



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL

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December 4, 2013

Ms. Lindsay Baxley
3601 East Sandpiper Drive
Unit #4
Boynton Beach, Florida 33436

RE: Complaint of Notary Misconduct; Response Due By **December 24**

Dear Ms. Baxley:

The Notary Section of the Executive Office of the Governor has received a complaint of notary misconduct filed against you by Mr. Eliot Bernstein, a copy of which is enclosed for your reference. This Office is now conducting an investigation into the allegation(s) of misconduct cited in the complaint. Your full and prompt cooperation with this investigation is a required component of your commission as a Florida notary public.

Using the enclosed form, please provide a sworn written response **within twenty (20) days** of the date of this letter. Please respond with specificity, and include any supporting documents or materials relevant to the investigation of the following alleged violations of the notary statutes:

- You failed to include a complete jurat in the enclosed "Will of Simon L. Bernstein" and "Amended and Restated Trust Agreement" documents by not specifying the means by which you identified the signing parties, Mr. Bernstein, Ms. Moran, and Mr. Spallina. A notary public is required to include a complete jurat or notarial certificate when notarizing a signature, which contains the elements listed under Section 117.05(4), Florida Statutes. Additionally, a notary public may not notarize a signature on a document without having personal knowledge or satisfactory evidence that the person whose signature is being notarized is the same individual executing and described in that instrument. Section 117.05(5), Florida Statutes.
- This Office attempted to notify you by mail of this matter on November 18, 2013, but it was returned by the United States Postal Service with a notification that you have moved from the address on file. A notary public is required to notify the Department of State of any change in his or her business or residential addresses, business or residential phone

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numbers, or criminal record within 60 days after such change. Section 117.01(2), Florida Statutes. Additionally, the forwarding address provided by the U.S. Postal Service is in Minnesota, but you are required to maintain permanent residence in this state in order to serve as a Florida notary public. Section 117.01(1), Florida Statutes.

Please provide this Office with your sworn written response within the timeframe indicated above. Failure to fully and promptly cooperate with the investigation conducted by this Office will result in disciplinary action taken, up to and including the suspension of your notary commission.

Thank you for your prompt response to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Erin Tupper". The signature is written in a cursive, flowing style.

Erin Tupper
Notary Coordinator

Enclosure.

cc: Mr. Eliot Bernstein Complainant