



# Notaries in Minnesota and “Notario” Fraud

## What is a notary?

When a person takes on the role of a notary, their job is to be an impartial witness and prevent fraud during the signing of important documents. When a document needs to be notarized, the notary should ask to see identification and then provide an official stamp on the document.

A notary is not acting as a witness to the facts of a document. They are witnessing the signing of the document and making sure that the person signing is the right person.

A notary commission is good for 5 years and then has to be renewed.

You can find [detailed information on notaries](https://www.sos.state.mn.us/) and how to become a notary on the MN Secretary of state website. Go to <https://www.sos.state.mn.us/> and click on the “Notary and Apostille” tab.

## Who can be a notary?

In Minnesota, a person who wants to be a notary, also called a “notary public,” has to be at least 18 years old and has to be a Minnesota resident. A notary does not have to be a US citizen, but must be in the country legally.

If they meet these requirements, they submit an application and pay an application fee. Minnesota does not require any special classes or training but classes are available for anyone who wants to take them. Once the Office of the Secretary of State accepts the application, the person is a notary. The notary has to buy their own official stamp and anything else they may need.



## What CAN a Minnesota notary do?

- Witness and verify the signing of important documents. When they do this the document has been “notarized”
- Administer oaths, like swearing in a newly elected official
- Notarize documents in the state of Minnesota

### **What CAN'T a Minnesota notary do?**

- Give you legal advice or counsel, represent you in court, or do anything else that only a trained, licensed lawyer should do
- Draft legally binding documents
- Charge you more than \$5
- Notarize their own documents
- Notarize outside of the state of Minnesota

### **Where to find a notary**

Most banks offer notary services for free. Sometimes if you don't have an account there, they may charge a small fee. Some UPS stores have notaries. It's a good idea to call or check online first.

There is an [online database of notaries](https://www.sos.state.mn.us/) in the state. Go to <https://www.sos.state.mn.us/> and click on the "Notary and Apostille" tab, then click on "Find a Notary."

### **A notary is NOT a "notario"**

A notary in the United States is NOT the same as a "notario" in many Hispanic countries. "Notarios Públicos" in Hispanic countries are trained, legal professionals that often give legal advice and draft legal documents. A notary or notary public in the United States can only act as the witness to a signature and usually doesn't have formal legal training.

Anyone claiming to be a "notario público" in the United States CANNOT help you with your legal problem, such as immigration or family matters.



It is against the law for "notarios" or even lawyers who are not licensed in the United States to provide immigration advice. Even just filling out forms should only be done by a lawyer or accredited representative that is licensed in the United States.

### **Avoid Being Scammed by “notarios”**

- Do not visit a notario for legal advice.
- Notarios often target immigrant communities in need of immigration legal services. It is not legal for them to practice in the United States.
- If someone offers to help you with your legal claim, ask to see their bar card or bar license number. All lawyers practicing legally in Minnesota have these.
- Do not pay a notary more than \$5 for notarizing a document. By law, \$5 is the most a notary can charge. Many notaries do it for free.

If you need legal help visit [www.LawHelpMN.org](http://www.LawHelpMN.org) or [www.mnbar.org](http://www.mnbar.org) to find free or low cost legal help, or to get a referral to a private lawyer.

### **Can I file a complaint against a notary or notario?**

Yes. You can file a misconduct or fraud complaint against a notary public or notario online with the Minnesota Department of Commerce.

Go to <https://mn.gov/commerce/>

- Click on “Consumers” on the top menu
- Click on “File a Complaint”

They also have a phone line for complaints: 651-539-1600 or 1-800-657-3602.



***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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