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11 BAIL BOND BOARD MEETING

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19 On the 30th day of June, 2011, the following
20 proceedings came on to be heard with the Honorable Judge
21 Lupe Flores presiding, held in Beaumont, Jefferson
22 County, Texas;

23 Proceedings reported by machine shorthand.

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25

A P P E A R A N C E S

3	Judge Lupe Flores
4	Judge Layne Walker
5	Judge Ken Dollinger
6	Judge Craig Lively
7	Cathy Presley
8	Tom Rugg
9	Becky Garcia
10	Tim Funchess
11	Keith Day
12	Mary Godina
13	Tina Gillaspie
14	Rhonda Brode
15	Amy Nobles
16	Lieutenant Kelly

11 MR. RUGG: No, sir. Becky keeps doing a
12 wonderful job for us. Thank you.

15 JUDGE FLORES: Second item is: Do we have
16 any consideration or application of any new bondsmen?

17 MS. PRESLEY: No, sir.

18 JUDGE FLORES: Ms. Godina, any complaints
19 against bondsmen?

20 MS. GODINA: No, sir.

21 JUDGE FLORES: The report from the
22 treasurer's office, Mr. Funchess?

23 MR. FUNCHESS: No report, other than what's
24 in front of you.

25 JUDGE FLORES: Thank you, sir.

00:01 1 Any questions of Mr. Funchess?

00:01 2 (No response).

00:01 3 JUDGE FLORES: From the auditor's office.

00:01 4 I believe there are some handouts.

00:01 5 MS. BRODE: Yes, sir. Did everyone get a

00:01 6 handout? I have two new handouts. The first one was a

00:01 7 request of expenses. So, I just -- and I'll make it

00:01 8 bigger next time. Basically all that we had in the bail

00:01 9 bond fund was one revenue from Allied Bonds, a renewal

00:01 10 fee; the payroll expenses subsidizing Tina, Mary and

00:01 11 Cathy's payroll and one travel. That's what the single

00:01 12 page is.

00:01 13 JUDGE FLORES: Okay.

00:01 14 MS. BRODE: The multiple page report is our

00:01 15 new report on bondsmen, and it basically gives their

00:01 16 limits and their forfeitures. And you can see in the

00:01 17 top left corner the date that I printed it. I printed

00:01 18 it last week.

00:01 19 JUDGE FLORES: And just for clarification,

00:01 20 when you say "bondsmen," that also includes attorneys --

21 MS. BRODE: Attorneys.

00:01 22 JUDGE FLORES: -- who make bonds?

00:02 23 MS. BRODE: Yes.

00:02 24 And this will be used -- I will be dropping

00:02 25 this into Excel just to see if anyone is over their

00:02 1 limit to audit files, etcetera. I'll get these two
00:02 2 reports every month.

3 JUDGE FLORES: Great.

00:02 4 Any questions of the auditor's office on
00:02 5 the reports?

00:02 6 (No response).

00:02 7 JUDGE FLORES: Okay. I think there may be
00:02 8 a couple of items of new business, Ms. Presley.

00:02 9 MS. PRESLEY: I just wanted to say I made
00:02 10 the changes to the bail bond list. Keith had suggested
00:02 11 that I change the license over to the left side and the
00:02 12 phone number over to the right. So, in July the new
00:02 13 list will look like this here.

00:02 14 JUDGE FLORES: Okay. Everybody that has a
00:02 15 copy and has looked at it, that's the way it's going to
00:02 16 be.

00:02 17 Anything further on Ms. Presley's
00:02 18 presentation? Any questions?

00:03 19 (No response).

00:03 20 JUDGE FLORES: What we did, Judge, they
00:03 21 requested that they put their license number on there.
00:03 22 In the past we just had the plain list. And that just
00:03 23 gives a little bit more information in case anybody
00:03 24 asks.

25 JUDGE WALKER: (Nodding).

00: 03 1 JUDGE FLORES: Any other new business?

00: 03 2 (No response).

00: 03 3 JUDGE FLORES: I believe that one thing

00: 03 4 that we're thinking about -- and I'm going to kind of

00: 03 5 bounce it off you -- is that maybe changing the meeting

00: 03 6 from the fourth Thursday to the third Thursday for the

00: 03 7 simple reason that it seems like every year around

00: 03 8 Christmas and Thanksgiving and on holidays we run into

00: 03 9 problems of making sure that we get the meetings

00: 03 10 squeezed in because we have to have a meeting every

00: 03 11 month. Does anybody have any comments or objections as

00: 03 12 to moving the meeting to the third Thursday of the month

00: 03 13 instead of the fourth?

00: 03 14 JUDGE DOLINGER: Judge, the only thing I'd

00: 03 15 say is -- and I haven't looked at a calendar -- but is

00: 04 16 Thanksgiving sometimes the third Thursday or is it

00: 04 17 always the last?

00: 04 18 MS. BRODE: It's always the fourth

00: 04 19 Thursday.

00: 04 20 JUDGE FLORES: I thought it was always the

00: 04 21 fourth Thursday.

00: 04 22 JUDGE DOLINGER: That would be my only

00: 04 23 concern.

00: 04 24 MS. GILLESPIE: And one of the reasons why

00: 04 25 when me and Judge discussed doing this when -- it's --

00: 04 1 the fourth one, sometimes people say, oh, I'm not going
00: 04 2 to be able to come. And you have to have at least four
00: 04 3 and if some reason on that last Thursday I can't -- we
00: 04 4 can't get four people to make a quorum, then we have to
00: 04 5 meet once a month. We've got to do something. It gives
00: 04 6 us more time to scramble.

00: 04 7 JUDGE FLORES: I mean, I've got no
00: 04 8 objection to moving it to the second or the first or
00: 04 9 whatever. We just threw out the third.

00: 04 10 Mr. Rugg, any comments?

00: 04 11 MR. RUGG: You know, there is nothing magic
00: 04 12 about Thursday either. Tuesday is a pretty good day.

00: 04 13 JUDGE FLORES: Okay.

00: 04 14 JUDGE DOLLINGER: Do you want to entertain
00: 04 15 a motion?

00: 04 16 JUDGE FLORES: I was about to ask that.

00: 04 17 JUDGE DOLLINGER: I move that we --

00: 04 18 JUDGE FLORES: Yes, sir.

00: 05 19 MR. KELLY: I had wanted to talk about a
00: 05 20 couple of issues we had.

00: 05 21 THE COURT: Yes, sir, I know that. After
00: 05 22 we do this, I was going to call you because I was told
00: 05 23 that you had something.

00: 05 24 JUDGE DOLLINGER: I'll move that we amend
00: 05 25 the meeting schedule to make our meetings on the third

00: 05 1 Thursday of each month at noon.

00: 05 2 JUDGE FLORES: Second?

00: 05 3 MR. FUNCHESS: I'll Second.

00: 05 4 JUDGE FLORES: All that's in favor say "I."

00: 05 5 ALL PRESENT: I.

00: 05 6 JUDGE FLORES: Any other new business?

00: 05 7 Sheriff's Department, go ahead.

00: 05 8 MR. KELLY: We have an issue with some of

00: 05 9 the bondsmen coming up with their own paperwork, and

00: 05 10 we're turning them away. As far as AFRSs, they're

00: 05 11 making up their own bond sheets as far as bonding sheets

00: 05 12 to get someone out of jail. We would like for them to

00: 05 13 use, you know, the paperwork that we have set forth

00: 05 14 because we're having a big issue with them. The

00: 05 15 language is different on the AFRSs that they're coming

00: 05 16 up to us with. We're not going to accept them.

00: 06 17 JUDGE FLORES: Let me tell you what we're

00: 06 18 going to do. If you will provide copies of the forms

00: 06 19 that you want used to the head of the bondsmen

00: 06 20 association -- he's present in the court room today --

00: 06 21 you can make sure -- and, Keith, if you will then send

00: 06 22 out a letter to all the bondsmen saying that these are

00: 06 23 the attached forms that the jail is going to require and

00: 06 24 no others will be accepted.

00: 06 25 Now, before we do that, is there any

00:06 1 discussion on that by -- Mr. Rugg, any legal reasons why
00:06 2 we shouldn't do that?

00:06 3 MR. RUGG: Well, the rules are that the
00:06 4 bond has to be acceptable to the sheriff. It doesn't
00:06 5 matter what we want. If you guys have a form you expect
00:06 6 and that's what you require them to do and that's a
00:06 7 condition of you accepting their bond, it seems to me
00:06 8 they're going to have to get along. And I don't know
00:06 9 that the Bail Bond Board even necessarily needs to be
00:06 10 involved other than thanks for bringing it to our
00:06 11 attention. But it seems to me that the law puts the
00:07 12 discretionary decision-making process in the hands of
00:07 13 the sheriff as to whether or not a bond is going to be
00:07 14 accepted.

15 JUDGE FLORES: In other words --

00:07 16 MR. RUGG: If you're not getting the
00:07 17 information that you want in the form you want it and
00:07 18 the bond doesn't get accepted, that's a bondsmen/sheriff
00:07 19 problem.

00:07 20 JUDGE FLORES: I concur completely with
00:07 21 Mr. Rugg. And what I was doing, basically, is you
00:07 22 provide the forms to the head of the bondsmen
00:07 23 association and that way he can get them out and make
00:07 24 sure everybody follows the rules. But you have an
00:07 25 absolute right to refuse any paperwork that's presented

00:07 1 that does not comply with your rules and regulations.

00:07 2 MS. GILLESPIE: Do we have those forms on
00:07 3 our web site?

00:07 4 MS. PRESLEY: Yes.

00:07 5 MR. KELLY: These forms have been out for
00:07 6 years. They're four-page forms.

00:07 7 MS. GILLESPIE: Okay. I just -- if they
00:07 8 weren't there, I wanted to make sure I got them so I
00:07 9 could get them there.

00:07 10 MS. GARCIA: Four-page forms?

00:07 11 MR. KELLY: You know, they're carbon
00:07 12 copies. There are four-part forms on it.

00:08 13 JUDGE FLORES: One form, Becky.

00:08 14 MR. KELLY: One form, but it makes four
00:08 15 copies.

00:08 16 MR. DAY: Is it the voluntary surrenders?

00:08 17 MR. KELLY: Yes.

00:08 18 MR. DAY: Okay. Now, that's the copies we
00:08 19 get from you.

00:08 20 MS. PRESLEY: Yes.

00:08 21 JUDGE FLORES: Some people are submitting
00:08 22 different forms.

00:08 23 MS. PRESLEY: Right. They made up their
00:08 24 own.

00:08 25 JUDGE FLORES: So, we're not going to

00:08 1 accept -- according to the sheriff's department -- and I
00:08 2 thing Mr. Rugg is right -- they have an absolute right
00:08 3 to require the forms in a certain way and they don't
00:08 4 have to be accepted. But what I was doing is, you as
00:08 5 the president to give all your members basically a
00:08 6 courtesy notice saying that they're not going to be
00:08 7 accepted unless they comply.

00:08 8 MR. KELLY: Also, on the city bonds and the
00:08 9 county bonds also because they're doing -- they're
00:08 10 pre-doing the bonds over at their place. And when they
00:08 11 send it out to the jail, it's not acceptable. So, we're
00:09 12 turning them away. We started getting a lot of grief
00:09 13 behind it. And they're just getting upset with us over,
00:09 14 you know --

15 MR. DAY: Okay.

00:09 16 JUDGE FLORES: You won't get much grief.
00:09 17 Just tell them, "no."

00:09 18 MR. KELLY: That's one of the things we've
00:09 19 been having the last couple of weeks.

20 JUDGE FLORES: Right, Mr. Rugg?

00:09 21 MR. RUGG: Yeah. I mean, they can complain
00:09 22 if they want to; but it's not going to get them
00:09 23 anywhere.

00:09 24 JUDGE FLORES: They're not going to get a
00:09 25 bond.

00:09 1 Any other discussion on this issue?

00:09 2 (No response).

00:09 3 JUDGE FLORES: Any other issues from the

00:09 4 sheriff's department?

00:09 5 MR. KELLY: Yes, sir. We also have the

00:09 6 issue with them using bondsmen time to have personal

00:09 7 visits with the inmates as far as --

00:09 8 JUDGE FLORES: Okay. Explain that for the

00:09 9 members.

00:09 10 MR. KELLY: As far as they come in and say

00:09 11 that they're their bondsman and they're going to try to

00:09 12 get them out of jail and we look up and they're in there

00:09 13 for over two hours. And we go in there and find out

00:09 14 they're not there to bond them out; they're there for a

00:09 15 personal visitation.

00:09 16 JUDGE FLORES: Whenever somebody comes up,

00:09 17 do you check your list? Do you ask them for their

00:09 18 identification?

00:09 19 MR. KELLY: Yes, we do.

00:10 20 JUDGE FLORES: And some of them are

00:10 21 bondsmen?

00:10 22 MR. KELLY: Are bondsmen and are on the

00:10 23 inmate's visitation list.

00:10 24 JUDGE FLORES: Well, how can you -- if they

00:10 25 are a bondsman and they're on the visitation list, I

00:10 1 don't know if you can stop them.

00:10 2 MR. KELLY: Well, this is the deal. They
00:10 3 -- we're not saying they can't visit, if they have a
00:10 4 proper designation for them to visit them on a personal
00:10 5 basis. But we don't want them to come in the attorney
00:10 6 booth where we're supposed to be conducting bondsmen
00:10 7 business, attorney business or whatever and having a
00:10 8 personal visit with them because we don't have the --
00:10 9 the space for that.

00:10 10 JUDGE FLORES: I'm with you.

00:10 11 Mr. Rugg, what kind of a question could
00:10 12 they ask?

00:10 13 MR. RUGG: It can't be happening very
00:10 14 often.

00:10 15 MR. KELLY: Lately it has been.

00:10 16 MR. RUGG: Really? Is it one particular
00:10 17 bondsman?

00:10 18 MR. KELLY: No. It's been, like, two or
00:10 19 three in the last month or so.

20 MR. DAY: Same company or different
21 company?

00:11 22 MR. KELLY: Different companies.

00:11 23 The last one -- I mean, I don't want to
00:11 24 bring any names up -- but they were in there for over
00:11 25 two hours. And we noticed -- we had attorneys coming in

00:11 1 to visit. They're, like, "wow." So, that's what made
00:11 2 us start looking into it, look into if that person is on
00:11 3 the visitation list and also coming in to see them, they
00:11 4 say for a bond, but when you look at the -- when you
00:11 5 begin to look at and see this person is not even
00:11 6 bondable; so, why are you even visiting them.

00:11 7 MR. DAY: And, Kelly, is it an agent of the
00:11 8 bondsman; or is it actual bondsmen themselves?

00:11 9 MR. KELLY: Bondsmen themselves. Their
00:11 10 name is on that paper. That's why they were allowed in
00:11 11 that booth originally to visit.

00:11 12 MR. DAY: Well, I'll say this. On the
00:11 13 issue of the person not necessarily being bondable,
00:11 14 there are times that come up when we do interview people
00:11 15 that we know may be having a bond set. But as far as
00:12 16 being in there just visiting, I mean, that's obviously
00:12 17 a --

00:12 18 JUDGE FLORES: What are the guidelines for
00:12 19 visitation?

00:12 20 MR. KELLY: All they have to do is go to
00:12 21 visitation on the days allowed for them to visit. It's
00:12 22 open from 1:30 to 8:00. I mean, they have all day that
00:12 23 they can --

00:12 24 JUDGE FLORES: Well, your people probably
00:12 25 have an absolute right to ask them what the purpose of

00:12 1 the visit is. And if say that they're there for bond
00:12 2 business, limit their time. I mean, if they're going to
00:12 3 exclude attorneys and other bondsmen from conducting
00:12 4 business just for visitation purposes, I think you have
00:12 5 a right to limit their time. I don't think you can
00:12 6 limit an attorney from talking to his client and that
00:12 7 kind of stuff. That's kind of a touchy issue.

00:12 8 Anybody got any other suggestions?

00:12 9 JUDGE LIVELY: Could you put up some signs
00:12 10 in there that simply said no personal visitation;
00:12 11 attorney, bondsmen, whatever, business only?

00:12 12 MR. RUGG: No, that's not going to be
00:12 13 effective.

00:13 14 You know, the sheriff has the right to
00:13 15 control the people who can come in and out of the jail.

00:13 16 JUDGE FLORES: What do you suggest? What
00:13 17 do you want to do?

00:13 18 MR. KELLY: I don't -- the only problem is
00:13 19 if you come to conduct bondsman business, that's fine.
00:13 20 But we can't have you in there -- and this is the deal.
00:13 21 This is where we get in a problem with it. You're on
00:13 22 the visitation list, and you're conducting bondsman
00:13 23 business. That's a problem.

00:13 24 JUDGE FLORES: Because they're taking up
00:13 25 time from somebody else using the space.

00:13 1 MR. KELLY: That's going to get somebody in
00:13 2 a jam sooner or later.

00:13 3 MR. RUGG: You guys might want to think
00:13 4 about this. But if it continues to be a problem, you
00:13 5 might -- there is a couple of ways you could handle it.
00:13 6 Number one, is you can just say if you're in the bonding
00:13 7 business, you're not going to be on anybody's visitation
00:13 8 list. Number two, if you got a couple of people who are
00:13 9 violating your rules and creating problems for you, I'd
00:13 10 warn them once and then I'd recommend to the sheriff
00:13 11 that they be banned from the facility for 30 days and
00:14 12 see if that doesn't get their attention. I mean, you
00:14 13 can control it.

00:14 14 JUDGE FLORES: Judge Dollinger?

00:14 15 JUDGE DOLLINGER: Well, it just sounds like
00:14 16 from what he's been saying that what they may be doing
00:14 17 is using their status as a bondsman to avoid having to
00:14 18 come on designated visitation.

00:14 19 JUDGE FLORES: Absolutely.

00:14 20 MR. RUGG: That's what they're doing. And
00:14 21 you have the tools, I think, at your disposal to control
00:14 22 that.

00:14 23 JUDGE FLORES: Judge Walker, any comment?

00:14 24 JUDGE WALKER: (Nodding).

00:14 25 JUDGE FLORES: If you've got any

00:14 1 suggestions other than, you know, as Mr. Rugg said, that
00:14 2 is pretty much you-all's prerogative. But I don't know
00:14 3 what authority we have to make any rules or anything out
00:14 4 there.

00:14 5 MR. RUGG: I don't think we have any
00:14 6 authority to make rules that control in the area of the
00:14 7 sheriff --

00:14 8 JUDGE FLORES: I think it's you-all's
00:14 9 decision. And if you run into problems, you-all can
00:14 10 impose whatever rules you would for anybody else.

00:14 11 MR. KELLY: Okay.

00:14 12 MS. GARCIA: Well, let me ask you
00:14 13 something. If it becomes a problem and they do a 30-day
00:15 14 suspension or whatever, at that time because it's an
00:15 15 ongoing problem with the bondsman, is that something
00:15 16 that we need to look at?

00:15 17 JUDGE FLORES: Well, I think Mr. Rugg was
00:15 18 just kind of throwing that out. We're going to leave it
00:15 19 to the sheriff's department to make whatever decisions
00:15 20 they want to make on it. I think that's a sheriff's
00:15 21 prerogative. I think it's a --

00:15 22 MR. RUGG: I mean, if you're a bondsman and
00:15 23 you've got a man in jail, you've got a problem.

00:15 24 JUDGE FLORES: I don't think we have any
00:15 25 jurisdiction on it. I think the sheriff can do whatever

00: 15 1 they want to do.

00: 15 2 MR. RUGG: That's more than what we can do
00: 15 3 to them.

00: 15 4 MR. DAY: Well, I'll say this, being in
00: 15 5 business for this long, if a bondsman can't go in there
00: 15 6 and take care of their business with -- if you go in
00: 15 7 there to interview four different people, obviously -- I
00: 15 8 mean, if you can't get your business taken care of in 10
00: 15 9 to 15 minutes with one person, there is something else
00: 15 10 going on. So, I mean, I would almost say maybe limit
00: 15 11 it. I'd hate for you-all to have to do that because
00: 15 12 they have enough going on up there at the front. But
00: 15 13 maybe keep an eye on the time or whatnot. Like I said,
00: 15 14 if they can't get it done --

00: 16 15 JUDGE FLORES: Basically what we're telling
00: 16 16 you is that you-all have the right to create whatever
00: 16 17 rules you need to control your business. I don't think
00: 16 18 that's an issue so much for the Bail Bond Board. I
00: 16 19 mean, it's you-all's.

00: 16 20 Any other new business?

00: 16 21 JUDGE WALKER: Motion to adjourn.

00: 16 22 MS. GARCIA: Second.

00: 16 23 JUDGE FLORES: All those in favor of
00: 16 24 adjourning?

00: 16 25 ALL PRESENT: I.

00: 16

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THE COURT: I.

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(Conclusion of Bail Bond Board meeting at

3 || 12: 54 p. m.)

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**ALISA E. RAUMAKER, CSR
409-839-2325**

REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

4 I, ALISA E. RAUMAKER, Official Court Reporter in
5 and for the County Court at Law of Jefferson County,
6 State of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription of
8 all portions of the proceedings in this volume of the
9 Reporter's Record, in the above-styled meeting, all of
10 which occurred in open court and were reported by me.

Alisa E. Raumaker, Texas CSR 5385
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