Meeting called to order at 3:30 pm.

Panel:

 Donna Allred, Leg Co-Chair, Sacramento

Val Wood, Leg Co-Chair, San Diego

 Heather Kellogg, CDPH, Vital Record Registration

 Daniel Cho, CDPH, Issuance Branch

**CDPH Questions – Vital Records:**

1. Will a general acknowledgment (not the usual subscribed and sworn/acknowledgment in packet) be ok to give to public when given the CDPH certificate amendment form?

-CDPH recommends that that Sworn Statement form (page 3) be used. The forms will be rejected if they do not have the proper verbiage.

-Question asked: “Why isn’t the Sworn Statement part of the packets from CDPH’s website anymore?”

-CDPH clarified that the Sworn Statements are still included in mail-in packets, however were removed the online packets due to ADA compliance. They have added links to the online Sworn Statements instead.

1. Does the CDPH certificate amendment form no longer have to be notarized when a court order is presented to state?

-If court order is provided, then a notarized Sworn Statement is not required.

1. Do we just wait until New Law, or do we send something out to Clerk and Recorders and see if we can all work together and come up with something consistent that all counties have the option to us.
*From CDPH: Should January arrive without an updated form, you are of course welcome to take whatever means necessary to apply the new statute—in my experience, it is a relatively rare applicant status and you should feel comfortable making the relationship clear on the sworn statement page if there is no exact box that applies.*

*-*CDPH is planning to have the form out by January. However, Heather clarified that applications are not defined by Statute, so counties can use their own forms, but it is recommended that the form is approved by your County Counsel.

**CDPH Questions – Marriage:**

1. How are other counties numbering Court Ordered Delayed Marriage records (LRNs) when they receive them from CDPH? If they find a record that matches the Delayed Marriage received, are they sealing the original?

-The LRN can be assigned by event year or the year of registration. There shouldn’t be a matching record, however if found, there is no provision to seal the original. County would need to keep both records on file.

5) If a party to a marriage wishes or refuses to list one parent on their marriage license because of “bad history” between them- Is it ok to allow the applicant to put a dash instead?

-Counties are not enforcing agencies and the customer is signing under penalty of perjury, but the names listed should be what is on their birth certificate. You should follow the Marriage Handbook, pg 29 – “Unknown” is acceptable, if applicable. A dash is also acceptable for a parent’s full name if there is no parent listed on the applicant’s birth certificate. However, if they tell you the name, then you have prior knowledge.

6) Is there a limit to the amount of characters allowed in a field? Specifically the field of a parent (10A, 11A, 21A, 22A)? For example: IF Maria de Guadalupe Rosa Anne Gonzalez-Jimenez doesn’t fit; would initials be acceptable M.D.G. Rosa Anne Gonzalez-Jimenez?

-The number of characters will vary system. See pg. 26 in the handbook. You would put as many characters as possible then use an amendment to show the entire name. This is also the same process for birth records.

7) Do all foreign country zip codes have to be zeros (i.e., 00000)? Some foreign country zips are still 5 spaces; if it fits can it be used?

-Should enter the U.S. zip code or a dash if not in the U.S. It was also mentioned that some foreign zip codes contain alpha-numeric characters, which may not be accepted in all systems.

8) When issuing licenses to an Authorized Notary Public... Is it required they return any unused marriage licenses upon expiration?

-Couldn’t find anything in law that specifies, but the Marriage Handbook says that they should be destroyed or returned.

9) Is it ok for 1 person to issue marriage license and perform ceremony….and also record and issue a certified copy?

-There is nothing in law that requires it to be a different person, but it is a good idea to have separation of duties and have checks and balances. Some offices don’t have enough staff to have separation of duties.

**FBN Questions:**

1. Do other counties sell a Daily FBN list to public?

-Clarify what information is shown and what is being charged.

-The format and the fees vary by county:

-Kern County- Has a daily subscription, charge $10 per month, $60 payment up front. They show Filing #, names, address, phone #, filing date

-San Diego County- Have lists printed for purchase over-the-counter, .50 per page. They are working on having a file that can be downloaded from the website. It will be a continuous list and will be free. They do not list addresses for owners.

-Sonoma County- $40 per month or $15 per week. They have a spreadsheet that contains all the data.

-Additional formats:

- $2.00 per page for a monthly report. Includes filing number, names, business addresses, addresses of owners

- Monthly excel spreadsheet, $25.00 per month. Includes date, filing number, mailing address and business names.

1. Do other counties have restrictions with the number of “Authorized Notaries” they register?  Do they limit how many they allow to register?

-Los Angeles County- recommends that if you can limit the number you have, you should. They currently have over 250. Recommended that you have notary program requirements since these notaries are an extension of your office. They have a lot of problems with their notaries so they have:

-Monthly audits for 5% errors

-Monthly classes

-Enforce discipline – suspend or revoke notaries due to violation of laws

-They have found it to be very time consuming and have dedicated staff for the Authorized Notary program

- Placer County has no limits, they currently have around half a dozen in the Tahoe area. They have a class once a year and don’t have a lot of problems with their notaries.

-Monterey County- currently has 7. They used to limit and have a waitlist, but County Counsel said they couldn’t limit because it created a monopoly. When they opened it up, they had two new people but both ended up dropping due to the parameters of the program. They have a minimum amount of licenses that must be purchased. They review errors and issue warnings to the notaries that they can be pulled from the list. They have training once a year.

-San Diego County- currently has 7. The list isn’t open and there is no waitlist.

-The County Clerks are not required to have program- “may”

1. Is it okay for a minor child (Under age 18) to file/sign an FBN statement alone (without an adult?

-No conclusive answer. Some counties have had their County Counsel say no because it is too young to sign a contract. Others have never encountered this before.

1. Do we need to print the actual expiration date on all FBN’s filed in our office? Or is the statement of expiration in 5 years from date of filing ok alone?

-Los Angeles County- does print expiration date

-Riverside County- does not print expiration date

-Placer County- researched but couldn’t find anything in code so it may not be legal requirement. It did say that it needs to be stated that it expires in 5 years on the document.

-There was also a discussion regarding what the true expiration date is if it falls on a weekend or holiday. Also discussion regarding expanding the Renewal period to allow FBNs to be filed early without losing time (5 years from file date).

1. When the registrant of an FBN is a corporation, do we require publication if the corporate address has changed? What if the officers have changed?

-Yes, they would have to publish if the address changed. However, we don’t police it. If the officers change, they do not need to publish since it is still the same corporation (owner).

1. If we notice the newspaper has made an error in the publication of an FBN. Whose responsibility is it to notify them? And do we require a new affidavit of publication with the correction?

-The contract for publication is between the owner and the newspaper. Some counties agreed that they would only reject if they are unable to locate the FBN by business name or filing number.

**County Clerk Questions:**

1. What is a Certificate of Aliveness? Did some research and only some of the smaller counties provide such a certificate?

-It appears to be a document that is required by some countries for pension benefits. Val mentioned GC 26858 and GC 6106 (handouts provided). These codes specify the county clerk cannot fees for certifying affidavits for pension claimants. Some counties may stop charging fees once they have had chance to review the code.

-Sonoma County brought sample copies of requests that have been submitted to their office and passed around for people to see.

-The question was raised as to whether the counties can charge for affixing their seal on documents.

1. When do you send the “No Longer Interested” form into the DOJ? Immediately after the registration expires? For example: If registrant has come in after expiration date to renew (let’s say the next day) and you haven’t yet sent in the “no longer interested” form, would you still have them repeat the livescan?

-Yes, they would have to repeat the livescan. There is no grace period.

-Discussion regarding not receiving responses back from DOJ after submitting NOI forms.

**County Clerk Statute Questions:**

Questions 18-26: Val explained that these codes came up during a fee history project in San Diego County. They are older codes that may need clean-up. Decision was made to form a committee to review the codes for possible clean-up legislation.

1. Does anyone know if GOV 26805 is still applicable to County Clerks?
*San Diego* – County Clerk has no known function; speaks to functions of the court (possibly belongs in GOV Code Section 69840-69848).
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*San Diego* – County Clerk has no known function; speaks to functions of the clerk of the court (possibly belongs in GOV Code Section 69840-69848).
3. Does anyone know if GOV 26810 is still applicable to County Clerks?
*San Diego* – County Clerk has no known function; speaks to functions of the clerk of the court (possibly belongs in GOV Code Section 69840-69848).
4. What are County Clerks using GOV 26836 for?
*San Diego* – It appears to be used for pension document certification, authentication, or verification when an individual lives in a CA county, but is collecting a pension from another country; review with GOV 26858 as it speaks to the County Clerk taking and certifying affidavits for pensions and prohibits a fee be charged. Additionally, GOV 6106 prohibits charging a fee for services rendered relating to securing a pension or any related matter.
5. Does anyone know if GOV 26837 is still applicable to County Clerks?
*San Diego* – County Clerk does not compare with originals in the office and presented for certificate. Review with Exemplification fee (GOV 26839) as both appear to be Clerk of the Court fees.
6. Does anyone know if GOV 26847 is still applicable to County Clerks?
*San Diego* – Certificate of Revivor – no known Clerk related document. There is a certificate of revivor that is applied for with FTB and the certificate issued by FTB.
7. Does anyone know if GOV 26850 is still applicable to County Clerks?
*San Diego* – Filing and indexing official bonds and certificates of appointment are currently performed only for government agencies and not charged a fee; appears to be Clerk of the Court fee (special proceedings).
8. Does anyone know if GOV 26851 is still applicable to County Clerks?
*San Diego* – no known license or certificate issued that do not have a prescribed charge.
9. Does anyone know if GOV 26853 is still applicable to County Clerks?
*San Diego* – no known service provided by County Clerk; appears to be Clerk of the Court fee (criminal cases or adoption proceedings).

Additional Open Forum Questions:

1. For CDPH- Is entry of “Officiant/Minister” acceptable on a marriage license?
	1. -Yes, they will take it. Officiant is acceptable as a single entry as well. They entry needs to specify what gives the person authority to perform ceremony. CDPH and counties are not required to validate the entry.
	2. -“N/A” is acceptable in the religious denomination field for a civil ceremony.
	3. -Two entries for titles and/or denominations can be acceptable if they are clarifying. It is recommended that the county sends questions/emails to CDPH prior to registration if they need clarification on what is acceptable. In emails, please specify what field you are questioning so that staff knows exactly what to look at.
2. It was agreed to form a Statute Clean-up Committee to review clerk codes. Donna pointed out that this was done for marriage codes a few years ago. Paula (Placer) and Jaime (LA) volunteered to be on the committee. Others that are interested should let Val and Donna know.
3. Discussion regarding whether or not EIRs have to have original signatures? Some counties agreed that they do not need to be original. Sonoma County has contact at the State- Ryan Mathis.
4. Question was posed to CDPH, if they still want the counties to send registered marriage licenses earlier than the 90 day period. It is up to the counties if they want to send them earlier, however it was noted that CDPH currently has a backlog with marriage indexing.
5. Discussing regarding EBRS- the new system is replacing AVIS. They are deploying in sections. Yolo and Placer got EBRS in October, 10 more counties got it in November. Central Coast is getting it in December, Bay Area is scheduled for January, Southern region in March. CDPH noted that EBRS has mixed cases (uppercase and lowercase) for names.
6. Question was posed to CDPH is they wanted to comment on whether or not the counties should pursue making birth certificates required for marriage license issuance. The State remains neutral on the topic.
7. Discussion regarding amendment issues for last names and if/how the names should be amended. Example from Placer: Jones on ID and entered for last name on ML, birth certificate actually had Jones-Smith. Agreement was made that it should be an amendment for 1D (last name at birth).
8. Question was posed whether counties have separate applications for “Letter of No Record” for marriage or if the customer uses the regular marriage certificate applications. Discussion regarding “Letter of Single Status” requests. Most counties do not have separate forms, they don’t offer “Letter of Single Status” but would charge for the search and offer a “Letter of No Record” or a search certificate. CDPH has a check box on their request form. Some counties, Sacramento in particular, have agents come in and request the search certificates for clients. It was noted that the State Department website does say that “Letter of Single Status” are not usually issued in the United States.

Adjourned at 4:54pm.