



No Need to Demonstrate Detrimental Reliance to Recover for Misconduct by Notary Public

The Second Department determined that “detrimental reliance” does not need to be demonstrated to recover for misconduct by a notary public under Executive Law section 135 where the plaintiff does not allege fraud as the theory of recovery. The plaintiff in this case alleged the notary’s misconduct resulted in the recording of a forged deed which caused the subrogors to sustain damages. In reversing the trial court’s dismissal of the notarial-misconduct cause of action, the Second Department wrote:

Executive Law § 135 provides, in relevant part, that “[f]or any misconduct by a notary public in the performance of any of his powers such notary public shall be liable to the parties injured for all damages sustained by them.” Thus, the plain language of the statute does not require a showing of detrimental reliance Rather, a plaintiff seeking to recover under that section need only show that the notary engaged in notarial misconduct and that such misconduct was a proximate cause of the plaintiff’s injury [Chicago Title Insurance Co. v LaPierre, 2013 NY Slip Op 01523, 2012-05101, Index No 15384/08, 2nd Dept. 3-13-13](#)