

AMENDMENTS TO LOCAL RULE 97

(Notaries Public)

Adopted by the Franklin Co. Common Pleas Court on July 15, 2014,

in view of an immediate need to clarify the former Local Rule,

but subject to public notice and opportunity for comment

pursuant to Civ. R. 83(B).

RULE 97 - NOTARIES PUBLIC

97.01 For the purpose of assisting this court in the performance of its duties pursuant to R.C. Chapter 147, the court hereby establishes a Committee of 15 persons to be known as the Notaries Public Committee.

97.02 In July of each year the court shall, by journal entry duly filed with the Clerk, appoint the members of the Committee to serve until their successors are appointed. The President of the Columbus Bar Association shall submit recommendations to the court for appointment. All members of the Committee shall serve at the pleasure of the court.

97.03 The Committee shall investigate the moral character, the qualifications, and ability to discharge the duties of the office of notary public of all applicants for a commission. Applications shall be upon a form prescribed by the Committee. Any person applying for the first time for a commission and any person whose commission has expired five years or more prior to the date of his or her application shall be required to take a written examination to be prepared and graded by the Committee.

97.04 The Committee shall schedule examinations to be held at regular intervals and the chairman of the Committee shall appoint one or more members to be on site and conduct each examination. The member(s) on site conducting an examination shall be paid an amount recommended by the Columbus Bar Association and approved by the court.

97.05 The Committee shall promptly transmit to the court the names of the persons who have successfully completed the examination and those whose applications have been approved. No judge of this court shall consider or act upon the application of any person to become a notary public unless there is first submitted to him or her the report of the Committee concerning the applicant.

97.06 Should any applicant for examination fail to appear for the examination within 90 days after the filing of his or her application, the application shall become null and void and the fee paid shall be forfeited.

97.07 An applicant who fails to pass the examination may not sit for re-examination sooner than 30 days from the date of his or her last examination.

97.08 Attorneys-at-law admitted to practice in this state, and persons who have held a commission as notary public in this state at any time within five years prior to the date of their application shall not be required to take the examination, but their applications shall be on the form prescribed by the Committee.

97.09 Applications shall be accompanied by fees in amounts recommended from time to time by the Columbus Bar Association and approved by the court. In addition, the application shall be accompanied by the fee provided by law for the Commission Clerk in the Secretary of State's office, which amount shall be refunded to the applicant in the event their application is not approved.

97.10 All fees set forth herein shall be paid to the Columbus Bar Association which shall pay the compensation provided for in Loc. R. 97.04 and retain the balance to cover the expenses of the Committee and the costs of support services rendered to the Committee. The Columbus Bar Association shall present to the Court Administrator on or before October 1 of each year an accounting of all fees received by virtue of this rule and of all expenditures made by the Committee.

97.11 Whenever it comes to the attention of the Committee that any notary public is allegedly improperly exercising his or her office or powers in this County, the Chairperson or Vice-Chairperson of the Committee shall convene a meeting at the offices of the Columbus Bar Association to determine whether there is cause to file a complaint with this court against the notary public.

Any complaint filed by the Notary Committee seeking to have a Notary removed, suspended, or disciplined, shall be heard and determined by the Administrative Judge or by his/her designate,

after notice thereof to the Notary Committee and the individual or individuals against whom the complaint is filed.

The Clerk of Courts shall require no advance deposit towards the local filing fee for miscellaneous proceedings initiated by the Columbus Bar Association pursuant to this Local Rule. At the conclusion of each case the court shall assess court costs in the manner deemed just.

Proceedings initiated by the Columbus Bar Association pursuant to this Local Rule shall be assigned individual case numbers on the "Miscellaneous Docket."

The Columbus Bar Association and any individual attorneys representing it are assisting this court in enforcement of the court's obligations pursuant to O.R.C. Chapter 147 and this Local Rule. As such, they are entitled to immunity for all actions taken in good faith in connection with this work.