**Section 176.970 Complaints of Alleged Violations**

For purposes of this Section, "notary public" includes an electronic notary public and remote notary public.

a) A person may file a complaint in writing with the Secretary of State alleging that a notary public has violated one or more of the provisions of the Act or any provision of this Part. The complaint should include as much information as possible, including:

1) The name of the notary public, and the employer or business name of the notary;

2) If known, the name of the county in which the notary resides;

3) If known and assigned, the notary public commission number assigned to the notary;

4) An explanation of the reason for the complaint;

5) A copy of relevant documents related to the matter;

6) Whether the notarial act was an electronic or remote notarial act performed using audio-video communication; and

7) Additional information that the person considers relevant to the complaint or notarization.

b) The complaint may be filed in person or by mail to the Illinois Secretary of State, Index Department at 111 E. Monroe St., Springfield, IL 62756, or by electronic mail (enotary@ilsos.gov).

c) Upon receipt of the complaint, the Secretary will notify the notary who is the subject of the complaint in writing. The notice shall be sent by regular mail to the address of the notary on file with the Secretary of State. The notice sent to the notary public who is the subject of the complaint will include:

1) A statement of the statutory provision which the notary public is alleged to have violated;

2) An explanation of the disciplinary actions that may be taken against the notary public;

3) Instructions for the notary public to respond to the complaint by regular mail or by email; and

4) A statement that the notary public must respond to the complaint within 10 days after receiving the notice.

d) If, after receiving the response from the notary, the Secretary of State determines that further action is not warranted, the Secretary will notify the notary public of that decision.

e) Either after receiving the response from the notary or if no response is received, the Secretary of State may further investigate the complaint of alleged misconduct against the notary public by considering the totality of the offense, facts, and circumstances of the individual case.

f) When evaluating an allegation of notarial misconduct to determine if action should be taken, the Secretary may consider a variety of factors, including but not limited to, the following:

1) Nature and severity of the act, offense, or crime under consideration;

2) Number and variety of current violations;

3) Evidence of the requisite honesty, credibility, truthfulness, and integrity of the notary public;

4) Actual or potential harm to the general public, group, individual, or customer;

5) History of complaints received by the Secretary of State;

6) Prior disciplinary record or warning from the Secretary of State;

7) Any felony or misdemeanor convictions involving fraudulent activity;

8) Fraudulent, deceptive, or inequitable business acts;

9) The disbarment or professional discipline of a notary that is also an attorney;

10) The revocation of any financial, real estate, or securities licenses; or

11) Failure to pay any Illinois tax.

g) If the Secretary determines that a crime may have been committed, the Secretary will refer the allegations to law enforcement for further investigation or prosecution.

(Source: Added at 47 Ill. Reg. 8640, effective June 5, 2023)