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July 12, 2002
State of Louisiana
Secretary of State
Notarial Division
Baton Rouge, Louisiana

Re: House Concurrent Resolution No. 81

To: The Hon. Secretary of State, Al Ater, esq., First Assistant SOS, Cynthia Cotten,
Chairman, and the Notary Study Committee:

The resolution and proposed legislation contained in HCR 81 in many ways would be beneficial to the citizens of Louisiana and the Notary profession as a whole. Standards of professional conduct are long overdue, as is standardized testing.

The testing for notaries varies tremendously from parish to parish. The inconsistency in testing methods, parish willingness to release study material and what each parish deems important spans too far in extremes.

Those who have earned the right of commission want to be “good” notaries, just as the state of Louisiana and subsequent interested parties want us to be. Therefore, it is only prudent that the testing focus shift from that of individual parish agendas to that of a Civil Code focus, consistently, across Louisiana. Comprehensive standardized testing will fulfill the demand that all candidates, statewide, have been tested thoroughly and fairly, prior to receiving a commission. The consistency brought by this shift in focus to the Louisiana Civil Code as the primary testing tool, will help eliminate incompetence, and encourage good candidates to pursue obtaining a commission. A single, large central bank of exam questions maintained and kept current and issued to each parish Examination Committee would effectively address these issues.

I respectfully ask that all members realize the importance of implementing comprehensive standardized testing in Louisiana. As a participant of Sub-Committee # 1, I confirm and endorse the “Report of the Standardized Testing Committee”, dated July 12, 2002, submitted by our committee.

Further, testing consistency will set precedent for and encourage the same type of consistency in continuing education. Continuing education is becoming more essential with our ever changing laws and, more particularly, changes in the regulations of the various state departments. Mandatory continuing education is required in several other fields governed by the state, should notaries be an exception? The majority of notaries are in favor of continuing education, however the word mandatory seems to present concern.

If continuing education becomes obligatory every attempt should be made to insure that the seminars are educational and informative. The cost of such should be commensurate with the amount of income derived by the majority of notaries from performing notarial functions. The income derived from most notarial transactions does not justify the cost of seminars, particularly when combined with commission, bond and errors and omissions renewal fees, in addition to administrative fees for monitoring and enforcement, as is also proposed in HCR 81.

To ensure the integrity of the notary profession a system for monitoring and enforcement of any standards or requirements ought to be developed. We should be allowing the Civil Law Notary to have all the authority and all the power that was intended, but at the same time making sure that power is not abused. Making sure that one who possesses that power, one who has the seal, is predisposed to do so in a professional manner; has the knowledge and expertise to fulfill the function and perform the duties that are commensurate with it.

While all of these proposals have merit, any decisions affecting a notary's ability to retain a commission should be carefully weighed.

Sincerely,

Joetta R. Landry
Louisiana Civil Law Notary