



COMPTROLLER'S INVESTIGATIVE REPORT

Hardeman County Clerk

September 18, 2025

Jason E. Mumpower
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JASON E. MUMPOWER
Comptroller

September 18, 2025

Hardeman County Mayor and
Board of Commissioners
100 Main Street
Bolivar, TN 38008

Hardeman County Officials:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Hardeman County Clerk, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, the State Attorney General, the District Attorney General of the 25th Judicial District, certain state legislators, and various other interested parties. A copy of the report is available for public inspection in our Office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. E. Mumpower", with a long horizontal flourish extending to the right.

Jason E. Mumpower
Comptroller of the Treasury

JEM/MLC

INVESTIGATIVE REPORT

Hardeman County Clerk

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Hardeman County Clerk. The investigation was initiated after the Comptroller's Office received allegations of the county clerk charging a fee to officiate marriage ceremonies. The investigation was limited to selected records for the period September 1, 2022, through July 31, 2024. The results of the investigation were communicated with the Office of the District Attorney General of the 25th Judicial District.

BACKGROUND



The Hardeman County Clerk's Office (clerk's office) is located in the Hardeman County Courthouse in Bolivar, Tennessee. The county clerk is elected every four years and employs a staff of four to perform the daily office duties. The clerk provides various services, including the issuance and renewal of titles and registrations, notary applications, handicap placards, and the issuance of marriage licenses.

The county clerk was elected in August 2022. Prior to being elected, the county clerk had been employed with the clerk's office as a deputy clerk for 18 years. Pursuant to Tenn. Code Ann. § 36-3-

301(a)(1), upon election, the county clerk was granted the right to solemnize marriages. The county clerk began officiating marriage ceremonies after being sworn into office on September 1, 2022.

RESULTS OF INVESTIGATION

1. HARDEMAN COUNTY CLERK CHARGED AND COLLECTED APPROXIMATELY \$13,140 IN UNLAWFUL FEES TO OFFICIATE MARRIAGE CEREMONIES

Between September 9, 2022, and July 24, 2024, the Hardeman County Clerk charged and collected approximately \$13,140 in unlawful fees to officiate at least 219 marriage ceremonies. While it is lawful under Tenn. Code Ann. § 36-3-301(c)(1) for an elected county official to accept, request, or solicit gratuities for officiating marriage ceremonies, it is not lawful for such officials to charge a fee or demand compensation for officiating marriage ceremonies pursuant to Tenn. Code Ann. § 36-3-301(c)(2).

The State of Tennessee requires collection of marriage license taxes and fees for applicants seeking a marriage license within the state. In Hardeman County, the marriage license fee is \$95 and applicants who complete a pre-marital counseling course receive a \$60 waiver of the marriage license fee. Investigators determined that the county clerk instructed office staff to advise marriage applicants that if they wished to be married in the clerk's office and forego pre-marital counseling, they would be charged a \$155 fee which included a \$95 license fee and a \$60 officiating fee paid to the county clerk. However, applicants were not advised that the \$60 fee paid to the county clerk was an optional gratuity, instead the applicants were only instructed to pay the \$60 fee in cash.

Investigators confirmed that the office staff collected the money for the marriage licenses (\$95) and the county clerk's fee (\$60). The money collected for the county clerk's fee to officiate each marriage was attached to the marriage paperwork and handed directly to the county clerk.

Investigators reviewed official marriage records from the clerk's office and determined that from September 9, 2022, through July 24, 2024, the clerk's office issued 391 marriage licenses. Of those 391 marriage licenses, the county clerk officiated at least 219 marriage ceremonies, which is approximately 56% of the total marriage licenses issued. Based upon information provided by the county clerk and her office staff regarding the fees charged, investigators determined that the county clerk charged and collected approximately \$13,140 in unlawful fees.

Summary of Ceremonies Officiated by the County Clerk and Unlawful Fees Collected			
Year	Ceremonies Officiated	Amount Collected Per Ceremony	Total Amount Collected for Ceremonies
2022*	38	\$60	\$2,280
2023	121	60	7,260
2024**	<u>60</u>	60	<u>3,600</u>
Total	219		\$13,140

*September 1, 2022-December 31, 2022

** January 1, 2024-July 31, 2024

The county clerk told investigators that she began charging couples a \$60 fee to officiate marriage ceremonies since taking office as the clerk. The county clerk further stated that she directed office staff to tell applicants that she charged a \$60 fee, in addition to the license fee, to officiate marriage ceremonies. The county clerk also stated she was familiar with the provisions of Tenn. Code Ann. § 36-3-301, which allows the clerk to accept a gratuity. Additionally, the county clerk stated that she had received training on the matter of clerks accepting a gratuity. However, she did not give applicants a choice in paying the fee.

A gratuity is a voluntary act on behalf of the consumer and is not a set price or fixed amount. In contrast, a fee or a charge is a mandatory obligation demanded and owed for services

rendered and is usually a predetermined price or amount set by the vendor. By setting and requiring payment of a specific amount for performing the wedding ceremony, the clerk was charging and requiring the payment of a fee rather than accepting a gratuity.

On September 10, 2025, the county clerk reimbursed \$13,140 to the Hardeman County Trustee's General Fund for proper disbursement.

COMPLIANCE DEFICIENCY

Our investigation revealed the following deficiency in compliance, which contributed to Hardeman County Clerk's ability to unlawfully charge fees for officiating marriage ceremonies.

Deficiency 1: The Hardeman County Clerk's Office failed to properly receipt, and remit fees collected to the county trustee

The Hardeman County Clerk's Office accepted fees intended for the county clerk. These transactions were not properly receipted or accounted for, and the fees collected were not paid or remitted to the county trustee by the clerk's office as required by Tenn. Code Ann. § 8-22-103. Per Tenn. Code Ann. § 8-22-103 and § 8-22-104, all excess fees that are or may be directly or indirectly collected by virtue of the office shall be paid to the county trustee as part of the county revenue; and require the clerk to keep a complete account of every fee of every nature, commission, or charge collected. The county clerk and her office staff charged a fee for the county clerk's services of officiating marriage ceremonies rather than allowing applicants to pay a gratuity voluntarily. Investigators found that fees accepted on behalf of the county clerk's services were not receipted or remitted to the county trustee. Instead, the fees were placed aside and paid directly to the county clerk.

County officials indicated that they have corrected or intend to correct this deficiency.