

February 19, 2002
Re: IO-02-20

You inquired about the limits on the use of notaries public by county employees. You advised that there are employees that notarize documents various license applications for walk-in customers. You asked whether these employees may charge a notary fee for these documents. The answer is that they may not, because under §3-104(a), an employee may not use the authority of the employee's position for the employee's own private gain. See, IO-01-29 (enclosed). You also asked whether the county may reimburse its employees for the costs of obtaining their notary certifications. The answer to this question is that if the county wants to provide this service to county customers, it may certainly pay or reimburse the out-of-pocket expenses for its employees. This is not an ethics issue, but a departmental one.

You asked whether an employee who is paid by the county to become a notary, may perform and charge for notarial services during off-duty hours. The answer is that with some limitations, the ethics law would permit the employee to do notarial work as secondary employment. The employee should be aware that under §3-105, the employee may not notarize documents for people who would otherwise be using the notary services of the county office where the employee works. The employee may not notarize any documents for people or entities that do business with, or are subject to regulation by the employee's department.

Finally you asked whether the employee must become certified in the county if the county pays their certification fees. The answer is that as long as the notary services for county customers can be done by a notary certified in any county in Maryland, there is no ethics law requirement that the employee be certified or registered in Anne Arundel County.

Thank you for your inquiry. Please call if you have any other questions.

Sincerely,

Betsy K. Dawson
Executive Director