# WEST VIRGINIA CODE: §39-4-23

**§39-4-23. Prohibited acts.**

(a) A commission as a notary public does not authorize an individual to:

(1) Assist persons in drafting legal records, give legal advice or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or

(4) Receive compensation for performing any of the activities listed in this subsection.

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in this state, may not use the term "*notario*" or "*notario publico*".

(d) A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law.

(e) If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in writing, the notary public shall provide a clear disclaimer that the notary is not authorized to practice law under the following conditions:

(1) If the form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of a disclaimer as required by subsection (e) because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(2) If the form of advertisement is made through broadcast media, print media or the Internet, the following statement, or an alternate statement authorized or required by the Secretary of State, shall be prominently included in each advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not permitted to draft legal records, give advice on legal matters, including but not limited to, immigration, or charge a fee for those activities".

(f) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

WV Legislature