

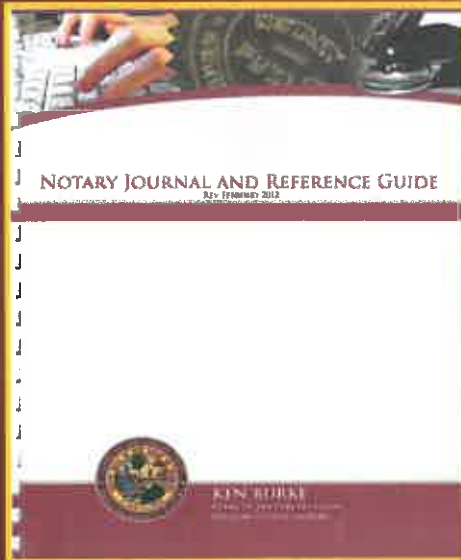


# DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
PINELLAS COUNTY, FLORIDA

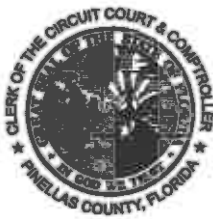
## AUDIT OF CLERK OF THE CIRCUIT COURT AND COMPTROLLER CLERK'S NOTARY PROCESS



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DECEMBER 18, 2014  
REPORT NO. 2014-42



## Ken Burke, CPA

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December 18, 2014

The Honorable Ken Burke, CPA  
Clerk of the Circuit Court and Comptroller

At your request, we conducted an unannounced audit of the Clerk of the Circuit Court and Comptroller (Clerk) Clerk's Notary Process.

Our audit objectives were to:

- Determine if the Clerk's notary staff and process are in compliance with Florida Statutes Chapter 117, Notaries Public.
- Determine if the Clerk's notary staff and process are in compliance with the Clerk of the Circuit Court and Comptroller's "*Notary Journal and Reference Guide, Rev. June 2013.*"

We conclude that the Clerk's "*Notary Journal and Reference Guide,*" which provides guidelines for notary public employees performing notarial acts, contains adequate written policies. However, some of the Clerk's notaries are not complying with the policies. The Clerk's notaries are:

- Often logging incomplete records in the *Notary Journals*.
- Not logging any notary acts in the *Notary Journals*.
- In lieu of the notary stamp, Deputy Clerk staff stamps are being used.

Management should ensure that all Clerk's notary employees are aware of the Clerk's Notary Policies:

- To prevent non-compliance issues, and
- Use the Deputy Clerk stamps properly.



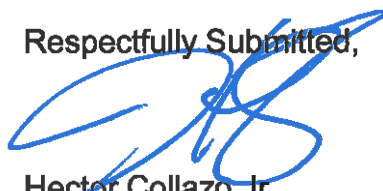
The Honorable Ken Burke, CPA  
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December 18, 2014  
Page 2

*We did not note any non-compliance issues with Florida Statutes Chapter 117, Notaries Public, during our review.*

Opportunities for Improvement are presented in this report.

We appreciate the cooperation shown by the staff at each Clerk's Branch and Departments during the course of this review. We commend management for their responses to our recommendations and for immediately implementing corrective action.

Respectfully Submitted,



Hector Collazo Jr.  
Inspector General/Chief Audit Executive

# TABLE OF CONTENTS

	<b>Page</b>
<b>Introduction</b>	5
<b>Action Plan</b>	7
<b>Opportunities for Improvement</b>	13
<b>1. Notaries' Acts Are Not Always Logged In <i>Notary Journals</i>.</b>	13
<b>2. <i>Notary Journals</i> Were Not Always Properly Secured.</b>	14
<b>3. <i>Notary Journal</i> Records Were Not Complete.</b>	16
<b>4. Notaries Are Using The Deputy Clerk Stamp In Lieu Of The Notary Stamp Without Approval Of Court Operations.</b>	17
<b>5. Notary Commission Expenses May Not Be Necessary.</b>	19
<b>6. The Clerk's "<i>Notary Journal And Reference Guide</i>" Should Be Updated.</b>	20

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# INTRODUCTION

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## *Synopsis*

The Clerk's notaries are not completing notary records adequately and in some cases, not completing notary transaction records in the *Notary Journal* ("log"). A written policy for usage of the Deputy Clerk stamp in lieu of the notary seal should be developed and implemented, including the assessment of a notary fee, as appropriate, when using the Deputy Clerk stamp.

## *Scope and Methodology*

We conducted an audit of the Clerk's office compliance with Florida Statutes and the Clerk's internal manual for the notary public process. Our audit was unannounced and conducted on site at the same time at each of the Clerk's eight locations on October 14, 2014.

The objectives of our audit were to determine if the Clerk's notaries at all locations were in compliance with:

- Florida Statutes Chapter 117, Notaries Public
- Clerk of the Circuit Court and Comptroller's *"Notary Journal and Reference Guide, Rev. June 2013"*

In order to meet the objectives of our audit we:

- Interviewed office location management and Clerk's notaries to obtain an understanding of the process and related policies and procedures for each location.
- Reviewed the application of internal controls for the notary stamp and the *Notary Journal*.
- Reviewed the process flow for notary fees on a sample basis.
- Evaluated other related compliance controls for the notary public process.
- Reviewed the Clerk's *"Notary Journal and Reference Guide"* on a sample basis.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General* and, accordingly, included such tests of records and other auditing procedures as we considered necessary in the circumstances. The audit period was July 1, 2014 through September 29, 2014. However, transactions and processes reviewed were not limited by the audit period.

## ***Overall Conclusion***

We conclude that no non-compliance issues with Florida Statutes Chapter 117, Notaries Public, were noted during our review.

The Clerk's "*Notary Journal and Reference Guide*," which provides guidelines for notary employees performing notarial acts, contains adequate written policies. However, notary staff are not always complying with the policies. The Clerk's notaries are often logging incomplete records on the *Notary Journal* record and, in other instances, are not logging any notarial acts.

Deputy Clerks are providing notary-related services without charging the applicable notary fee as stated in the Clerk's Fee Schedule. A written policy should be developed and implemented to instruct Deputy Clerk staff on the proper use of the Deputy Clerk stamp. Management should ensure that all notary employees are aware of the Clerk's Notary policies so as to prevent further non-compliance issues. The *Notary Journal* should be updated to provide additional information for notarial acts.

Our audit disclosed opportunities for improvement. Those opportunities are presented in this report.

# Action Plan

FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur	Partially Concur	Do Not Concur	In Progress	Planned
1	<b>Notaries' Acts Are Not Always Logged In Notary Journals.</b>					
	Management instruct notaries to complete all sections/fields of the <i>Notary Journal</i> record for all notarial acts provided.	✓				
2	<b>Notary Journals Were Not Always Properly Secured.</b>					
	Management instruct notaries of the requirements of Florida Statute 117.05 and the Clerk's " <i>Notary Journal and Reference Guide</i> " to reinforce the importance of the notary commission and the documentation associated with the commission.	✓				
3	<b>Notary Journal Records Were Not Complete.</b>					
	Management instruct notaries to complete all sections/fields of the <i>Notary Journal</i> record for all notarization acts provided.	✓				
4	<b>Notaries Are Using The Deputy Clerk Stamp In Lieu Of The Notary Stamp Without Approval of Court Operations.</b>					
	Clerk's Court Operations Management: A. Consult with the Clerk Court Operation's legal counsel to determine the legal basis for using a	✓				



FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur.	Partially Concur.	Do Not Concur.	In Progress	Planned
	Deputy Clerk stamp versus the notary seal.					
	B. Develop and implement a written policy to identify when notary staff may use the notary commission and Deputy Clerk appointment to ensure all notarization acts are applied consistently at all branches/departments.	✓				
	C. Provide, through implementation of the written policy, guidelines for the appropriateness of charging the notary fee when using the Deputy Clerk stamp.	✓				
	<b>Notary Commission Expenses May Not Be Necessary.</b>					
5	The Clerk: Consider no longer funding the acquisition and/or renewal of notary commissions for those employees that are Deputy Clerks if there is no legal requirement for staff to hold both appointments.	✓				
	Consider the expense of having some employees become notaries if there is a specific condition/situation where the Deputy Clerk stamp cannot be used in lieu of the notary commission. However, the Clerk may decrease operational expenses by having the staff have one or the other, rather than both functions.	✓				
6	<b>The Clerk's "Notary Journal And Reference Guide"</b>					



FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur	Partially Concur	Do Not Concur	In Progress	Planned
	<b>Should Be Updated.</b>					
	Clerk's Court Operations Management update the Clerk's "Notary Journal and Reference Guide" by implementing the following changes to the Clerk's Policy:					
	A. Ensure that all notaries are using the current version of the Clerk's "Notary Journal and Reference Guide" when important changes are made.	✓				
	B. The Clerk's Reference Guide should be available on the Clerk's Intranet for notaries' reference. Updates should be communicated to notaries via email to notify notaries of updates made to the Clerk's Reference Guide. Having the Reference Guide available online may eliminate the need for a hard copy in all the branch/department locations.	✓				
	C. The Notary Journal should be separate from the Reference Guide to eliminate the need for the notary to obtain another Reference Guide each time the Notary Journal has been completed.	✓				
	D. The Notary Journal record form should be updated to include additional fields when documenting notarial acts. The additional fields that should be included on the Journal Record include the following: <ul style="list-style-type: none"> <li>• Document notarized date</li> </ul>			✓		

FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur.	Partially Concur.	Do Not Concur.	In Progress	Planned
	<ul style="list-style-type: none"> <li>• Driver's license number</li> <li>• Signer's phone number</li> </ul>					

## ***Background***

A notary public for the State of Florida is appointed by the Governor for a term of four years. The notary public's primary duty is to show that the signer of a document understands what he/she is signing and to declare that the signer's identity and signature are genuine.

### **Government employees as Notary Public:**

- Although the government agency pays for the commission, it is the employee who is the appointed notary public, not the agency. Such employee/notary is a notary public 24 hours a day, seven days a week, for the entire four-year term of appointment, unless the notary dies, resigns, or is suspended or removed from office by the Governor or the Florida Senate.
- The government agency may set regulations regarding the use of the notary's commission during the employee/notary's regular business hours.
- All fees collected by the employee/notary for notary services rendered during business hours belong to the government agency, pursuant to Florida Statutes 116.35 through 116.38.
- The government agency has the authority to set the notary fees to be charged by that agency for its notary services to the public, but such fees may not exceed the allowable fees specified in Chapter 117 of the Florida Statutes.
- The employee/notary may perform notarial acts outside his/her employment and may charge fees for those notary services not exceeding the fees set by law. Such fees belong to the notary public. See F.S. 117.05(2), 117.045, and 28.24(29).
- The notary seal, the notary commission certificate, and any other papers belonging to the notary public (i.e., a record book or journal of notarial acts) are the property of the notary public. These items are not the property of the government agency, even if the agency paid for such items. Even upon termination of employment, these items belong to the notary public.
- Both the employee/notary and the government agency are liable for all notaries' acts performed by the employee/notary within the scope of his or her employment, pursuant to Florida Statute 117.05(6).
- The government agency is not liable for notaries' acts performed by the employee/notary outside his or her normal employment responsibilities.
- Upon termination of employment by the employee/notary, the government agency's liability for notaries' acts performed in the future by the former employee/notary also terminates. However, the government agency may always be held liable for any notaries' acts performed by the employee/notary during his or her period of employment.
- When the employee/notary terminates employment with the government agency, the government agency does not have the authority to request, nor require the resignation of the employee/notary from the office of notary public. The notary public was appointed by the Governor, and only the Governor may request or require the resignation of a notary public.

- Florida law does not require the use of a notary journal ("log"); however; it does recommend the use of a notary journal. The Pinellas County Clerk's policy requires the recording of all notary transactions conducted in the Clerk's offices.

In order to serve the public, the Clerk has instituted a policy of having office notary public staff notarize documents being filed with the County. Listed below are the notary public staff by Clerk's office location.

<b><u>Summary Of Clerk's Notary Public Staff</u></b>			
Office	Notaries At Office	Notaries Available On Audit Date	OFI Noted (Yes/No)
CJC	15	13	Yes
North County	8	6	Yes
Finance/Board Records	7	Not covered in this audit	NA
St. Petersburg	9	7	Yes
Civil	6	6	Yes
Probate	3	2	No
Recording	13	11	Yes
South County (Tyrone)	12	12	Yes
<b>TOTAL</b>	<b>73</b>	<b>57</b>	

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# OPPORTUNITIES FOR IMPROVEMENT

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Our audit disclosed certain policies, procedures, and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. Accordingly, the Opportunities for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed.

## **1. *Notaries' Acts Are Not Always Logged In Notary Journals.***

Some notaries are not recording notarial acts in their *Notary Journals* (logs). In the samples selected at the branch/department for testing and during discussions with notary staff, we noted the following situations:

- Some notaries had recently received the *Notary Journal* (supplied by the Clerk Print Shop)' and therefore, did not have journal entries prior to July 1, 2014, the beginning of our testing period.
- Some notaries had not performed any "notary" functions since receipt of the *Notary Journal*; therefore, we could not confirm proper use.
- More than 50 percent of the notaries in one department were not currently using their *Notary Journals*.
- Some notaries did not know where their *Notary Journals* were located.
- All notaries in the section of one department were not recording expungements in their *Notary Journals*.
- Some notaries did not log the "no charge" transactions in their *Notary Journal*.
- One notary kept copies of the documents notarized instead of logging the transactions in the *Notary Journal*.
- Prior to receipt of the *Notary Journal*, the standard practice was to charge only notary fees into *Odyssey*. No logging of notary functions was recorded outside that transaction.

A majority of the notaries were not aware of the five-year retention requirement for maintaining notary records.

Staff is not complying with the notary policy as stated in the Clerk of the Circuit Court and Comptroller's "*Notary Journal and Reference Guide*."

As the *Notary Journals* may be used as a method of proving the staff member's compliance with the law, having an incomplete record may jeopardize the credibility of that notary/employee. Such notary records will not provide complete information on the notary transactions. If that record is needed for court testimony or evidence and it is incomplete or inaccurate, the legal case could be affected.

In addition, if the transaction is not recorded in the *Notary Journal*, the notary employee may not be processing the fees collected.

The "*Notary Journal and Reference Guide*" includes the Clerk's Notary Policies that state in the Introduction on page 2/65:

*"As a Notary Public employed by the Clerk of the Circuit Court, you are required to complete a journal entry each time you perform a Notary Act. Your Notary Commission, Seal and this Journal are to be kept in a secure location."*

**We recommend** management instruct notaries to complete all sections/fields of the *Notary Journal* record for all notarial acts provided.

**Management Response:**

**Concur.** All notaries have been instructed to record all notary acts in the *Notary Journal* for each notary public act performed. Management has assured that all Clerk Notaries have Guides and Journals. Additional training has been provided to ensure all *Notary Journal* information is complete.

## ***2. Notary Journals Were Not Always Properly Secured.***

*Notary Journals* and seals used by some notary staff were not properly secured. We reviewed procedures for securing *Notary Journals* and stamps for the Clerk's notary staff at each branch/department location. We found inconsistencies and less than secure practices on the day of our review.

Specifically, we noted the following:

- *Notary Journal* was stored in a red binder on top of filing cabinet just below the counter.
- Notary stamps and *Notary Journals* were stored in desk drawers that were not always locked.
- Management and Supervisor had access to *Notary Journals* and stamps in the absence of the notary.
- Seals were kept on employee's desk.
- Former employees' *Notary Journals* are being retained by the Clerk's office.

Procedures for properly securing *Notary Journals* and seals are not being followed.

If notary staff is not complying with Florida Statutes 117.05 3(b) for adequate security of their seal, Florida Statutes 117.01(4) states the notary is at risk of having their commission



suspended by the Office of the Governor. Florida Statutes 117.05(3)(d) states that the unlawful possession of a notary public official seal is a second degree misdemeanor.

If notary staff is not complying with the *Notary Journal* Policy and Procedures, it increases the risk of theft of a journal and/or the commission seal. If that journal record is needed for court testimony or evidence, and it has been stolen, the legal case could be affected.

The "*Notary Journal and Reference Guide*" includes the Clerk's Notary Policies that state in the Introduction section on page 2/65:

*"As a Notary Public employed by the Clerk of the Circuit Court, you are required to complete a journal entry each time you perform a Notary Act. Your Notary Commission, Seal and this Journal are to be kept in a secure location."*

Florida Statutes 117.05 3(b) states:

*"The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public."*

Florida Statutes 117.01(4) states:

*"The Governor may suspend a notary public for any of the grounds provided in s.7, Art. IV of the State Constitution."*

Florida Statutes 117.05(3)(d) states:

*"Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083."*

**We recommend** management instruct notaries of the requirements of Florida Statute 117.05 and the Clerk's "*Notary Journal and Reference Guide*" to reinforce the importance of the notary commission and the documentation associated with the commission.

**Management Response:**

**Concur.** All notaries will be instructed on the security procedures for the notary stamp and the *Notary Journal*. The Clerk's "*Notary Journal and Reference Guide*" policy will be updated to cover:

- The requirements for securing the notary stamp after business hours.
  - Each notary will be provided a locked container to store their notary seal after each Clerk's notary shift ends.



- The process for maintaining the *Notary Journal* after business hours.
  - In accordance with Clerk Procedures, the *Notary Journals* will not be required to be secured after business hours so that Clerk Management can access the *Notary Journal* if the Clerk notary staff is not available.

### **3. Notary Journal Records Were Not Complete.**

All sections/fields in the *Notary Journal and Reference Guide* used by notary staff to record notary transactions are not always completed. We reviewed all *Notary Journal* records in the sample selected at each Clerk's branch/department location to determine if all the fields were completed (notary record form supplied by Clerk's Office). During our review of the *Notary Journals* in our sample, we noted missing information on several notary records.

The following information includes specific items missing from the notary records during our review:

- Receipt number
- Notary fee amount
- Signer representative capacity
- Multiple documents notarized under one receipt number were recorded as one journal entry
- Date
- Time of entry
- Expiration date of the Driver's license
- Signer's address
- Type of Notary Act
- Title of Type of Document

Not having a complete journal entry for each notary act may hinder research needed on a transaction made years earlier or impair the reliance upon the log for court testimony, in the event it may be needed.

The Clerk's "*Notary Journal and Reference Guide*" includes the Clerk's Notary Policies that states in the Introduction section on page 2/65:

*"As a Notary Public employed by the Clerk of the Circuit Court, you are required to complete a journal entry each time you perform a Notary Act."*

**We recommend** management instruct notaries to complete all sections/fields of the *Notary Journal* record for all notarial acts provided.

**Management Response:**

**Concur.** All Clerk notaries have been instructed to fully complete the *Notary Journal* for each notary public act performed.

#### **4. Notaries Are Using The Deputy Clerk Stamp In Lieu Of The Notary Stamp Without Approval Of Court Operations.**

Notaries at one location stated that they use the Deputy Clerk stamp in lieu of the notary seal to save customers the \$5 notary as stated in the Clerk's Fee Schedule. This process has not been approved by Court Operations.

Listed below are sub-issues associated with this process:

A. There is no policy to identify when to notarize versus using the Deputy Clerk stamp.

- By staff not consistently using the Deputy Clerk stamp and/or notary stamp, there is inefficiency that may raise questions as to whether staff is handling documents properly. Additionally, without having clearly defined instructions when to use the notary stamp and when to use the Deputy Clerk stamp, the staff is making decisions using their own discretion. This inconsistency directly impacts the revenue for the Clerk, as some staff will charge a notary fee while others will not. By not consistently charging the notary fee at each Clerk's branch/department, customers may have the perception of being incorrectly charged.

*"Florida Statute 92.50 gives the Deputy Clerk the authority to administer oaths, affidavits and acknowledgments required or authorized under laws of this state."*

- The appointment letter for the Deputy Clerk, approved by the Clerk of the Circuit Court and Comptroller, grants the authority of the Deputy Clerk, but it is silent on the notary public functional use of the stamp.

B. The Clerk's Fee Schedule is being circumvented.

- The Clerk's Fee Schedule is being circumvented by some Deputy Clerks. Currently, there are no written policies and procedures to guide staff for appropriate use of their Deputy Clerk stamp versus the notary stamp. The Deputy Clerk staff is making decisions to use the Deputy Clerk stamp in lieu of the notary stamp without written guidelines. Our audit indicated that this practice was limited to one Clerk's branch/department.

- Using the Deputy Clerk stamp to serve as a notary act creates a reduction in Clerk's revenue. While this reduction is not a quantifiable amount, nonetheless it is lost revenue. The Clerk of the Circuit Court and Comptroller's Fee Schedule, in the Miscellaneous Charges section, states that the Notary Fee is \$5.

C. There is no requirement to log Notaries' Acts when using Deputy Clerk stamps.

- During our audit, we interviewed the Clerk's notary staff. Notaries stated they are not recording the transactions when a Deputy Clerk stamp is used to perform a notary type act.
- By staff not consistently using the Deputy Clerk stamp and/or notary stamp, there is inefficiency and may cause questions as to whether the notary staff is handling documents properly. Additionally, without having clearly defined instructions on when to use the notary stamp versus the Deputy Clerk stamp, it permits notary staff to use their Deputy Clerk stamp at their own discretion.
- If the transaction is not recorded in the same manner consistent with the *Notary Journal*, the staff member may be collecting fees for the notary service and pocketing the money.
- The "*Notary Journal and Reference Guide*" represents the Clerk's Notary Policies. In the Introduction section, it specifically states on page 2/65:

*"As a Notary Public employed by the Clerk of the Circuit Court, you are required to complete a journal entry each time you perform a Notary Act."*

**We recommend Clerk's Court Operations Management:**

- A. Consult with the Clerk Court Operation's legal counsel to determine the legal basis for using a Deputy Clerk stamp versus the notary stamp.
- B. Develop and implement a written policy to identify when notary staff may use the notary commission and Deputy Clerk appointment to ensure all notarization acts are applied consistently at all branches/departments.
- C. Provide, through implementation of the written policy, guidelines for the appropriateness of charging the notary fee when using the Deputy Clerk stamp.

**Management Response:**

- A. **Concur.** The Deputy Clerk stamp should not be used for notary public acts. Deputy Clerk's are only authorized to use their stamp for Deputy Clerk acknowledgments. The notary stamp will be used to notarize and witness the signatures for customers needing notarized documents. The Clerk's seal will be used for everything else.

- B. **Concur.** The Clerk Notary Policy will be updated to reflect this requirement.
- C. **Concur.** The Deputy Clerk stamp is used for processes required by law to be performed by the Clerk. The Deputy Clerks will comply with Florida Statute, Chapter 28, for fees charged for that service. Notary public acts are not legally required to be performed by the Clerk, but are being offered as a service to the public, and a fee for the service is authorized.

## ***5. Notary Commission Expenses May Not Be Necessary.***

Notary commission expenses may not be necessary. The Deputy Clerk appointment may accomplish all of the functions/actions of a notary commission, and therefore, staff may not need to hold both appointments. If there is a specific condition/situation when the Deputy Clerk stamp cannot be used in lieu of the notary commission, then the expense of having certain employees become notaries may be unnecessary.

- A. If the Deputy Clerk can also perform notary functions, then it is not advantageous for staff to hold both appointments. The Deputy Clerk may be appointed by the Clerk without the expense associated with the notary commission. There is a cost saving measure to utilize the dual roles of the Deputy Clerk.
- B. As the Deputy Clerk stamp may be used interchangeably with the notary commission, as it is being utilized within one Clerk's department, the expenses associated with the notary commission may be an unnecessary cost to the Clerk of the Circuit Court and Comptroller. However, staff must have the ability to provide notary-type functions for the proper processing of court and operational documents.

**We recommend** the Clerk of the Circuit Court and Comptroller, if both stamps are not required:

- A. Consider no longer funding the acquisition of and/or renewal of notary commissions for those employees that are Deputy Clerks if there is no legal requirement for staff to hold both appointments.
- B. Consider the expense of having some employees become notaries if there is a specific condition/situation where the Deputy Clerk stamp cannot be used in lieu of the notary commission. However, the Clerk may decrease operational expenses by having the staff having one or the other, rather than both functions.

**Management Response:**

A & B Concur. There is an operational requirement to have both Notary Public and Deputy Clerk stamps. The use of the stamps serve different services rendered by the Clerk's Offices and is not interchangeable.

## **6. The Clerk's "Notary Journal And Reference Guide" Should Be Updated.**

The Clerk of the Circuit Court and Comptroller's "*Notary Journal and Reference Guide*" ("Policy") should be updated. During our review of the *Notary Journal and Reference Guide* and records in our sample, we noted the following issues:

A. The Clerk's *Notary Journal and Reference Guide*:

1. There are three different versions of the "*Notary Journal and Reference Guide*" being used at the Clerk's locations. We noted that some notaries had *Reference Guides* with no revision date on the cover. One version of the *Reference Guide* was dated as revised in February 2014, and the third version had a revision date of June 2014.
2. Some notaries did not know where the Clerk's "*Notary Journal and Reference Guide*" was located at their branch/department location.

B. *Notary Journal*:

1. Notary Records are included with each Clerk's "*Notary Journal and Reference Guide*" and therefore, after the notary completes all journal records in their *Reference Guide*, another *Reference Guide* must be obtained that has the blank *Notary Journal* records located in the last section of the *Reference Guide*. It would be better served if the "*Notary Journal and the Reference Guide*" were separate documents. In addition, having more than one *Notary Journal* entry on one page will reduce the need to replace the *Notary Journal*. If the *Notary Journal and Reference Guide* continue to be maintained in one document, reformatting the document to have the *Notary Journal* in front, followed by the *Reference Guide* would be more efficient.
2. The *Notary Journal* record does not include relevant fields to document notarial acts. Specifically, the following information was not stated on the notary record form:
  - Date document notarized
  - Driver's license number

- Signer's phone number

Different versions of the Clerk's "*Notary Journal and Reference Guide*" are being used by notaries. There is no procedure in place to inform notaries that changes were made and if the change impacts their notary process. In our review, we determined that the *Notary Journal* was the same in all versions, but we did not review the *Reference Guide* for changes to procedures.

With the current Clerk's process, important updates and changes to the notary process may not reach all of the Clerk's notaries.

**We recommend** the Clerk's Court Operations Management update the Clerk's "*Notary Journal and Reference Guide*" by implementing the following changes to the Clerk's Policy:

- A. Ensure that all notaries are using the current version of the Clerk's "*Notary Journal and Reference Guide*" when important changes are made.
- B. The Clerk's *Reference Guide* should be available on the Clerk's Intranet for notaries' reference. Updates should be communicated to notaries via email to notify notaries of updates made to the Clerk's *Reference Guide*. Having the *Reference Guide* available online may eliminate the need for a hard copy in all the branch/department locations.
- C. The *Notary Journal* should be separate from the *Reference Guide* to eliminate the need for the notary to obtain another *Reference Guide* each time the *Notary Journal* has been completed.
- D. The *Notary Journal* record form should be updated to include additional fields when documenting notarial acts. The additional fields that should be included on the *Journal Record* include the following:
  - Date document notarized
  - Driver's license number
  - Signer's phone number

**Management Response:**

- A. **Concur.** The *Reference Guide* will be made available electronically for the Clerk's notaries. The notaries will be notified when procedure changes are made and the updates are recorded in the electronic document. As stated in Paragraph C, the *Notary Journal* and *Reference Guide* will be separate documents.
  - B. **Concur.** The *Notary Journal* will be available on the Clerk's website.
  - C. **Concur.** The *Notary Journal* and *Reference Guide* will be separate documents.
-

D. **Do Not Concur.** The additional fields are not needed in performing the notary act in Florida and will not be added to the *Notary Journal*.

**Inspector General Comments:**

Florida Statutes Chapter 117, Notaries Public, does not specify what information should be contained in the Notary Journal record. As an example, the "Florida Notary Public Record Book" issued by Budget Notary Services includes the recommended fields. We reiterate the inclusion of the relevant fields will better document the notarial act.





# DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER  
PINELLAS COUNTY, FLORIDA

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