

DEPARTMENT OF STATE
OFFICE OF THE SECRETARY OF STATE
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In the Matter of the Complaint of

SYED H. HASAN, Notary Public

Appellant,

-against-

**DECISION AND ORDER
8 DOS APP 00**

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

Respondent

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Syed H. Hasan (“Appellant”) appeals to the Secretary of State from a decision by the Office of Administrative Hearings that affirmed the decision of the Division of Licensing Services (“Respondent”) denying Appellant’s renewal of his commission as a Notary Public.

Appellant submitted a Memorandum of Appeal objecting to the determination below.

Respondent chose to rely upon the record.

ISSUE

This appeal considers whether the Office of Administrative Hearings committed error in determining that Appellant should not be granted renewal of his commission as a Notary Public.

OPINION

Upon review of the record there are still unanswered questions of law and fact. As a result, this case is being remanded for additional development of the record. Specifically the following items need to be briefed by the parties expeditiously and the matter is to be reconsidered thereafter by the Office of Administrative Hearings.

1) Does the Corrections Law § 750 et seq. apply to the issuance of a Notary Public Commission?

2) Does the Office of Notary Public become vacant upon the conviction of a federal misdemeanor, pursuant to Public Office Law § 30?

3) What are the factual circumstances supporting Mr. Hasan's plea? Is there a plea colloquy?

ORDER

The Determination is stayed and the matter is remanded to the Office of Administrative Hearings for further action consistent with this opinion.

So ordered on:

Alexander F. Treadwell,
Secretary of State