

STATE OF NEW YORK  
DEPARTMENT OF STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of the Complaint of

**DEPARTMENT OF STATE  
DIVISION OF LICENSING SERVICES,**

Complainant,

**DECISION**

-against-

**DONNA M. QUINN,**

Respondent.

-----X

The above noted matter came on for hearing before the undersigned, Roger Schneier, on February 4, 1998 at the office of the Department of State located at 41 State Street, Albany, New York.

The respondent, of 2333 Payne Road, Castleton on Hudson, New York 10233, did not appear.

The complainant was represented by Litigation Counsel Laurence Soronen, Esq.

**COMPLAINT**

The complaint alleges that, as established by an opinion and an order of disbarment issued by the New York State Supreme Court, Appellate Division, Third Judicial Department, the respondent was disbarred as an attorney and thereby ceased to be eligible to be commissioned as a notary public inasmuch such commission was granted to her solely because of her status as an attorney, and that the findings in the opinion and order demonstrate that the respondent has demonstrated untrustworthiness and the lack of the requisite character and fitness to be commissioned, and by reason thereof seeks the revocation of the respondent's commission.

**FINDINGS OF FACT**

1) Notice of hearing together with a copy of the complaint was served on the respondent by certified mail delivered on December 31, 1997 (State's Ex. 1).

2) The respondent is a notary public pursuant to a commission expiring on July 27, 1998 (State's Ex. 1). The commission was issued based on the respondent's status as an attorney.

3) By an order of the Supreme Court of the State of New York, Appellate Division, Third Judicial Department entered on September 5,

1997 the respondent was disbarred from the practice of law because of her conviction of violating 18 USC §153, having pled guilty to the knowing and fraudulent embezzlement of moneys belonging to the estate of debtors in bankruptcy, a crime essentially similar to the New York felony of larceny by embezzlement (State's Ex. 1).

#### OPINION

I- The respondent was granted her commission as a notary public by virtue of her being an attorney. Accordingly, she was not required to meet any of the educational, experiential, or character standards imposed by the governing statutes. Executive Law §130.

II- The fundamental function of a notary public is the authentication of documents. The act of misconduct underlying the respondent's conviction, embezzlement, demonstrates that she is a person lacking in honesty and good character, and warrants, pursuant to Executive Law §130, the revocation of her commission as a notary public, as it is clear from her conduct that she cannot be trusted to perform her duties as a notary honestly. *Division of Licensing Services v Erdheim*, 80 DOS 94.

#### CONCLUSIONS OF LAW

1) The respondent's commission as a notary public should be revoked inasmuch as she is no longer an attorney and, therefore, the basis upon which she was granted the commission is no longer valid and she no longer qualifies to hold the commission.

2) The respondent has engaged in a act of misconduct which warrants the revocation of her commission as a notary public.

#### DETERMINATION

**WHEREFORE, IT IS HEREBY DETERMINED THAT** pursuant to Executive Law §130 the commission as a notary public of Donna M. Quinn is revoked, effectively immediately, and she is directed to immediately send her notary public identification card to Diane Ramundo, Customer Service Unit, Department of State, Division of Licensing Services, 84 Holland Avenue, Albany, NY 12208.

Roger Schneier  
Administrative Law Judge

Dated: February 18, 1998