

## 18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint," "reappoint," "appointment," "reappointment," "commission," "recommission," "commissioning," and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining the commission.
- (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned.
- (3) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
- (4) "Authorize" means the Department's action to issue an authorization.
- (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (7) "Crime" means:
  - (a) an offense designated by law as a felony or misdemeanor;
  - (b) an attempt to commit an offense;
  - (c) an accessory to commission of an offense;
  - (d) aiding and abetting of an offense;
  - (e) conspiracy to commit an offense;
  - (f) solicitation to commit an offense; or
  - (g) threat to commit an offense.An infraction as defined in G.S. 14-3.1 is not a crime.
- (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (9) "Criminal convictions" means the following dispositions of criminal charges:
  - (a) adjudications of guilt;
  - (b) pleas of nolo contendere;
  - (c) pleas of guilty;
  - (d) Alford pleas;
  - (e) conditional discharges;
  - (f) prayers for judgment continued; and
  - (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- (10) "Denial" with regard to public office means an individualized action:
  - (a) to disqualify an individual from:
    - (i) being a candidate for an elected public office; or
    - (ii) holding or filling a public office; and
  - (b) that is taken by:
    - (i) a governmental agency, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (11) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
  - (a) a disciplinary order;
  - (b) a censure;
  - (c) a reprimand;
  - (d) an admonition;
  - (e) a resignation in lieu of termination or revocation;
  - (f) a denial;
  - (g) a written warning; or
  - (h) actions denominated differently but equivalent to Sub-Items (a)-(g) in this Item.
- (12) "Disciplinary order" means a directive or its equivalent that:

- (a) is directed to a holder of a professional license or a commissioned notary public;
- (b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
- (c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or notary public; and
- (d) is not stayed, rescinded, reversed, or expunged.

Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.

- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding resulting in a determination that:
  - (a) a fact has been proved according to the applicable legal standard; or
  - (b) a law applies to the specific facts in a matter.
- (15) "Harm" means:
  - (a) loss or damage to a person affecting:
    - (i) liberty;
    - (ii) child custody, parental rights, child support, or visitation;
    - (iii) reputation;
    - (iv) money;
    - (v) property;
    - (vi) time; or
    - (vii) a contract or transaction; or
  - (b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.
- (16) "Issuance" with regard to public office means an action:
  - (a) to certify the results of an election signifying that an individual has been elected to the public office; or
  - (b) to appoint an individual to fill a public office; and
  - (c) that is taken by:
    - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (17) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (18) "Name for use on a notary public commission" or "commission name" means the name chosen by a commission applicant as the applicant's commission name and consisting of:
  - (a) the full legal name of the commission applicant; or
  - (b) a combination of the applicant's surname and:
    - (i) full first or middle name; or
    - (ii) full first or middle name and one or more initials derived from the applicant's full legal name.

Note: Full legal names, full first names, and full middle names shall not include nicknames.
- (19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:
  - (a) G.S. 163-231(a); and
  - (b) G.S. 53C-6-13(a).
- (20) "Notary course" means a course taught by a certified notary instructor for purposes of:
  - (a) commissioning or recommissioning a notary public; or
  - (b) registering or reregistering an electronic notary public.
- (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.

- (22) "Professional license" means an issuance that involves a grant of authority by a governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:
- (a) attorney;
  - (b) appraiser;
  - (c) architect;
  - (d) boiler inspector;
  - (e) building, electrical, fire, mechanical, or plumbing inspector;
  - (f) certified nursing assistant;
  - (g) certified public accountant;
  - (h) code enforcement official;
  - (i) electrical contractor;
  - (j) engineer;
  - (k) general contractor;
  - (l) geologist;
  - (m) insurance agent;
  - (n) insurance company adjuster;
  - (o) interpreter or transliterator;
  - (p) investment advisor;
  - (q) locksmith;
  - (r) motor vehicle damage appraiser;
  - (s) on-site wastewater contractor inspector;
  - (t) pharmacist;
  - (u) physician;
  - (v) physician assistant;
  - (w) plumbing, heating, and fire sprinkler contractor;
  - (x) private investigator;
  - (y) professional bondsman;
  - (z) real estate broker;
  - (aa) registered nurse, licensed practical nurse, nurse practitioner;
  - (bb) securities broker, dealer, salesman;
  - (cc) self-employed insurance adjuster;
  - (dd) surety bondsman;
  - (ee) sworn law enforcement officer; and
  - (ff) teacher.
- (23) "Public office" means a position:
- (a) created by law to which an individual has been elected or appointed;
  - (b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public; and
  - (c) with authority that is not solely advisory.
- (24) "Restriction" with regard to public office means an individualized action:
- (a) to restrain an individual from serving in public office; and
  - (b) that is taken by:
    - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (25) "Release from prison, probation or parole" means:
- (a) completion of all terms of a sentence or judgment entered as part of a disposition of a criminal charge;
  - (b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge;
  - (c) a certificate of relief pursuant to G.S. 15A-173.4;

- (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
  - (e) an unconditional pardon pursuant to G.S. 13-3;
  - (f) an order that a conviction is vacated; and
  - (g) the individual's citizenship has been restored pursuant to G.S. 13-1;
  - (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- (26) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides, including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (27) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
- (a) to void or cancel a certification of election to office; or
  - (b) to remove an individual from a public office; and
  - (c) that is taken by:
    - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (28) "Suspension" with regard to a public office means an individualized action:
- (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and
  - (b) that is taken by:
    - (i) a governmental agency, board, or commission, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.

*History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. July 1, 2024.*