



Former Secretaries Stan Nicol and Dr. Bernard Hoeter; current Secretary/Executive Director G. Wayne Braid (right), and Leta Best, President of The Society

Leading the Way

It was a pleasure to interview our Cover Story personalities for this issue's theme of Roots. Newly elected President Leta Best joined us to reminisce and enjoy the camaraderie so evident among them all. Their team spirit, experience, and enthusiasm greatly contribute to the strength and cohesion of The Society of Notaries Public of BC and its membership.

Thanks to Dye & Durham for arranging the services of Tambi Balchen of Charest Reporting, who recorded the interview.

The Scrivener: *Good morning. It's a pleasure to meet with you to chat about Roots and the progression of your careers as Secretaries of The Society of Notaries Public of BC. Let's start by learning a bit of background about Dr. Hoeter. How did you decide to become a BC Notary Public?*

Dr. Hoeter: Well, that's quite a story. I came to Canada in 1952 and at the beginning, I worked as a court interpreter and translator. I translated a lot for the American Immigration Authorities. Europeans who had come first to Canada but wanted to go to the United States had to submit their birth

certificates, marriage certificates, journey certificates, etc. All these translations had to be notarized.

My good friend, then-lawyer H. A. D. Oliver, notarized most of my translations. Years later, when HADO had become a very busy barrister, he said, "Bernard, I can't do this any more. With your background in law, why don't you apply for a Notary's Seal?" I said, "I studied Roman Law in Germany, but to become a 'Notary'! Oh, no—heaven's sake, I don't think that I qualify." HADO encouraged me. "Try, old boy."

The Scrivener: *Wayne, when did you become a Notary?*

Wayne: I became a Notary in 1986. I worked in an insurance and real estate office, where we had two Notaries working at that time: A. J. McColl and Larry Clay. I was doing the insurance part of the business. I just watched what they did and I liked what I saw. As a businessperson, I saw it was a great way to add to the business operation and help people. When Mr. McColl passed away, I applied to become a Notary. I took the course and wrote the exams. I practised in Terrace from 1986 until I became Secretary in 2001, a year ago.

The Scrivener: *I understand your career has included being Coroner of Terrace?*

Wayne: Yes, for quite a number of years. It was an interesting business that went along with my other pursuits. I was in the insurance business, the real estate and property development business, and the Notary business, and also was Coroner. People were dying to meet me. (Laughter)

The Scrivener: *Stan?*

Stan: I came from a similar sort of office to Wayne. We had a real estate and insurance office in Lynn Valley in North Vancouver. My dad was a Notary. When he developed glaucoma about 1968, we were quite concerned he might lose his eyesight. I made application to become a Notary. I was interviewed by Mr. Matthew, Secretary at the time. I became a Notary mainly to keep the family business going, in the event that my dad wasn't available to work in that area.

The Scrivener: *You found that being qualified as a Notary Public fit well with your other business endeavours?*

Stan: Oh, definitely. You know, back in those days, we used to call it an all-service type of company where we'd do everything. We would list houses, sell them, insure them, and convey them. It was called "service." That was in the days before conflict of interest. (Laughter)

Wayne: It was interesting to hear Stan say he was interviewed by Alec Matthew. I can remember in '84 when I applied

that Dr. Hoeter interviewed me. I came down from Terrace. Coming from a small town into the city to be interviewed by Dr. Hoeter was a very significant thing.

Stan: Some would say intimidating. (Laughter)

Wayne: Very intimidating, I can remember going into Dr. Hoeter's office and waiting. His secretary, Wynn, made me comfortable, but told me, "Hoeter is a very busy man. He will get to you as soon as he can."

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I can remember being taken into Dr. Hoeter's office. I was nervous and sat in the wrong place. For some reason I went around and sat down in his chair. He simply said to me, "You can sit there if you like, young man, but I'm not sure if you can handle the work that comes with that chair." I realized I was in the wrong chair and went around to the other side of the desk. (Laughter)

The Scrivener: *That was most auspicious, Wayne, seeing that you have assumed the full responsibilities of that chair. Leta, when did you become a BC Notary?*

Leta: I had the pleasure of meeting Dr. Hoeter when I was very young, in 1972. At that time, there was an age limit; you had to be at least 25 to apply to become a BC Notary. I wrote a letter of application to Dr. Hoeter. Because all the Notaries in Victoria were gentlemen of the old school, and two of them didn't think I was old enough or had enough maturity to be a Notary, I had to travel

to Vancouver to be interviewed by Dr. Hoeter. I was petrified. Had I known then what I know now, perhaps I wouldn't have been as terrified, but that was my introduction to The Society. I had to wait four years for a vacancy to write my exams. It was a pleasure to become a Notary. Frank Kitto, my senior partner in Kitto & Best, was a past president of The Society.

Dr. Hoeter: When I became a Notary, we had only four females in The Society. Today, over half of BC Notaries are ladies. Good women, good conveyancers. And like in Russia, where most doctors are females, most Notaries, in future, will be females. The male Notary will become an endangered species. (Laughter)

The Scrivener: *Dr. Hoeter, how did you become Secretary of The Society?*

Dr. Hoeter: Mr. Matthew's Society office was on the same floor as my Notary office in the Vancouver Block. When Mr. Matthew died, the Board of Directors asked if I would act as temporary Secretary until they found a permanent one. They did not find anyone for nearly 20 years. (Laughter) I ran my private Notary practice, too. In those days, a Notary charged \$2.50 for an affidavit. I did my notarized translations of birth and other certificates for \$5.00.

The Scrivener: *How many languages do you speak?*

Dr. Hoeter: You hear my English is getting pretty rotten. (Laughter) My German is, of course, perfect. I spoke some Spanish. For 30 years, I was Consul of Guatemala. From high school, I knew basic French and I picked up a little Romanian. That's five languages. I read nine years of Latin. I did translations for the University of British Columbia. Sometimes they received Latin certificates from other universities. UBC said, "Would you kindly translate this for us?"

The Scrivener: *What significant milestones or highlights come to mind about the years when you were Secretary?*

Dr. Hoeter: My main achievement, together with Society President Roy Bishop, was that in 1981, we got the *Notaries Act* amended. We finally had cut the umbilical cord to the Law Society. We became an independent organization with our own laws and rights. The price was that we had to agree to a limitation in numbers. In 1981, we settled on 323 members and no more. In my time, there were 3,000 lawyers in BC. Now I have heard there are nearly 10,000 lawyers, and we still have about 300 Notaries.

When I became 65, I said, "It is enough." My private practice boomed after this. (Laughter) We looked for a successor and found a capable man in Stan Nicol. Stan was a Director and was known to the Board. He's had quite a career. He was the new generation. I was a very conservative, old-fashioned man. I had no computer capability. Stan was a computer man. He organized everything from a technical point of view. A new generation came in. Stan modernized the office, and got all kinds of technical things that I had not even dreamt of. And he was Chairman of many, many committees. I am proud that this man became my successor.

The Scrivener: *Stan, you followed Bernard as Secretary in 1986. I understand that you put the notion of The Notary Foundation into motion.*

Stan: I was President of The Society when Bernard announced his intention to retire. I had been pushing for a Foundation since the early '80s, probably about the time the new *Notaries Act* came in. Finally the Board decided it was worthwhile having a go at the Attorney General. He saw The Notary Foundation as another source of income for Legal Aid. In 1986, we drew the legislation, together with Bob Adamson who is still on the Board. That was the same year our self-insurance program started; it was a busy year.

The Scrivener: *Please tell us about the self-insurance program.*

Stan: The previous professional errors and omissions program was in the private market up to 1986. Because of the world-wide lack of insurance market, we made the decision to go on our own; it's worked pretty well.

The Scrivener: *What other changes were taking place?*

Stan: As well as those two major projects, the big change was that The Society now had a full-time Secretary. Technically, Bernard worked half-time, although you have to understand his work day and work week to know that he worked six days a week and about 14 hours a day; we were getting pretty much full-time out of him anyhow. But for the first time, the office was open full-time and gradually, there was additional staff. Every time we get a new Secretary, we get more staff. (Laughter)

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Leta: Stan, you were there when we developed the in-house education program; you brought that along. And the development of *The Scrivener* magazine was also part of your term.

Stan: Yes, and we also had a burgeoning PR program, to get the image to the public a lot more.

Dr. Hoeter: Marilyn Taylor was originally hired as a half-time bookkeeper because the bookkeeping became so complicated, I didn't do it anymore. She came in twice a week. She is still with The Society.

Wayne: She has survived three of us. (Laughter)

The Scrivener: *Stan, I understand you worked diligently toward creating Representation Agreements to provide health care guidance that Powers of Attorney do not address.*

Stan: Yes. That became an avocation. I worked on that project as a community member and as the Secretary of The Society, working through The Notary Foundation, which provided some of the funding in the early days. I'm still working on it; we're still waiting for changes to the legislation, then it will be full bore ahead.

Wayne: It's interesting to hear Dr. Hoeter talk about some of the projects he started and worked on, which were passed over to Stan. Some of them, I'm still working on. Representation Agreements are a good example of the kind of projects that may pass from decade to decade; many seem to revolve around government. Before the *Representation Agreement Act* can really start to be used effectively by the people of British Columbia, the government will review the recent report they asked Bernie McClean to do regarding probable changes to the legislation.

Stan: Work on Representation Agreements started in 1989.

Wayne: Yes.

Stan: So it's been ongoing for a long time.

The Scrivener: *What else do you have on your plate, Wayne, as the current Secretary/Executive Director?*

Wayne: It's a big plate. (Laughs) There are many things. Certainly the public has changed. There's a greater expectation now from the public to hold professionals accountable; that's a big part of my job now. Technology, as great as it is, has given the public much greater access to The Society, to the Secretariat; we have Websites and email. The Society over the years has made itself much more accessible to the public. And so we should. We're a regulatory body.

What has also changed a lot from Dr. Hoeter's day and somewhat from Stan's day is the greater expectation that The Society provide more services to the members; I wear two hats. The Secretary wears the hat of the statutory requirements. The legislation says that

we're a self-governing professional organization, but as well, in the members' minds, we are a trade organization. Our members want assistance with certain aspects of their profession; that's why the programs that Stan has talked about were developed.

The Scrivener: *What types of continuing education themes or topics are offered to the members?*

Wayne: I can answer that currently and Stan can talk about some programs during his time. Representation Agreements have provided many opportunities. I've attended at least five in-depth seminars on the topic that The Society has provided over the past seven or eight years. Wills and estates are other areas where we provide a lot of education. Twice a year, we hold educational opportunities for our members, in the spring and at our fall conference. These education sessions are very well attended. My colleagues in other societies—administrators of other self-governing professional organizations—are always impressed when I can tell them that 75 to 80 percent of our membership registers for a weekend of education. Most organizations—if they can get 20 to 30 percent—are really bragging. BC Notaries are very concerned about education and obviously participate quite actively.

The Scrivener: *Stan, would you please add to that?*

Stan: One of the unique things in making decisions about continuing education programs and their funding by The Society is the fact that our Board of Directors is comprised, 100 percent, of practising Notaries. They see the value of education better than some other professional organizations. For example, with lawyers, a lot of the people on the Board of the Law Society are not interested in all areas of law; they leave some decisions to the BC branch of the Canadian Bar Association. With BC Notaries and our profession, Wayne's office is everything.

The Scrivener: *How many people apply each year to become BC Notaries?*

Wayne: We provide education each year for a minimum of 12 to 25 new Notaries each year; the course is coordinated through the University of British Columbia. We also employ an education coordinator. Rick Evans ensures that the material being taught is the current law of the day in the areas in which we practise; that gives us a big advantage. Stan was saying that we know our material the best. In co-operation with UBC, we're able to deliver a very high-quality university education to people coming in to our profession.

Dr. Hoeter: I was an examiner of notarial candidates for about 15 years. All together, there were three examiners: one appointed by the Law Society, one from The Society of Notaries, and one professor from UBC. Each had different subjects. I was examiner in Notarial procedure.

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I started the connection with the French and German Notaries. In the early '70s, The Society sent me to a world conference of Notaries in Guatemala City. Later on, Stan built up this international connection.

Stan: The Union of International Notaires Latin [UINL] conference was held in Greece last year.

Dr. Hoeter: I only went to Guatemala and Germany.

Wayne: We were in Berlin together.

Stan: Bernard worked very hard on

education in the '70s. I was Chair of the Education Committee for a while in the late '70s. When we first became involved with UBC, we borrowed the credit union course. That is how one of our education programs got started.

Dr. Hoeter: Oh, yes, but we rewrote it. We called it the *Vademecum*. That means "carry me with you." It's the Latin name for a manual students carry. Our *Vademecum* was a glossary of terms and procedure. It was the first education book we ever published.

Stan: I know my dad had the old original legal-sized version. In fact, it was bigger than legal-sized.

Dr. Hoeter: Then we shrunk it down to 8 1/2" X 11". That was Alec Matthew's baby. I worked on it, but Matthew started it.

Wayne: One of the questions you asked, Val, was how many people apply each year to become BC Notaries. I can tell you that in the last three years, we have had up to 1,800 people call or enquire about how to become a Notary. We send out a package that provides an introduction. From that, we receive responses from between 150 and 200 individuals who actually start the process and fill out a preliminary questionnaire. We investigate their integrity and the other issues important to qualifying as a Notary. Our class size can be anywhere from 12 to 25. In any given year, we have two groups going. A class will graduate in May 2003; their court appointment takes place in June. Those who started studying in 2002 will graduate in 2004. So at any one time, we're processing up to 50 people.

The Scrivener: *You require Notarial candidates to have experience in a profession or business prior to becoming a Notary Public—and you want people who are involved in their community.*

Wayne: The qualifications for applicants have changed over time; they were different in Dr. Hoeter's time and then changed from the time Stan started until Stan retired. One requisite Stan and the

Board of Directors introduced was that a candidate should have a university education; we still prefer that. The person must have some business experience and life experience, too. People look to Notaries for many things, not just legal advice in the fields we provide. I found it interesting when Dr. H said it was so important to have Notaries who speak other languages; that's very important to The Society even today because of the cultural makeup of British Columbia. It's important that we have Notaries that can provide service in all languages to all cultures.

Dr. Hoeter: In 1965, Mr. Charlie Lui became the first BC Notary of Chinese descent. It was during my time that we said we must have more Chinese-speaking Notaries. We then had an East Indian. We wanted a Portuguese- and even an Arabic-speaking Notary. The Society, today, has become truly international, more so than any other legal body in town. Among BC Notaries, you have members of all languages, of all races, of all denominations.

The Scrivener: How is The Society of Notaries of BC seen internationally?

Dr. Hoeter: In my time, Quebec Notaires did not recognize us. So I invited the Secretary and President of the Quebec Society of Notaires to come to some of our Annual Meetings, and attend them as guest speakers. Today Roman Notaries invite BC Notaries as guests and observers to their international meetings.

Stan: I think they look at us with a great deal of admiration and curiosity, to see how well we have done in our province.

Dr. Hoeter: Yes, they sure do.

Stan: And we've had visitors; delegations have visited us from France and China, Japan and Italy. They are fascinated by us.

Wayne: Latin Notaries operate under the Civil Code, an entirely different legal system than ours; they struggle with the fact that we are in a common law jurisdiction. The British Columbia Notary is unique in Canada. The

legislation of British Columbia gives us authority to practice in certain areas of law; that's unique to the province. In Quebec there are Notaries, but they have Civil Code.

Dr. Hoeter: The Code Napoleon.

Wayne: Yes. The Quebec Notaries are very familiar to the international group, and while we're welcome as guests, we're not full-time members of the UINL. One of our board members, Ken Sherk, however, is now a full-fledged individual member of the UINL.

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Dr. Hoeter: English Notaries act under common law. Only two Notaries in the whole world are common law Notaries: the Notary of BC and the Notary of England.

Stan: There's that unique little group in Louisiana, too.

Dr. Hoeter: They are strange Notaries—neither US Notaries nor Common Notaries—and I would not call them Roman Notaries. They originate from the time of the Louisiana Purchase in 1803 when the French sold their North American Louisiana for \$15 million to the USA. Why did Napoleon sell Louisiana to the Americans? The weak French Navy was not able to defend it. Napoleon was afraid that the British Navy would take French Louisiana, which they inherited from the Spaniards. During their short stay, the French introduced the *Code Napoleon* (based on Roman Law) to Louisiana. Therefore, the New Orleans Notary is still a Latin

Notary. Mind you, about half of Louisiana's Notaries are also US attorneys.

Wayne: The American Notaries in various States are looking at our model up here, at the difference between lawyers and Notaries. Some states are starting to establish legislation to create Notaries. Alabama now has such legislation.

Stan: Florida was the first one. Notaries are becoming important internationally.

The Scrivener: What have you observed over the years about the men who have served The Society in the office of Secretary?

Leta: I have had the opportunity to serve on the Board of Directors with Bernard, Stan, and Wayne. In the 30 years I've been associated with The Society of Notaries, I have noticed what these three gentlemen have in common—their dedication and passion to The Society. Without that, it would be very difficult for the Secretary to accomplish his challenging job and bring so much to the position. They are each so proud and honoured to be part of The Society of Notaries Public and to be a Notary Public. I'm looking forward to my year as President and working with Wayne and Stan and also our Dr. Hoeter, who is a Honourary Life Member.

Dr. Hoeter: The future of BC Notaries is in your hands, Wayne. I'm the past; I have lots of stories of the past, but the future is your baby.

The Scrivener: Wayne, what would like to see for The Society in the years to come?

Wayne: The list is long and the tasks are numerous. What we've heard today certainly sets the foundation for what I have in front of me. We must always keep in mind the interests of the people of British Columbia, and how we can best serve their needs for noncontentious legal requirements. Certainly the future holds the opportunity to provide those kinds of services to our clients. People want a choice in their provision of legal services. Today, in many areas of law, they don't have that. For some issues, their current choice is a lawyer or a legal how-to kit for

\$14.95. In my vision of British Columbia, that's not a choice. I think Notaries are well positioned to offer some of the kinds of legal services that the public wants. We've proven by our past history that we provide our members with the proper education and we take care of the public. We have a good self-governing organization. The list is long. I'm looking forward to the challenges.

Stan: I would like to see the numbers fill up. I'd like to see a lot more BC Notaries on board.

Wayne: In the City of Surrey, the fastest-growing city in Canada, we have eight or nine Notaries; that community probably could use 15 or 20. That's one of the items on the long list I mentioned. Serving the needs of British Columbians is what we need to look at.

Leta: You know, the changes in the population base within British Columbia, and the fact that the people of the province are so much better educated than they were two or three

generations ago, open a whole new avenue for the Notary to serve the public. I think there is a public need; the people of the province are comfortable with the friendliness and the openness of our services. I would like to see The Society have more ability to serve the needs of the community.

Stan: Part of that focus is the ageing of the people in our communities. We know from our practice that seniors far prefer to deal with Notaries than with lawyers for most of their legal needs; seniors see it as important that Notaries are able to provide them with additional services.

Leta: And I think that our Notaries' ethnic diversity, multiculturalism, and gender balance within our profession give the population a good base to seek solutions for their needs in the areas in which we practise.

The Scrivener: *What additional legal services do people want Notaries to perform?*

Wayne: A lot of our members are approached daily by people wanting them to take care of their probate—such as a simple estate of \$100,000 or \$200,000. Many lawyers in the province consider such an estate too small to handle.

Dr. Hocter: Right.

Wayne: While people can do a lot of that type of work themselves, they still need somebody to coordinate and take care of some aspects. Notaries, by tradition, help people with that sort of thing. That's one of the areas where the people of British Columbia should have a choice in the provision of service. If you look around the country—in Ontario, for example—paralegals have been given all kinds of authority in the court system: probate and traffic court, traditionally noncontentious issues. The Ontario government has seen fit to offer the people of Ontario a choice.

Here, we already have the alternative choice in place through legislation—BC Notaries. ▲