

The Society's President Ken Sherk: Working At Home *and* Abroad to Make a Difference for BC Notaries



West Vancouver Notary Ken Sherk was elected President of The Society of Notaries Public of British Columbia in 2006 and also served as our President from 1998 to 2000. Ken is the first BC Notary to hold this office twice in the last 40 years. He has practised as a Notary in West Vancouver since 1983. Ken is also a Director of The Society and a member of the Board of Governors of the Notary Foundation. On June 27, 2008, he celebrated a quarter century as a BC Notary Public.

In Conversation with Val Wilson

THE SCRIVENER: Ken, how often do you travel to international events and conferences to represent The Society and the Notary Foundation?

KEN: Over the past 12 years, I have been fortunate to travel on a fairly regular basis. The number of events in any given year has varied from 1 or 2 to sometimes 6 or 7, from workshops, to international conferences dealing with global issues, to dinners celebrating centenaries.

THE SCRIVENER: Where in the world have those travels taken you?

KEN: To many places in Europe including London and Stratford upon Avon in England; Vienna, Austria; Rome, Catania, Bologna, and Pescara in Italy; Bergerac, France; Athens; Buenos Aires; Mexico City; and many major cities in the US and Canada—New York, Washington, Atlanta, Los Angeles, San Diego, Denver, San Francisco, Philadelphia, Kansas City, Toronto, and Montréal.

Although the world seemed a big place, it was starting to get much smaller.

THE SCRIVENER: Many of your trips have been to meetings of the worldwide organization called the Union of Latin Notaries—UINL.

KEN: The UINL has played a big part in allowing members of our Society to travel to events in various locales throughout Europe and North and South America. The UINL holds a world conference every 3 years. Our Secretaries/Executive Directors and our members have made a point of attending to learn about the large world organization of Latin Notaries.

Most Notaries are Latin Notaries

who uphold the civil code law of their respective countries. Here in Canada and in England, we are under the common law system. Of course, Quebec law is under the jurisdiction of civil code law.

Our organization has been fortunate to be associated with the Notaries of Quebec. Two people in particular have been of great assistance to us—Denis Marsolais, Executive Director of the Quebec Chambre, and Jeffrey Talpus, Law Professor on the executive of the UINL along with Denis.

The very first international Notary event I attended abroad was a conference in Stratford upon Avon, 3 hours by train from London. Our former Secretary Stan Nicol and I were invited—with the English Notaries and Notaries from the European continent—to discuss how the electronic age was going to affect our practices on a global scale and what we could do as a group to better communicate and develop a common system of notarization that all Notaries might be able to use worldwide.

The conference, hosted by Tony Dunford, then-Secretary of the Notaries of England, really brought home the fact that we as a BC organization, in concert with other Notaries, needed to be in touch with each other. Although the world seemed a big place, it was starting to get much smaller.

At this meeting, I was introduced not only to Tony Dunford but to Peter Lawson and Mario Miccoli, Notaries who represented England and Italy. They, along with Scrivener Notary Bill Kennair, whom I met later, have



In Bergerac, France

become very good friends. Our BC organization has been accepted into their organizations and into the UINL—but more on that later.

THE SCRIVENER: In your travels, which city impressed you the most?

KEN: I had never been to England. London is enthralling. It's the city I most enjoy for its culture, history, and incredible transportation system. London brought home to me the history of our BC culture in terms of understanding where we came from as Notaries, the role Notaries played in England over the centuries, and how Notaries in BC came to be.

THE SCRIVENER: Please give us a brief history of Notaries in BC.

KEN: In 1858 the common law of England became the common law of British Columbia. It is estimated that at the end of the 19th century, there were almost 1000 Notaries in our province. As lawyers increased their numbers, the number of Notaries in BC diminished. In 1981, the current statute was introduced, which limited the number of Notary Seals to 323 throughout the province.

To continue with the international events, the meeting in Stratford upon Avon set in motion many trips on behalf of our Society to further relations with Notaries from other jurisdictions.

In 1998, Stan and I were invited to Vienna for the unveiling of a new electronic storage system developed by the Austrian Notaries. The ceremony was held in one of the lavish Austrian palaces, in a very large room with a huge screen and 700 to 800 international invitees. The venue was stunning and the presentation engrossing; it unveiled the central system the Notaries in Austria had developed to store their notarial documentation.

The Austrian Notaries had invited an American futurist to deliver the keynote address. I understood he had been paid approximately US\$50,000. He showed up 20 minutes late, spoke for 25 minutes, then cut short his speech because he had somewhere else to be and the plane was waiting. His presentation was motivating but it certainly was not long enough.



In Catania, Italy, with Helmut Fessler and Mario Micolli

Considering the effort that had gone into organizing the event, his brevity must have been very disappointing.

I have also had the good fortune to be invited to the Italian Congresses held twice in every 3 years in venues throughout Italy. These conferences—like ours in BC, which we hold annually—deal with education and ongoing issues of their organization. The locales are usually very interesting, from my perspective as a British Columbian.



In Buenos Aires: Peter Lawson and Stan Nicol

One of the common themes of Italian conferences is to bring together Notaries from throughout Italy and elsewhere, to upgrade education and to meet and share ideas.

To this end the event, which runs for about 4 days, includes an excursion day and a gala dinner.

The excursion day—always in a spectacular place I would not normally get to see—allowed me to become better acquainted with many of the Notaries from other countries.

The gala dinners have always been held in incredible castles and palaces.

THE SCRIVENER: Is one excursion day particularly memorable?

KEN: The highlight for me was the conference in Catania in Sicily, at the base of a volcano.

Come to think of it, there were two.

In the first, I ventured up Mount Etna, between explosions. Our guide

took us within 100 yards of the very top of the volcano, which had been exploding 3 hours earlier. We weren't sure if we would get up to it, but we did. Looking down upon Catania and hearing the hiss of the volcano behind me will remain a highlight of my life.

About 12 times in the past 6 centuries, Mount Etna has had major explosions that covered the city. I find it amazing that a city the size of Catania [Metropolitan population: 700,000] has continued to grow at the base of this active volcano. History suggests that at some point, Mount Etna will erupt again and cover the city.

THE SCRIVENER: What was the other highlight, Ken?

KEN: Well, it's one I happily did **not** experience.

At the beginning of the conference was a welcome reception with food. As the evening wore on and the next day, over half the congress participants fell ill—some quite seriously. I was lucky to have escaped the tainted food. It's no fun being in a foreign land, sick and in hospital.

THE SCRIVENER: Please tell us about your cultural experiences abroad.

KEN: As you travel to events and conferences, you tend to develop lasting friendships with people. In particular, Peter Lawson, a Notary from Blackpool, England, and his wife Vivian have welcomed me into their home and taken me on trips throughout England, Scotland, and France—I think in an attempt to impart some form of cultural sophistication that I may sadly lack.

Now I will admit that learning the ropes at times has included golfing at Royal Lytham and St. Andrews and getting to know which Sauterne goes with what style of foie gras and



In Madrid with Quebec Notaries



With our Mount Etna Guide and Elena Bevilacqua

which red wine goes with what fine French food and making sure the Brie cheese (or any cheese, for that matter) has been brought to at least room temperature and is flowing toward you before you eat it. Note: If the cheese is cold, send it back—at least when you are with Peter.

When he asked me to speak at a conference in France, I got a lot more than I bargained for. The speaking was the easy part. From my standpoint, I still have a lot of learning to do and will have to attend at more golf courses and sample more Sauternes, red wines, and fine food . . . I am a very slow learner. Peter may have gotten more than he bargained for as he will have to keep me in training for quite a while.

Bill Kennair has been more than helpful over the years in giving sage advice and directing our BC organization with regard to our participation in the UINL. Britain's elite Scrivener Notaries, who number only about 28, practise within the 1 square mile of the walls of central London. Their role has been vital to the documentation required for the movement of goods and the understanding of foreign documentation and languages over the centuries. I am more than appreciative of the honour that Bill and the Scrivener Notaries bestowed upon me in 2007; I was granted an Honourary Membership as a Scrivener Notary (Freeman). I expect to rise to Livery status this Summer.

Tony Dunford, who was so instrumental in his efforts to get our BC organization involved, granted me an Honourary Membership of the Notaries of England. One day I will get to their September AGM to which they invite me every year—but it somehow manages to coincide directly with our own AGM.

Mario Miccoli has made me more than welcome at events pertaining to the UINL and the Italian Notaries. He has worked tirelessly to close the gap between our BC organization and the UINL.

Gilles Demers, a Notary from Québec and a past president of the UINL, has taken the time to meet with me here and abroad and has been a strong advocate of our Society,

As I mentioned, every 3 years the UINL hosts a world conference to talk about issues seen to be important for the day and for the future. Although members of our



At the Sun and Moon pyramids in Mexico with Peter and Vivian Lawson and Marjorie Sherk



At the Offices of the Scrivener Notaries with Robert Millett; Johnathan Coutts; Jessica Reeve; and Bill Kennair

BC organization had attended these meetings before, my first opportunity was in 1998. The meetings in Buenos Aires set in motion our organization's first attempts to be included in and become members of the UINL.

The meetings were fascinating. For 5 five days, Notaries gave their viewpoints on the topics at hand. Then, at the end of the conference, conclusions were drawn.

THE SCRIVENER: What was the most interesting topic?

KEN: One of the topics—and to this day, still my favourite—was the issue of ethics and the role of the Notary in each country. Notaries throughout the world are trusted individuals. Their

role in their respective society and the way they are permitted to operate due to their laws and governments can be radically different in terms of how standards are viewed and implemented from country to country.

In Buenos Aires, I was introduced to then-President of the UINL Hugo Montero. In future years, I had the opportunity to get to know well Presidents Helmut Fessler from Germany, Francisco Arias of Mexico, and Giancarlo Laurini from Italy. They all took the time to discuss issues about our respective organizations and to invite our BC organization to their events—with a view to accepting us as a member.

In my travels, the Secretary of our Society has been my most frequent travelling associate. When Stan Nicol was Secretary, he and I travelled together to many of the meetings. Since Wayne Braid has become our Secretary and Executive Director, I have travelled with him on a regular basis.

Many members of our organization have made trips to UINL conferences



Dining In Mexico City

over the years. On average at UINL events, we have always had a contingent of between 6 and 12 Notaries representing our BC Society. Dr. Bernard Hoeter, Leta Best, Roy Bishop, Mike Carr, El Fedewich, Ernie Janzen, Dawn Lagerbom, Keri Martens, Shirley Miller, Marny Morin, Rick Evans, Stan Nicol, Leanne Rebantad, Sally O'Sullivan, Laurie Salvador, Earl Stewart, and Tiah Workman are just some of the Notaries who have made the effort to attend the conferences to learn and to meet Notaries from around the globe.

THE SCRIVENER: Do you attend meetings involving other large organizations?

KEN: Yes. Every 6 months, IOLTA meetings (Interest **O**n **L**awyers **T**rust



Dinner in the Tower of London

Accounts) are held, in coordination with American Bar Association (ABA) meetings throughout the US. Law Foundations from the US and Canada, including the Law Foundation of BC, meet to discuss issues relating to the operations of the foundations and the collection and distribution of the interest collected from Notaries' and lawyers' trust accounts.

These meetings have permitted me to travel on a semiregular basis to many locations. The Notary Foundation will normally ask its Chair and the Executive Officer—who is the Secretary and Executive Director of The Society of Notaries Public of BC—to attend these meetings.

When the Chair of the Foundation has not been able to attend, I often have filled in. That has brought continuity to our Foundation because of my knowledge of the issues.

Over the years, the overall understanding gained from these meetings has been invaluable to the Notary Foundation of BC. It has led our Foundation to better coordinate its efforts with other law foundations across Canada, to develop stronger banking relationships, and share ideas that better enable the Foundation to make use of the monies we as Governors of the Foundation are charged with overseeing.

THE SCRIVENER: What are the benefits of attending these meetings?

KEN: The impact that our attendance abroad and in North America has brought to our Society has been substantial. We are recognized in a worldwide context. Wayne Braid and I have been asked to be guest speakers at International Forums within and outside the UINL. The Society that represents BC Notaries is now a recognized organization that participates and offers valuable information and insight to assist

in the ongoing work of creating standards for Notaries worldwide.

Our organization now has Observer status within the Quebec Notaries' organization and we are able to participate on committees and contribute to the UINL in an officially recognized way. This took almost 10 years to come to fruition among ourselves, the Quebec Notaries, and the UINL. It has strengthened our ties with the Quebec Notaries and the UINL—with many, many thanks to Denis Marsolais and Jeffrey Talpus.

Time is always at a premium for everyone. When you consider the difficulty in getting a small committee together for a meeting when you must gather participants who are literally hundreds and thousands of miles apart, you can see the challenge in making matters move quickly. In spite of this, our organization—along with the others—have people committed to making change happen. And change is happening.

The successes of the international excursions over the past years are too numerous to count. The chief achievement is that The Society of Notaries Public of British Columbia is now recognized on the world stage.

THE SCRIVENER: What are your travel plans for this year?

KEN: I would like to tell you I've just returned from New Orleans, LA, and Bucharest, Romania, from an International Forum and UINL meetings but this is one of the few times I've been unable to attend events to which I have been invited. Unfortunately, I had to cancel at the last minute due to my work commitments and the new legislation being passed by the BC government that will affect The Society by permitting our numbers to grow and abolishing Notarial Districts.



In Mexico City with Alfonso Zermeno Infante and Wayne Braid



In Madrid with Wayne, Denis Marsolais, and Jeff Talpus

THE SCRIVENER: Where will you venture in the near future?

KEN: My wife Marjorie and I will be heading to Italy on an important personal matter—the celebration of Kathy Leigh's 50th. Kathy and her husband Digby kindly spent time with us in France for my 50th, so the least I can do is reciprocate. It will have nothing to do with the great wine and food of Italy!

On behalf of The Society, I will attend UINL meetings in November in Montréal.

THE SCRIVENER: How would you summarize your efforts to make a difference over the past 12 years?

KEN: There is no question in my mind that our attendance at the various meetings has brought our Society into a more prestigious standing than it had 12 years ago.

I wish to thank The Society, the Board of Directors, and the membership for allowing me to represent them internationally. It truly has been an honour.

I have developed wonderful friendships that will last a lifetime. Without the opportunity to travel for The Society and the Notary Foundation, I would not have met those remarkable individuals.

Two honours I would never have anticipated have been bestowed on me.

I have seen and experienced incredible sites and enjoyed wonderful meals in magnificent locations with Notaries from around the world.

Those travels have allowed me to grow and gain knowledge and expertise. ▲

Editor's Note: Another example of Ken's dedication to the international standing of BC Notaries is the fact that many of his trips are at his own expense of both time and money.