

# Warren County Board of Supervisors

## RESOLUTION NO. 293 OF 2025

**RESOLUTION INTRODUCED BY SUPERVISORS WILD, DRISCOLL, ETU, MADAY, BEAN, PATCHETT AND MERLINO**

### **ADOPTING THE WARREN COUNTY POLICY FOR EMPLOYEE NOTARY SERVICES**

WHEREAS, the County Attorney requested, and the Personnel, Administration & Higher Education Committee agreed, to adopt the Warren County Policy for Employee Notary Services, and recommended that the same be advanced to the Board of Supervisors for consideration and approval, now, therefore, be it

RESOLVED, that the Warren County Policy for Employee Notary Services, annexed hereto as Schedule "A," be and the same is hereby adopted as the official policy for Warren County.

**SCHEDULE “A”**

**WARREN COUNTY POLICY FOR EMPLOYEE NOTARY SERVICES**

**I. PURPOSE**

This policy outlines the requirements and procedures for all County employees who are requested by their Department Heads to test and be commissioned as Notaries Public for the County’s business operations. Its purpose is to ensure that all notarial acts performed by County employees who are authorized to act as Notaries Public on their behalf adhere to the highest standards of legality, ethics, and professionalism, and are in full compliance with New York State law. This policy applies to all County employees who may hold a New York State Notary Public Commission and perform notarial acts as part of their official County employment duties while conducting County business and/or on County property.

**II. POLICY STATEMENT**

County employees who are or wish to become Notaries Public on behalf of the County must obtain approval from their Department Head and be in accordance with their job duties. All County employees who are authorized to act and are commissioned as Notaries Public on behalf of the County shall perform their duties in strict accordance with the laws, rules, and regulations governing Notaries Public in the State of New York. This includes, but is not limited to, the requirements set forth in the New York Codes, Rules and Regulations (NYCRR), specifically:

- A. 19 NYCRR Part 182 (formerly Sections 1823, 1825, and 1829):** This part, titled “Notaries Public,” governs the conduct, duties, and responsibilities of notaries public as follows:
  - 1. **Requirements for Notarial Acts:** Proper identification of individuals, personal appearance, administration of oaths/affirmations, and refusal to perform acts when requirements are not met (19 NYCRR §182.3).
  - 2. **Record Keeping:** Maintaining detailed records of all notarial acts for at least ten (10) years, including date, time, type of act, names and addresses of individuals, type of credential used for identification, and verification procedures (19 NYCRR §182.9).
  - 3. **Fees:** Any Warren County Employee Notaries Public, when performing notarial acts as part of their official duties, shall not charge fees to members of the public.
  
- B. Executive Law, Article 6, Section 137 (Statement as to Authority of Notaries Public):** This section outlines the specific information a notary public must print, typewrite, stamp, or affix beneath their signature on documents, including name, “Notary Public State of New York,” county of qualification, and commission expiration date.

**III. PROCEDURES**

- A. Requirements of County Departmental Notaries Public:**

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The following procedures shall apply to any employee authorized to act as a Notary Public on behalf of the County for County business operations:

1. **Commissioning and Renewal:**
  1. County Employees authorized to acts as a Notary Public on behalf of the County shall only be allowed to notarize documents in support of County operations while on County time.
  2. County employees authorized to act as Notaries Public must obtain and maintain a valid commission from the New York Secretary of State and provide such licensing to their Department Head upon receipt and on an ongoing renewal basis.
  3. County Employees shall be responsible for understanding and fulfilling all the legal requirements for initial commissioning and subsequent renewals.
  4. County departments shall be responsible for the payment or reimbursement of the education and fees associated with the Public Notaries authorized by them within their department.
2. **Compliance with NYCRR:** All County authorized Notaries Public shall be familiar with and strictly adhere to the provisions of 19 NYCRR Part 182 and Executive Law, Article 6, Section 137.
3. **Personal Appearance:** County authorized Notaries Public must always require the personal appearance of the individual for whom the notarial act is being performed.
4. **Identification:** County authorized Notaries Public must obtain satisfactory evidence of identity fro the individual appearing before them, as specified in 19 NYCRR §182.5.
5. **Notary Journal/Record Keeping:** County authorized Notaries Public shall be required to maintain a secure and detailed journal or log of every notarial act performed on behalf of the County, in accordance with 19 NYCRR §182.9. This record shall be retained for at least ten (10) years and be available for production upon request by the New York Secretary of State or other officials as required by law or County policy.
6. **Fees:** County authorized Notaries Public shall not charge fees to members of the public when performing notarial acts as part of their official duties unless specifically authorized and directed by County policy or applicable law. Any authorized fees collected shall be handled in accordance with County financial procedures.
7. **Ethical Conduct:** County authorized Notaries Public shall act impartially and avoid any notarial act where they have a direct or pecuniary interest in the transaction. They shall not provide legal advice or otherwise act as an attorney unless they are also a licensed attorney providing assistance as part of the duties assigned to them by the County.
8. **Training and Updates:** County authorized Notaries Public shall be encouraged to stay informed of any changes to New York Notary Public law and regulations and shall inform their Department Head of same.

9. **Insurance Afforded to County Authorized Notaries Public:** The County shall provide insurance coverage for County authorized Notaries Public who conduct their services on behalf of the County for County business.

**B. Requirements of County Clerk Notaries Public**

The legal framework that *implies* and *facilitates* New York State County Clerks' role in public notary services, including often having Notary Public sections within their offices, can be found primarily in the **New York Executive Law, Article 6, Sections 130 through 138**. The following New York State Executive Law specifically pertains to County authorized Notaries Public working within the County Clerk's Office.

1. **Executive Law §131. Appointment and commission; powers and duties; official misconduct:** This section outlines the process by which the Secretary of State appoints and commissions notaries public. Crucially, it states that after approval, the Secretary of State "forwards the commission, the original oath of office, and the signature of the notary public to the appropriate county clerk." This establishes the county clerk's role in maintaining the official record of commissioned notaries within their county.
2. **Executive Law §134. County clerk's power to certify the official character of notary public:** This section explicitly grants County Clerks the power to "certify to the official character of any notary public" commissioned in their county, or whose certificate of official character has been filed with them. This is often done to authenticate a notary's signature on a document, especially for use out of state, and is a key public service.
3. **Executive Law §135. Notary public or commissioner of deeds; may not charge for services as attorney:** While not directly about providing services, this section, along with others, defines the scope of a notary's powers and limitations, which county clerks are tasked with upholding through their record-keeping and authentication functions.