

WEDDINGS: AN UNEQUAL, FOR-PROFIT OPPORTUNITY

Summary

The 2002-2003 Sonoma County Civil Grand Jury investigated the office of County Clerk, regarding the use of Deputy Marriage Commissioners. These employees are allowed to perform marriage ceremonies during off duty hours, charge whatever fee they may negotiate, and pocket the money. The Grand Jury is concerned, because these positions are restricted to current and former county employees.

Reason for Investigation

A complaint was received expressing concern that Deputy Marriage Commissioners, all county employees or former county employees, were using their county training and position, to perform weddings after regular business hours and on weekends, charging for their service, and keeping all of the money. As much as \$175.00 is commonly charged per wedding.

Background

In 1980, State legislation created the county-level-position, Commissioner of Civil Marriages. The Commissioner (County Clerk) could then deputize others as Deputy Commissioners of Civil Marriages. The legislation allows the decision to be made by the "appointing authority", in this case, the County Clerk. The County clerk has chosen to restrict this position exclusively to county employees, and former county employees. Sonoma County currently has between 30 and 40 Deputy Marriage Commissioners. When a marriage license is issued, a list of Deputy Marriage Commissioners is provided to the licensees. If desired, the ceremony can be conducted on county property during regular business hours. In this instance, the Deputy Marriage Commissioner does not charge for performing the ceremony. If however, the ceremony occurs outside of regular business hours, the Deputy Marriage Commissioners are available on a rotational basis and will meet the licensees at the place of their choosing within Sonoma County, and perform the marriage, charging whatever amount they deem appropriate.

Investigative Procedures

The Grand Jury;

1. Interviewed:
 - County Clerk.

2. Reviewed:
 - California Family Code sections 400, 401 & 402.

Findings

F1. Although legislation does not require it, selection of Deputy Marriage Commissioners has been restricted to current and former county employees only. General citizens are restricted from taking the training and thus cannot take advantage of this income-

producing position. The reason stated by County Clerk for this restriction is ease of supervision and an ability to control accuracy of the documents.

F2. The stated reason for allowing county employees to keep all of the money is that it enables the county to avoid paying any overtime or arranging adjusted work schedules if the employee performs these marriages outside regular work hours.

F3. The Deputy Marriage Commissioners voluntarily cover after hours and weekend duty on a rotational basis and a list is maintained and available at the County Clerks office.

F4. In the past, the County Clerks office has provided training for citizens who want to become a "Deputy Commissioner for a Day", in order to perform marriage ceremonies for their friends. The County Clerks office plans to provide this training again this year, by midsummer, but only for a one-day certificate. These one-day Deputy Marriage Commissioner candidates will have to pay the county for this training. This money will go into the County General Fund. County employees who receive this training, do so on county time, and pay no fee.

F5. County facilities cannot be used by Deputy Marriage Commissioners for ceremonies after regular business hours.

Conclusions

Due to the considerable income generated, restricting the performance of marriage ceremonies to county employees and prior employees creates the appearance of preferential treatment. Opportunities to perform ceremonies are not available to all citizens of Sonoma County. County employees are trained on County time and allowed to acquire additional income while off duty, but the average citizen has to pay for the one-day certificate.

Recommendations

R1. All interested and qualified citizens should be allowed to receive the training, acquire the Deputy Commissioner of Civil Marriages title, and be added to the list of available Deputy Marriage Commissioners to perform marriages in this county.

Required Responses to Findings

None

Required Responses to Recommendations

County Clerk: R1

Board of Supervisors: R1