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BAIL BOND BOARD MEETING

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

Proceedings reported by machine shorthand.

A P P E A R A N C E S

Judge Lupe Flores
Judge Layne Walker
Judge Ken Dollinger
Judge Craig Lively
Cathy Presley
Tom Rugg
Becky Garcia
Tim Funchess
Keith Day
Mary Godina
Tina Gillespie
Rhonda Brode
Amy Nobles
Lieutenant Kelly

1 JUDGE FLORES: I will call this meeting of
00:00 2 the Jefferson County Bail Bond Board meeting to order.

00:00 3 First item on the agenda is -- and the
00:00 4 minutes by -- my court reporter is out for two weeks.
00:00 5 We'll have them -- we'll present the minutes of the last
00:00 6 meeting at the next meeting, along with the minutes for
00:00 7 today.

00:00 8 First item on the agenda is a report from
00:00 9 the District Attorney's Office. Mr. Rugg, anything you
00:00 10 wish to add?

00:00 11 MR. RUGG: No, sir. Becky keeps doing a
00:00 12 wonderful job for us. Thank you.

00:00 13 JUDGE FLORES: Okay. Any other comments?
00:00 14 (No response).

00:00 15 JUDGE FLORES: Second item is: Do we have
00:00 16 any consideration or application of any new bondsmen?

00:00 17 MS. PRESLEY: No, sir.

00:00 18 JUDGE FLORES: Ms. Godina, any complaints
19 against bondsmen?

00:00 20 MS. GODINA: No, sir.

00:00 21 JUDGE FLORES: The report from the
00:00 22 treasurer's office, Mr. Funchess?

00:00 23 MR. FUNCHESS: No report, other than what's
00:00 24 in front of you.

00:01 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 DOLLINGER: 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 DOLLINGER: 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?

16 JUDGE FLORES: I was about to ask that.

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

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.

2 JUDGE FLORES: Second?

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

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 adjourni ng?

00: 16 25 ALL PRESENT: I .

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THE COURT: I.

(Conclusion of Bail Bond Board meeting at
12:54 p.m.)

REPORTER'S CERTIFICATE

THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

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

WITNESS MY OFFICIAL HAND this the _____ day of
_____, 2011.

Alisa E. Raumaker, Texas CSR 5385
Expiration Date: 12/31/2011
Official Court Reporter
County Court at Law Court
Jefferson County, Texas
Beaumont, Texas