



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

November 18, 2013

Mr. Eliot I. Bernstein
2753 N.W. 34th Street
Boca Raton, Florida 33434

Dear Mr. Bernstein:

The Notary Section of the Executive Office of the Governor received your complaint of alleged notary misconduct filed against Ms. Lindsay Baxley. This Office takes allegations of notary misconduct seriously, and relies upon vigilant citizens, like you, to ensure Florida notaries public adhere to the responsibilities and prohibitions of their office. However, the jurisdiction of this Office is limited only to the laws governing notary conduct, as defined in Chapter 117, Florida Statutes, and we are not able to file criminal charges or make a document null and void.

After review of the complaint and supporting documents, an investigation has been initiated by this Office regarding a possible violation of the notary statutes. A copy of the correspondence to Ms. Baxley from this Office is enclosed for your records. The violation noted by this Office pertain to the failure to complete a proper jurat or notarial certificate in the notarized instrument.

Although your complaint alleged other violations of the laws governing Florida notaries public, there was no clear evidence to support the allegations of a presence violation, the notarization of a signature on a blank or incomplete document, or a false or fraudulent acknowledgment of the instruments in question. As such, those allegations are not part of the ongoing investigation at this time.

Thank you again for notifying our Office of potential notarial misconduct. We will update you as this investigation progresses. If you have any questions, please do not hesitate to contact this Office at (850) 717-9529 or via email at NOTARY@eog.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Erin Tupper".

Erin Tupper
Notary Coordinator



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

RE: Complaint of Notary Misconduct; Response Due By **December 8**

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:

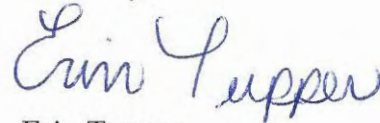
- You failed to include a complete jurat in the enclosed "Will of Simon L. Bernstein" and "Amended and Restated Trust Agreement" documents by not specifying the means by which you identified the signing parties, Mr. Bernstein, Ms. Moran, and Mr. Spallina. A notary public is required to include a complete 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.

(continued on second page)

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,



Erin Tupper
Notary Coordinator

Enclosure.

cc: Mr. Eliot Bernstein Complainant