

July 28, 2005
OPINION 05-0216

Mr. Clifton T. Speed
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73 NOTARIES - Appointments & Qualifications
R.S. 35:191.1

Payment of a stipend or per diem to members of a notarial examining committee is improper. Reimbursement to the notarial examiners of their reasonable out-of-pocket expenses is a proper administrative cost.

Dear Mr. Speed:

On behalf of the St. Helena Parish Notary Commission, you ask (1) whether there is any authority for the payment of any member of the Commission for work performed in connection with his or her appointment, and if so, what guidelines should be followed, and (2) whether the member of the Commission may be compensated for out-of-pocket expenses.

In response to your first question, there is no provision in the law which authorizes the payment of any kind of stipend or per diem to members of a notarial examining committee. Thus, the payment of a stipend or per diem is improper.

In response to your second question, reimbursement to the notarial examiners of their reasonable out-of-pocket expenses is a proper administrative cost. See Attorney General Opinions 80-886, 80-210 and 78-920, copies attached.

Finally, note that the Secretary of State is required by R.S. 35:191.1 to develop uniform statewide standards for notarial examinations. Further, R.S. 35:191.1(B)(2) states:

- (2) Upon implementation of the uniform statewide standards for examinations pursuant to this Section, charge a fee not to exceed fifty dollars for each examinee taking an examination furnished to the parish examining committee. (Emphasis added).

You may wish to consult with the Secretary of State's office for further instruction regarding guidelines and procedures.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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