a residence occupied by the person reporting;

(c) reimbursement for expenditures exceeding \$1,000 in each instance;

(d) honorariums from a single source aggregating \$300 or more.

(4) List each creditor to whom the person reporting was indebted for a period of ninety consecutive days or more during the preceding calendar year in an aggregate amount in excess of \$10,000, excluding any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value.

Campaign receipts shall not be included in this report.

Information filed under Part I shall be maintained by the Attorney General and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each person examining information filed under Part I, and the reason for each inquiry.

The Committee shall promptly notify each person required to file a report under this subsection of each instance of an examination of his report.

Part II

(1) List the fair market value (as of the date of filing) of each item listed under paragraph (1) of Part I and the income derived therefrom during the preceding calendar year.

(2) List the amount of income derived from each item listed under paragraphs (2) and (3) of Part I, and the amount of indebtedness owed to each creditor listed under paragraph (4) of Part I.

The information filed under this Part II shall be sealed by the person filing and shall remain sealed unless the Attorney General pursuant to his investigative authority, determines that the examination of such information is essential in an official investigation by the Attorney General and promptly notifies the person concerned of any such determination. The Attorney General may make public any portion of the information unsealed by the Attorney General under the preceding sentence and which the Attorney General deems to be in the public interest.

A person required to file a report under this subsection who has no interests covered by any of the provisions of this subsection shall file a report, under Part I only of this subsection, so stating.

In any case in which a person required to file a sealed report under Part II of this subsection is no longer required to file such a report, the Attorney General shall return to such person, or his legal representative, all sealed reports filed by such person under Part II and remaining in the possession of the Attorney General.

(b) Persons required to file statements under subsection (a) of this section shall file with the Attorney General. The Attorney General shall be responsible for disseminating information concerning the statements required by this section to persons subject to the

provisions of this section and shall prepare a standard reporting form.

(c) The statement required by subsection (a) of this section shall be revised each year prior to April 30th by the person filing such statement and a supplemental report shall be filed describing any changes in the statement or stating that no changes occurred if such is the case.

(d) Each candidate for public office shall file with the Attorney General within 10 days after filing his nomination petition or papers as a public record, a statement identical to the statement required by subsection (a) of this section.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 121; amended April 10, 1979, No. 4269, § 1, Sess. L. 1979, p. 14; June 24, 1987, No. 5265, § 403(a)(2), Sess. L. 1987, p. 56.)

§ 1106. Enforcement by the Attorney General

This chapter shall be administered by the Attorney General of the Virgin Islands who shall conduct investigations, issue rules and regulations, and file actions in the appropriate courts when and as necessary to enforce its provisions.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 121-124; amended April 10, 1979, No. 4269, § 2, Sess. L. 1979, p. 16; July 21, 1981, No. 4593, Sess. L. 1981, p. 90; June 24, 1987, No. 5265, § 403(a)(3), Sess. L. 1987, p. 56.)

§ 1107. Inducement to conflict of interest

No person shall induce or seek to induce any territorial officer or employee to violate any provision of this chapter.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 124.)

§ 1108. Penalties

Any person who knowingly violates a provision of this chapter shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than five years; or by a fine of not more than \$5,000 or a sum equal to any direct monetary gain derived in connection with such violation, whichever is greater; or both such fine and imprisonment.

(Added May 3, 1971, No. 2996, § 1, Sess. L. 1971, p. 124.)

TITLE 11. COMMERCE, TECHNOLOGY AND TRADE

CHAPTER 1. UNIFORM ELECTRONIC TRANSACTIONS ACT

§ 111. Notarization and acknowledgment

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

(Added Dec. 23, 2003, No. 6634, § 50, Sess. L. 2003, p. 151.)

TITLE 28. PROPERTY

CHAPTER 1. ESTATES IN PROPERTY GENERAL

§ 1. Definitions

As used in this title, unless otherwise provided or the context requires a different meaning -“conveyance” includes every instrument in writing except a last will and testament, whatever may be its form and by whatever name it may be known in law, by

which any estate or interest in lands is created, aliened, assigned, or surrendered. "Estate and interest in lands" includes every interest, freehold, and chattel, legal and equitable, present and future, vested and contingent. "Lands" is coextensive in meaning with "lands, tenements, and hereditaments."

CHAPTER 3. CONVEYANCE

§ 41. Manner of executing conveyance

A conveyance of lands, or of any estate or interest therein, may be made by deed, signed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney and acknowledged or proved, and recorded as directed in this title, without any other act or ceremony.

§ 42. Execution and acknowledgment of deeds

(a) Deeds executed within the Virgin Islands of lands or any interest in lands therein shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such; and the persons executing such deeds may acknowledge the execution thereof as provided in chapter 5 of this title.

(b) Deeds executed in any State of the United States or in any foreign country may be executed according to the laws of such State or country and the execution thereof may be acknowledged as provided in chapter 5 of this title.

§ 43. Proof by subscribing witness of execution of conveyance

Proof of the execution of any conveyance may be made before any officer authorized to take acknowledgment of deeds and shall be made by a subscribing witness thereto who shall state his own place of residence and that he knows the person described in and who executed the conveyance. Such proof shall not be taken unless the officer is personally acquainted with the subscribing witness or has satisfactory evidence that he is the same person who was a subscribing witness to the instrument.

§ 44. Compelling attendance of witness to prove execution of conveyance

(a) Upon the application to the district court of any grantee, or of any person claiming under him, verified by the oath of the applicant, setting forth that the grantor is dead, out of the Virgin Islands, or refuses to acknowledge his deed, and that any witness to such conveyance refuses to appear and testify touching the execution thereof, and that such conveyance cannot be proved without his evidence, a subpoena may issue requiring such witness to appear and testify before the court touching the execution of such conveyance.

(b) Every person duly served with such subpoena who, without reasonable cause, refuses or neglects to appear, or after appearing refuses to answer upon oath touching the matter, shall forfeit to the injured party a sum of not more than \$100, and may also be committed to prison as for a contempt of court, there to remain until he submits to answer on oath as aforesaid.

§ 45. Proof of deed by proving handwriting

When any grantor is dead, out of the Virgin Islands, or refuses to acknowledge his deed, and all the subscribing witnesses to such deed are also dead or reside out of the Virgin Islands, the deed may be proved before the district court, by proving the handwriting of the grantor and of any subscribing witness thereto.

§ 46. Certificate of court as to proof of conveyance

Whenever the district court takes proof of any conveyance it shall issue a certificate, on the deed, over the signature of the judge thereof and the seal of the court, which shall set forth the things hereinbefore required to be done, known, or proved, together with the names of the witnesses examined, and their places of residence, and the substance of the evidence given by them.

CHAPTER 5. RECOGNITION OF ACKNOWLEDGMENT

§ 81. Acknowledgments within the Virgin Islands

The acknowledgment of any instrument may be made in the Virgin Islands before -

(1) a notary public authorized to perform notarial acts in the Virgin Islands; or

(2) a judge, clerk, or deputy clerk of any court of record in the Virgin Islands having a seal; or

(3) a commissioner or recorder of deeds.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 82. Recognition of notarial acts performed outside the Virgin Islands

For the purposes of this chapter, “notarial acts” means acts which the laws of the Virgin Islands authorize notaries public of the Virgin Islands to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside the Virgin Islands for use in the Virgin Islands with the same effect as if performed by a notary public of the Virgin Islands by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws of the Virgin Islands.

(a) A notary public authorized to perform notarial acts in the place in which the act is performed.

(b) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed.

(c) An officer of the foreign service of the United States, a consular agent or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed.

(d) A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States or any other person serving with or accompanying the armed forces of the United States.

(e) Any other person authorized to perform notarial acts in the place in which the act is performed.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 83. Authentication of authority of officer

(a) If the notarial act is performed by any of the persons described in subsections (a) to (d) of section 82 of this chapter other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(b) If the notarial act is performed by a person authorized by the laws or regulations

of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if any of the following exist:

(1) Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(2) The official seal of the person performing the notarial act is affixed to the document; or

(3) The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(c) If the notarial act is performed by a person other than one described in subsections (a) and (b) there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 84. Certificate of person taking acknowledgment

The person taking an acknowledgment shall certify that the person acknowledging appeared before him and acknowledged he executed the instrument; and the person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment has satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 85. Recognition of certificate of acknowledgment

The form of a certificate of acknowledgment used by a person whose authority is recognized under section 82 of this chapter shall be accepted in the Virgin Islands if one of the following is true:

(a) The certificate is in a form prescribed by the laws or regulations of the Virgin Islands;

(b) The certificate is in a form prescribed by the laws applicable in the place in which the acknowledgment is taken; or

(c) The certificate contains the words “acknowledged before me”, or their substantial equivalent.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 86. Certificate of acknowledgment

The words “acknowledged before me” mean

(1) that the person acknowledging appeared before the person taking the acknowledgment; and

(2) that he acknowledged he executed the instrument; and

(3) that, in the case of:

(i) a natural person, he executed the instrument for the purposes therein stated;

(ii) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;

(iii) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated;

(iv) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(v) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(4) that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument of certificate.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 87. Short form of acknowledgment

(a) The forms of acknowledgment set forth in this section may be used and are sufficient for their purposes under any law of the Virgin Islands. The forms shall be known as “statutory forms of acknowledgment” and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(b) For an individual acting in his own rights:

Territory of the Virgin Islands

Judicial Division of

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any).

(c) For a corporation:

Territory of the Virgin Islands

Judicial Division of

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any).

(d) For a partnership:

Territory of the Virgin Islands

Judicial Division of

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any).

(e) For an individual acting as principal by an attorney in fact:

Territory of the Virgin Islands

Judicial Division of

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any).

(f) By any public officer, trustee or personal representative:

Territory of the Virgin Islands

Judicial Division of

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any).

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 88. Acknowledgments not affected by this chapter

A notarial act performed prior to October 20, 1981, is not affected by this chapter.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 89. Uniformity of interpretation

This chapter shall be so interpreted as to make uniform the laws of those jurisdictions which enact it.

(Added Oct. 20, 1981, No. 4650, § 1, Sess. L. 1981, p. 262.)

§ 90. Acknowledgments under laws of other states

Notwithstanding any provision in this chapter contained the acknowledgment of any instrument without the Virgin Islands in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state of the United States, verified by the official seal of the officer before whom it is acknowledged, and authenticated in the manner provided by paragraph (2) of section 89 of this title, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of the Virgin Islands for instruments executed within the Virgin Islands

§ 91. Acknowledgments by persons serving with the armed forces of the United States within or without the United States

In addition to the acknowledgments of instruments in the manner and form and as otherwise authorized by this chapter, any person serving in or with the armed forces of the United States may acknowledge the same wherever located before any commissioned officer in active service of the armed forces of the United States with the rank of Second Lieutenant or higher in the Army, Air Force, or Marine Corps, or Ensign or higher in the Navy or United States Coast Guard. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in the following form:

On this the day of , 19 , before me, , the undersigned officer, personally appeared , known to me (or satisfactorily proven) to be

serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument acknowledged that he executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of Officer.

Rank of Officer and Command

To which attached

§ 92. Acknowledgment not affected by this chapter

No acknowledgment taken before September 1, 1957, shall be affected by anything contained on this chapter.

§ 93. Uniformity of interpretation

This chapter shall be so interpreted as to make uniform the laws of those jurisdictions which enact it