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BAIL BOND BOARD MEETING  
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On the 17th day of May, 2012, 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  
Tom Roebuck  
Kevin Cribbs  
Cathy Presley  
Becky Garcia  
Tim Funchess  
Keith Day  
Mary Godina  
Tina Gillespie  
Rhonda Brode  
Lieutenant Kelly

1 JUDGE FLORES: I am going to call this  
2 meeting of the Jefferson County Bail Bond Board to  
00:00 3 order.

00:00 4 First item on the top of the agenda is to  
00:00 5 review the minutes from the last meeting. Everybody got  
00:00 6 a copy or saw them on the website? Are there any  
00:00 7 comments on the minutes from the last meeting?

00:00 8 (No response).

00:00 9 JUDGE FLORES: Hearing none, moving on to  
00:00 10 the next item.

00:00 11 Do we have the report from the District  
00:00 12 Attorney's Office? I don't see a representative here  
00:00 13 from the DA's office today.

00:00 14 MS. GILLESPIE: They sent their report.

00:00 15 JUDGE FLORES: Ms. Garcia, did the DA's  
00:00 16 office do a report this month?

00:00 17 MS. GARCIA: I did pass it out already.  
00:00 18 You should have yours.

00:00 19 JUDGE FLORES: Okay. I didn't have mine.

00:00 20 Any comments or questions on the DA's  
00:01 21 office report?

22 (No response).

00:01 23 JUDGE FLORES: Okay. Moving on to the next  
00:01 24 item, the consideration, approval of applications.

00:01 25 Ms. Presley?

00:01 1 MS. PRESLEY: Yes, sir. We have a renewal  
00:01 2 application for Stan Stanley doing business as Allied  
00:01 3 Bail Bonds.

00:01 4 JUDGE FLORES: Okay. Everybody have a copy  
00:01 5 of the application? Are there any questions on the  
00:01 6 application, any comments?

00:01 7 (No response).

00:01 8 JUDGE FLORES: Ms. Presley, is everything  
00:01 9 in order?

00:01 10 MS. PRESLEY: Yes, sir.

00:01 11 JUDGE FLORES: It will be approved.

00:01 12 Any other applications? Is that the only  
00:01 13 one?

00:01 14 MS. PRESLEY: Yes, sir.

00:02 15 JUDGE FLORES: Thank you, ma'am.

00:02 16 Ms. Godina, any complaints against  
00:02 17 bondsmen?

00:02 18 MS. GODINA: No, sir, not at this time.

00:02 19 JUDGE FLORES: Thank you ma'am.

00:02 20 Has everybody gotten a copy of the report  
00:02 21 from the treasurer? Mr. Funchess, any comments you'd  
00:02 22 like to make on the report?

00:02 23 MR. FUNCHESS: No, sir.

00:02 24 JUDGE FLORES: Any other questions or  
00:02 25 discussion on the treasurer's report?

00:02 1 (No response).

00:02 2 JUDGE FLORES: We were supposed to get a  
00:02 3 report from Marianne Petry. Ms. Godina, I believe you  
00:02 4 said you have something on that?

00:02 5 MS. GODINA: Yes, sir. She just -- I  
00:02 6 called her this morning. She said she was unable to  
00:02 7 attend the meeting. But she completed the request  
00:02 8 changes and forwarded it to the sheriff for approval.  
00:02 9 Once he gives her the okay, she will then enable the  
00:02 10 access codes to the system. And she also said that the  
00:02 11 inquiry program will work just as the previous one did,  
00:02 12 with the exception of the hold notes being removed.  
00:02 13 This should solve the problem of bondsmen having access  
00:03 14 to privileged, in house information.

00:03 15 JUDGE FLORES: Lieutenant Kelly, any  
00:03 16 comments from the sheriff's department on that?

00:03 17 MR. KELLY: No. I haven't seen it yet. I  
00:03 18 can't --

00:03 19 JUDGE FLORES: You haven't seen the report?

00:03 20 MR. KELLY: No. I haven't seen the screen  
00:03 21 that she put up yet. If she takes the hold notes out  
00:03 22 and some of the other things, that will be okay.

00:03 23 JUDGE FLORES: Ms. Presley, any comments  
00:03 24 from your point?

00:03 25 MS. PRESLEY: I think the Social Security

00: 03 1 numbers should be removed for their access.

00: 03 2 JUDGE FLORES: What information is on there  
00: 03 3 that's probably privileged and we shouldn't be putting  
00: 03 4 it out?

00: 03 5 JUDGE WALKER: What are we talking about?  
00: 03 6 What did you read, Mary?

00: 03 7 JUDGE FLORES: Ms. Godina, go ahead and  
00: 03 8 tell -- for all the members of the Bail Bond Board, I  
00: 03 9 believe Judge Walker was not here last time. What was  
00: 03 10 the request to Ms. Petry and what --

00: 03 11 MS. GODINA: From what I understand, the  
00: 03 12 bondsmen would get information from what we call the  
00: 04 13 jail screen at the jail. It has all the information --  
00: 04 14 well, some information about the defendant. And  
00: 04 15 evidently somehow if someone, like, has a protective  
00: 04 16 order or information like that, somehow that information  
00: 04 17 got to a bondsman and it got relayed on to someone that  
00: 04 18 shouldn't have gotten it. As far as --

00: 04 19 JUDGE WALKER: How are they getting that  
00: 04 20 information?

00: 04 21 MR. DAY: It's in the hold notes. On the  
00: 04 22 jail screen it lists out --

00: 04 23 JUDGE WALKER: But how were you getting  
00: 04 24 that information? Are you looking on the computer?

00: 04 25 MR. DAY: Yeah. It's through a hyper

00: 04 1 terminal.

00: 04 2 JUDGE WALKER: So, the bondsman is or the  
00: 04 3 jail is?

00: 04 4 MR. DAY: Bondsmen are.

00: 04 5 JUDGE FLORES: Lieutenant Kelly, kind of  
00: 04 6 explain the system as of right now for everybody on the  
00: 04 7 Board.

00: 04 8 MR. KELLY: What it is, it's the regular  
00: 04 9 jail screen that we have for everybody that's booked  
00: 04 10 into the jail. We use that screen to put in our hold  
00: 04 11 notes as protective orders, when people is being  
00: 04 12 transported out, the whole nine yards. The bondsmen had  
00: 04 13 access to that screen.

00: 05 14 JUDGE WALKER: Why?

00: 05 15 MR. KELLY: We have no idea why. We didn't  
00: 05 16 know why.

00: 05 17 So, I came in and asked them to have that  
00: 05 18 screen removed because we had a bondsman gave a victim's  
00: 05 19 sister's husband, should I say, the hold information on  
00: 05 20 the protective order that was against him. And that  
00: 05 21 puts us in liability. When this individual is notified  
00: 05 22 that this person is getting out of jail at a certain  
00: 05 23 time and to be notified about certain information.

00: 05 24 JUDGE WALKER: I just don't think they  
00: 05 25 should have access to our computers, period. I don't

00:05 1 think that's right.

00:05 2 JUDGE FLORES: Well, for discussion, I  
00:05 3 think they probably need some information; but I think  
00:05 4 that's the reason we got Ms. Petry to look at it. She's  
00:05 5 making some recommendations on what should be withheld.

00:05 6 JUDGE WALKER: I think they're entitled to  
00:05 7 information. They shouldn't be able to access our  
00:05 8 computers. They should have to go through an employee  
00:05 9 if there is some information that is pertinent. They  
00:05 10 should have to go through some employee instead of just  
00:06 11 accessing the computer.

00:06 12 JUDGE FLORES: Lieutenant Kelly and  
00:06 13 Ms. Presley, how do they do it in other counties? Do  
00:06 14 they have the same access that we do here?

00:06 15 MR. KELLY: No.

00:06 16 MR. DAY: Well, there are some counties.

00:06 17 MR. KELLY: We give more than actually  
00:06 18 other counties. We probably give three times more than  
00:06 19 what the other counties give.

00:06 20 JUDGE FLORES: Well, what is the sheriff  
00:06 21 department's position on this, Lieutenant? I mean,  
00:06 22 you-all would be the custodians of the records. I think  
00:06 23 -- I'd like to find out what your recommendation is.

00:06 24 MR. KELLY: We actually had it removed.  
00:06 25 They can no longer see the jail screen. Marianne is



1 revamping the system where they can go in and get the  
2 subject's address and that type of information. But --

3 MR. DAY: The reason this all started, I  
4 think, was probably about ten years, eight or ten years  
5 ago, and what basically was happening, Judge, was  
6 someone would say, for instance, call my office about a  
7 bond. I would call over -- have to call over to the  
8 jail, get the inmate's information and bond them out,  
9 charges and everything on the person. Then they would  
10 call another bondsman. Then that bondsman would call  
11 the jail on the same person. This was just a cycle  
12 going through and through.

13 So, I think -- I'm not sure exactly who  
14 come up with the idea for allowing us the jail screen.  
15 We go through MIS, is who we go through to get access to  
16 that. And I think his name is Tim, is the one we  
17 usually have to call to get it set up. But when this  
18 happened, the only -- when I spoke with some of the  
19 bondsmen, we all agreed that the only thing that we  
20 needed are the defendant's name, the charge, the bond  
21 amount, the case number, if there is a case number. And  
22 the only other information, I think, that we have on our  
23 bonds are the driver's license number and address.

24 But probably over and beyond that, the only  
25 other thing that we'd really like to be able to see is

00:08 1 the last time -- the last time that person had been in  
00:08 2 custody in Jefferson County so we could kind of see --

00:08 3 JUDGE WALKER: But lawyers are not even  
00:08 4 entitled to that information. That's the problem I have  
00:08 5 with it. Why would you let a bondsman do that if you  
00:08 6 don't let an attorney do that?

00:08 7 MR. DAY: I don't know who else has access  
00:08 8 to that.

00:08 9 JUDGE WALKER: I just don't think it's  
00:08 10 right.

00:08 11 JUDGE FLORES: Ms. Sekaly, you had a  
00:08 12 question?

00:08 13 MS. CRIBBS: I go to the jail; and my  
00:08 14 understanding everywhere I'm allowed to go, there are no  
00:08 15 computers. I'm not sure where the bondsmen are going if  
00:08 16 they're getting access to the computers. We're not  
00:08 17 allowed in the back anymore. I thought no one was  
00:08 18 allowed in the back any more.

00:08 19 MR. DAY: We get it through our office. We  
00:08 20 contacted -- MIS is the one that set us up on it.

00:08 21 MS. CRIBBS: So, you access the jail  
00:08 22 records at your office?

00:08 23 MR. DAY: Yes.

00:08 24 MS. CRIBBS: And the second thing is, I  
00:08 25 make bonds and I'm qualified to make bonds. I just

00:08 1 don't go through a bonding company. And all the lawyers  
00:08 2 in the county have \$20,000, at least, to make bonds.  
00:08 3 We're not having -- if we wanted to make a bond, I mean,  
00:08 4 I think we'd all like to have the access to be able to  
00:09 5 dial up from the house or the office or whatever. We  
00:09 6 don't have access to anything.

00:09 7 JUDGE WALKER: That's the problem I have.  
00:09 8 It's not fair. I don't think that they should have that  
00:09 9 access. I don't think the bondsmen should.

00:09 10 MR. KELLY: Well, the biggest problem is --  
00:09 11 Keith said that they ask for certain information.  
00:09 12 They're asking for more than information.

00:09 13 JUDGE WALKER: That's information they can  
00:09 14 get from their client.

00:09 15 MR. KELLY: That's information that we  
00:09 16 can't even give a law enforcement officer. We had one  
00:09 17 bondsman last week call and wanted the actual DA's file,  
00:09 18 cases that the DA called them, for a subject. We can't  
00:09 19 give that information.

00:09 20 MR. DAY: Well, I don't know what all the  
00:09 21 bondsmen are calling up there and asking for. I mean, I  
00:09 22 obviously don't have any control on what they're  
00:09 23 calling. But the only thing that -- we never really  
00:09 24 asked for it. It was just there. All the sudden we had  
00:09 25 access to it, and we could use it. But the only reason

00:09 1 we asked for it is so we don't have to continue --  
00:09 2 because it becomes an issue at the jail as well.  
00:10 3 Because, I mean, their deputies are answering the phones  
00:10 4 from 15 different bondsmen and giving the same  
00:10 5 information to 15 different bondsmen about one person.  
00:10 6 I mean, this goes on and on all day. We're taking up  
00:10 7 their time. The only thing we ask for is the name, the  
00:10 8 bond amount and the charge. I mean --

00:10 9 JUDGE WALKER: That seems like that is  
00:10 10 something that can be dealt with by a phone call or the  
00:10 11 jail can post that information. But as far as having  
00:10 12 access, I'm just opposed to that. I don't think it's  
00:10 13 right.

00:10 14 JUDGE FLORES: Lieutenant Kelly, obviously  
00:10 15 this is a jail decision because you-all are the ones  
00:10 16 controlling the records. I'm glad they brought it out  
00:10 17 to us because I think it's informational. What do  
00:10 18 you-all suggest? I know that you-all are going to  
00:10 19 review the report by Ms. Petry. I assume she's from  
00:10 20 MIS.

00:10 21 MR. KELLY: Right.

00:10 22 Like I said, we have already taken that  
00:10 23 screen off, I mean, from them seeing that screen.  
00:10 24 Hopefully they'll be satisfied with the screen that we  
00:10 25 came up with. I mean, that's the only basic information

00:10 1 we can possibly give.

00:11 2 JUDGE FLORES: Okay. Well, I think that's  
00:11 3 you-all's call. I think we can make, you know,  
00:11 4 suggestions and whatever. I think that since that is a  
00:11 5 record of the sheriff's department and you-all are the  
00:11 6 custodians of the record, I think that ought to be your  
00:11 7 call. I appreciate you looking into it. I share the  
00:11 8 same sentiments of everybody, but I also understand that  
00:11 9 the bondsmen have to have information to be able to  
00:11 10 write a bond.

00:11 11 MR. KELLY: And we understand that. It  
00:11 12 gets to liability of safety and legalities when you  
00:11 13 got --

00:11 14 JUDGE FLORES: I'm with you. I don't think  
00:11 15 that privileged information needs to be disseminated  
00:11 16 whether it's to a bondsman, attorney, whoever. I mean,  
00:11 17 I agree with that. And whatever you come up with, I  
00:11 18 don't think -- maybe at the next meeting we can. But I  
00:11 19 think the decision you have right now -- and that's  
00:11 20 something if the bondsman have to call you-all to get  
00:11 21 the information, that's just something your office is  
00:11 22 going to have to deal with until we come up with another  
00:11 23 plan. And I assume you-all are ready to do that?

00:11 24 MS. GODINA: What if the attorneys start  
00:11 25 asking for that, too?

00:12 1 JUDGE FLORES: They can call the jail and  
00:12 2 ask for the same information a bondsman does.

00:12 3 MS. GODINA: I mean, if they go do it back  
00:12 4 on line.

00:12 5 JUDGE FLORES: They can access it. Is it a  
00:12 6 special thing that only bondsmen --

00:12 7 MR. DAY: No. As long as they can write  
00:12 8 bonds, all they have to do is call Tim at MIS. Is that  
00:12 9 the guy?

00:12 10 JUDGE FLORES: Yes.

00:12 11 MR. DAY: He's the one that sets everybody  
00:12 12 up and gives them the codes to set it up. I mean, I can  
00:12 13 imagine the attorneys --

00:12 14 JUDGE FLORES: If that's going to be public  
00:12 15 information for the bondsmen, it needs to be public  
00:12 16 information for the attorneys and whoever. They can  
00:12 17 just do what the bondsmen do, go to find out where it  
00:12 18 is.

00:12 19 MR. STANLEY: Can I make a comment?

00:12 20 JUDGE FLORES: Yes, sir.

00:12 21 MR. STANLEY: I think some of the larger  
00:12 22 counties do use the computer, on-line computers. I'd be  
00:12 23 happy to research that and find out what kind of systems  
00:12 24 they use, if that would help you guys at all.

00:12 25 JUDGE FLORES: If you could do that and get

00:12 1 with Lieutenant Kelly. But I think they've got somebody  
00:12 2 working on it now. And if you've got some suggestions  
00:12 3 that you can make, I'm sure we'll take suggestions.  
00:13 4 Basically, if I have a consensus from the Board, I think  
00:13 5 this is a decision the sheriff's department needs to  
00:13 6 make as to what they do. And if I can have some kind of  
00:13 7 consensus on that from Lieutenant Kelly -- well, before  
00:13 8 I do that, what is our attorney weighing in on?

00:13 9 MR. ROEBUCK: I don't think it's any of our  
00:13 10 business.

00:13 11 JUDGE FLORES: I think it's the sheriff's  
00:13 12 department. Having said all that, I agree.

00:13 13 JUDGE DOLLINGER: It's not a Bail Bond  
00:13 14 Board matter.

00:13 15 JUDGE FLORES: I think it's good  
00:13 16 information for us to have and know because I didn't  
00:13 17 know. Like I said, I think it's up to the sheriff's  
00:13 18 department, Lieutenant Kelly and them. You agree with  
00:13 19 that, Mr. Roebuck?

00:13 20 MR. ROEBUCK: Yes, sir.

00:13 21 JUDGE FLORES: All right. Next item on the  
00:13 22 agenda is Mr. Day's report on dormant licenses.

00:13 23 MR. DAY: Judge, I want to go ahead and  
00:13 24 throw it out there for discussion. But I e-mailed the  
00:13 25 president of our association who's up in Dallas County

1 where this local rule is, and he hasn't gotten back with  
2 me yet about that rule and how it's written up. But I  
3 wanted to throw it out there for discussion. We can  
4 table it until I get that information.

5 I'm actually glad Stan is here today  
6 because the reason that I was going to bring this up is  
7 because of the situation that Stan was in when he did  
8 his original license. Basically, from my understanding,  
9 what Dallas County does, they have a local rule that  
10 states the -- I guess that -- like, I guess in Stan's  
11 instance when his mother passed, he took over the  
12 business. And basically what he would have been able to  
13 do before any of that happened was to get what they call  
14 in Dallas County as a dormant license. The person is  
15 not on the list at the jail when they get the license.  
16 They have to fill out the application, do everything  
17 that they would normally do when you're filling out a  
18 new application to become a licensed agent. The only  
19 difference is that license is not funded. You know how  
20 we have to now -- I think it's either 60 or 90 days we  
21 have to fund that account in order to write bonds.  
22 Well, it's not funded. It's just a dormant license that  
23 sits there for two years; and then once the two years is  
24 up, they have to reapply. And basically why that  
25 license is there, in case something happens like in the



1 case of Stan, that license can immediately be made  
2 active and he can carry on his -- they can carry on the  
3 business.

4 JUDGE FLORES: But he had collateral up in  
5 the business already. See, that was different than the  
6 place you're talking about funding. I know their  
7 business already had collateral.

8 MR. DAY: But he did it ahead of time  
9 because of that situation. Okay. But, for instance, if  
10 I'm licensed and I decide that I want to get my wife  
11 licensed and we have this dormant, then I -- something  
12 happens to me in a freak accident or something, all the  
13 sudden, well, if she's not prepared ahead of time, then  
14 basically what is going to happen is my business is just  
15 going to sit there and my employees and everything.  
16 It's going to sit there and nothing will be able to be  
17 done until my wife goes out and, you know, qualifies for  
18 a license and everything.

19 So, basically what this dormant license  
20 does for -- that they do in Dallas County -- like I  
21 said, I'll get the wording of the law that they wrote  
22 into their local rules and everything. It allows that  
23 dormant license to sit there in situations like that.

24 JUDGE FLORES: We've had situations like  
25 that come up. I remember the case when Bob Ogden passed

1 away. We had a big problem as far as who was going to  
2 pick up the bonds and who was going to take care of the  
3 business and that kind of stuff. We've had bondsmen  
4 that came forward.

5 MR. DAY: There were some bondsmen that  
6 came forward. But if I -- Bob Ogden didn't continue his  
7 business. That business was not continued. My  
8 business, if something were to happen to me when I leave  
9 the court house today, it has to continue on for my  
10 family to survive. And that's basically -- I don't know  
11 in my time that we've ever had an issue like that. Like  
12 I said, Stan was in a situation where we didn't have  
13 this rule. So, he started preparing ahead of time.

14 Bob's case, he didn't -- the business  
15 wasn't carried on. So, it didn't matter. I'm talking  
16 about an incident to where if a family member were sick  
17 or if they come, you know, -- a freak accident or  
18 anything, that that person who is going to take over the  
19 business, like in my case, my wife, or in Marsha's case  
20 it was Stan, that they could take over immediately  
21 rather than going through the entire process. Like I  
22 said, I'll get the rule, how they have it written up.  
23 He just hadn't replied to my e-mail yet that I can get  
24 that rule. Their rules are not on line like ours are in  
25 Dallas County.

00: 17 1 JUDGE FLORES: Any questions on that?

00: 17 2 JUDGE WALKER: No.

00: 17 3 JUDGE FLORES: Any other questions from any  
00: 18 4 member of the Board on that?

00: 18 5 (No response).

00: 18 6 JUDGE FLORES: I mean, that sounds like a  
00: 18 7 good idea. I have no problem with it. If anybody has  
00: 18 8 any discussion, we'll certainly hear it.

9 MR. KELLY: The only thing we've got,  
00: 18 10 Judge, is the AFRSs. We are running into some major  
00: 18 11 problems with those.

12 JUDGE FLORES: How?

00: 18 13 MR. KELLY: We had an instance where we had  
00: 18 14 a bondsman bring in a female handcuffed and tried to do  
00: 18 15 a AFRS on her. And that's not going to work with us.

00: 18 16 JUDGE FLORES: Well, that's not quite a  
00: 18 17 voluntary surrender if they bring them in in handcuffs.

00: 18 18 MR. KELLY: Exactly.

00: 18 19 JUDGE FLORES: Because you can have a  
00: 18 20 voluntary surrender. Somebody can show up with a  
00: 18 21 bondsman, and you can do that. You can accept a  
00: 18 22 voluntary surrender, can't you?

00: 18 23 MR. KELLY: We're not because on that  
00: 18 24 instance because we're not going to take the liability  
00: 18 25 in case something happened to her or anything when she

00:18 1 comes in the jail. Just like if Beaumont PD brings  
00:19 2 someone in, we'll refuse them if they was in a wreck or  
00:19 3 anything like that.

00:19 4 JUDGE FLORES: You make them go get a  
00:19 5 medical clearance. I understand that.

6 MR. KELLY: Right.

00:19 7 If a female comes in and is not coming in  
00:19 8 through the sally port, coming in through the front  
00:19 9 door --

00:19 10 JUDGE FLORES: Through the book in.

00:19 11 MR. KELLY: Through the book in with other  
00:19 12 people around, handcuffed, that's a major, major  
00:19 13 liability.

00:19 14 JUDGE WALKER: Was the AFRS signed?

00:19 15 MR. KELLY: No.

00:19 16 JUDGE WALKER: By the judge?

17 MR. KELLY: Not by the judge.

00:19 18 MS. GARCIA: But the jail signed off saying  
00:19 19 that they accepted the surrender, but they didn't take  
00:19 20 the person into custody. But by signing this it  
00:19 21 relieves the bondsman of his duty to come off the bond  
00:19 22 immediately.

00:19 23 JUDGE WALKER: But it wasn't signed by a  
00:19 24 judge?

00:19 25 MS. GARCIA: Surrenders aren't signed by a

1 judge.

00:19 2 MR. DAY: It's a voluntary surrender. It's  
3 not a release of -- an AFRS. But --

00:19 4 JUDGE WALKER: If they're in handcuffs,  
5 it's a voluntary surrender?

00:19 6 MR. DAY: Yeah, that's what I was about to  
00:19 7 say. That's not a voluntary surrender if they come in  
00:19 8 in handcuffs. Usually what those voluntary surrenders  
00:19 9 are used for is for people who are already in custody  
00:19 10 and we may have a charge and we bring the voluntary  
00:19 11 surrender down and it releases us from bonds since  
00:20 12 they're already in custody. And -- now, I haven't done  
00:20 13 one in a very long time. I've had issues -- I had an  
00:20 14 issue in the past where someone had traffic tickets --  
00:20 15 traffic ticket warrants out and they wanted to go sit  
00:20 16 their traffic tickets out and they wanted us to get off  
00:20 17 the bond because they wanted to get credit for the time  
00:20 18 they were sitting in jail and they've taken a voluntary  
00:20 19 surrender like voluntarily, not handcuffed. I didn't  
00:20 20 bring them down there. I mean, they walked down there  
00:20 21 and were a voluntary surrender. And it's been so long  
00:20 22 that I don't remember if they took it. I just remember  
00:20 23 the situation. But as far as coming in in handcuffs, I  
00:20 24 mean, the person is brought in. Are they even licensed  
00:20 25 to put somebody in handcuffs?

00:20 1 MR. KELLY: That's the major point that we  
00:20 2 were trying to make. We don't know what these guys  
00:20 3 have. We don't know their credentials. We don't know  
00:20 4 anything. And we're not going to accept them. They got  
00:20 5 terribly upset when we refused them. That's what it's  
00:20 6 going to be. We can't take that liability.

00:20 7 MR. DAY: You've got to be licensed anyway  
00:20 8 to put somebody in cuffs.

00:20 9 JUDGE FLORES: Lieutenant Kelly, for  
00:20 10 everybody on the Bail Bond Board -- I know Mr. Roebuck  
00:21 11 may have a comment on this -- what is the procedure now  
00:21 12 or do you have any procedures for voluntary surrenders  
00:21 13 or -- I know what happens on an AFRS. You know, we put  
00:21 14 it out. We get a warrant out.

00:21 15 MR. KELLY: And that's the way that we're  
00:21 16 doing it as -- that's how I'm doing it. If that person  
00:21 17 doesn't have a warrant, we're not going to accept that  
00:21 18 person.

00:21 19 MR. ROEBUCK: That's exactly right. How do  
00:21 20 you put somebody in custody without a warrant? You  
00:21 21 can't.

00:21 22 JUDGE WALKER: Cannot.

00:21 23 MR. KELLY: That's what these guys don't  
00:21 24 understand.

00:21 25 JUDGE FLORES: In the issue that you had

00: 21 1 where somebody had traffic tickets already, they got a  
00: 21 2 warrant. And then once they're in there, they can do  
00: 21 3 that AFRS and get off.

00: 21 4 MR. KELLY: The AFRS, only thing that we're  
00: 21 5 supposed to do with an AFRS is to verify that that  
00: 21 6 person is in custody.

00: 21 7 JUDGE DOLLINGER: And on bond.

00: 21 8 MR. KELLY: And on bond. That's it. We're  
00: 21 9 not taking them in as that's being a warrant for their  
00: 21 10 arrest.

11 JUDGE FLORES: Just for a little levity,  
12 Lieutenant, if Dog the Bounty Hunter brings you somebody  
00: 21 13 in handcuffs, you're not going to take him, right?

00: 22 14 MR. KELLY: No.

15 JUDGE DOLLINGER: Depends on how many  
16 cameras are out there.

00: 22 17 JUDGE FLORES: Mr. Roebuck, you're okay  
00: 22 18 with what Lieutenant is saying, right?

00: 22 19 MR. ROEBUCK: I'm perfectly okay. Smarter  
00: 22 20 than all of us, I think.

00: 22 21 MR. DAY: Can I ask -- I mean, is this a --  
00: 22 22 did this just happen one time, or has it happened a  
00: 22 23 number of times recently?

00: 22 24 MR. KELLY: It's happened several times.  
00: 22 25 And not the handcuffs part, but people try to bring

00:22 1 somebody in like that. We -- if we don't have a warrant  
00:22 2 in hand --

00:22 3 MR. DAY: So, on the rare case that  
00:22 4 somebody just up and calls their bondsman and says I  
00:22 5 don't want to be on bond anymore; I want to go turn  
00:22 6 myself in and they don't have a warrant for anything  
00:22 7 else, bringing that voluntary surrender down there is  
00:22 8 not going to hold them?

00:22 9 JUDGE FLORES: You're going to have to do  
00:22 10 an AFRS.

00:22 11 MR. KELLY: It's got to come through the  
00:22 12 system, and you have to have a warrant number.

00:22 13 MR. DAY: I can't imagine -- I don't know  
00:22 14 about the other bondsmen. I've never had someone call  
00:22 15 and say, hey, I don't want to be on bond anymore; put me  
00:22 16 back in jail. I guess --

00:22 17 MS. GARCIA: I remember of an instance  
00:22 18 where the person could not afford to make his payments  
00:23 19 to the bondsman. The bondsman gave him the option, look  
00:23 20 -- I think he lost his job or whatever -- to get off the  
00:23 21 bond, surrender him.

00:23 22 MR. DAY: Okay. Well, since we're on the  
00:23 23 issue -- because I know it's going to come up, and I  
00:23 24 know it's come up in the past as well -- this law that's  
00:23 25 written for this voluntary surrender, there has been



00: 23 1 more confusion on that law than I think any other one  
00: 23 2 that we've had. But what if someone is in custody in  
00: 23 3 another county and they want to file that voluntary  
00: 23 4 surrender at the jail?

00: 23 5 MR. KELLY: You can't file it at the jail.

6 MS. PRESLEY: Goes through me.

00: 23 7 MR. DAY: Do you file an AFRS, or do you  
00: 23 8 bring the voluntary surrender to you?

00: 23 9 MS. PRESLEY: You bring the surrender to me  
00: 23 10 and you bring the surrender to the Court to get the  
00: 23 11 warrant issued.

00: 23 12 MS. GARCIA: No. It comes to me. I get  
00: 23 13 the typewriter and type on there if it's --

00: 23 14 MS. PRESLEY: If it's a felony, you bring  
00: 23 15 it to the court.

00: 23 16 MS. GARCIA: Yeah. Then we issue the AFRS  
00: 24 17 because that's the warrant that puts the hold on them in  
00: 24 18 the other county.

00: 24 19 MS. PRESLEY: You're not off of it until  
00: 24 20 the warrant is issued.

00: 24 21 JUDGE FLORES: A judge doesn't have to sign  
00: 24 22 an AFRS?

00: 24 23 MR. KELLY: Yes.

00: 24 24 JUDGE FLORES: Yeah. That's what I  
00: 24 25 thought.

00: 24 1 MR. KELLY: That's the whole deal. It's  
00: 24 2 not legal until the judge signs it.

3 JUDGE FLORES: Becky was saying that she --

4 MS. GARCIA: It's a rare, rare thing. I  
00: 24 5 haven't done it in a long, long time.

00: 24 6 THE COURT: Okay. Any AFRS we do has to go  
00: 24 7 through a judge to get a warrant.

00: 24 8 MR. KELLY: We tell them they have to come  
00: 24 9 up here and turn it in up here. We can't do it at the  
00: 24 10 jail.

00: 24 11 JUDGE FLORES: I'm with you.

00: 24 12 Any other questions on that topic,  
00: 24 13 comments?

14 (No response).

00: 24 15 JUDGE FLORES: Okay. All right. Any other  
00: 24 16 new business?

00: 24 17 MS. GILLESPIE: I had a bondsman call and  
00: 24 18 ask me a question. They wanted to know if they could  
00: 25 19 advertise, like, in Orange County as being a bondsman.

00: 25 20 JUDGE FLORES: To do bonds in Jefferson  
21 County?

00: 25 22 MS. GILLESPIE: I'm assuming. I don't  
00: 25 23 know. They just wanted to know if they can advertise in  
00: 25 24 Orange County because they don't have a license in  
00: 25 25 Orange County. Can they advertise in Orange County?

00: 25 1 Can they put something in the Orange County phone book  
00: 25 2 or whatever? I don't know. Just advertise, billboard,  
00: 25 3 anything without a license number?

00: 25 4 MR. DAY: Yeah. They're wanting -- they're  
00: 25 5 a Jefferson County bondsman wanting to advertise in  
00: 25 6 Orange County, but they're not licensed in Orange  
00: 25 7 County.

00: 25 8 MS. GILLESPIE: Correct.

00: 25 9 JUDGE FLORES: I don't know what the rules  
00: 25 10 are in Orange County.

00: 25 11 MR. DAY: My understanding is as long as  
00: 25 12 they advertise in Orange County, that they're only  
00: 25 13 licensed in Jefferson County, but that would be an issue  
00: 25 14 for the Orange County Bail Bond Board.

00: 25 15 JUDGE DOLLINGER: That's the answer.

00: 25 16 MR. DAY: They would have to have a local  
00: 25 17 rule. I would think as long as that bondman is  
00: 26 18 advertising that he only does bonds in Jefferson County  
00: 26 19 that he should be able to do it.

00: 26 20 JUDGE FLORES: Mr. Roebuck?

00: 26 21 MR. ROEBUCK: You know, obviously that's  
00: 26 22 kind of a unique question. I mean, I'll go look at the  
00: 26 23 statute. But seems to me that if you try to prohibit  
00: 26 24 somebody from advertising in another county, that's --  
00: 26 25 we've got all kinds of problems.

00:26 1 JUDGE FLORES: I don't think we can. I  
00:26 2 think you can advertise whatever.

00:26 3 JUDGE DOLLINGER: I don't think the issue  
00:26 4 was "prohibit" them, Tom. I think the issue was tell  
00:26 5 them it's not our decision to make whether they can  
00:26 6 advertise over there. That's between them and Orange  
00:26 7 County.

00:26 8 MS. CRIBBS: If it's on the internet, it  
00:26 9 would be in every county.

10 MR. DAY: And same with the phone book. I  
00:26 11 mean, if you advertise in the Golden Triangle -- or  
00:26 12 whatever it's called -- it goes to every resident in  
00:26 13 Orange County. So, it's the same thing. Unless Orange  
00:27 14 County has a specific rule that says you can't, I don't  
00:27 15 see how they could restrict --

00:27 16 JUDGE FLORES: I don't think this Bail Bond  
00:27 17 Board can prohibit anybody from doing any type of  
00:27 18 advertising as long as it conforms with state law.

00:27 19 Any other comments, Mr. Roebuck?

00:27 20 MR. ROEBUCK: No.

00:27 21 JUDGE FLORES: Nothing further?

00:27 22 MR. DAY: This has been a few months back.  
00:27 23 I don't remember if Tom was able to look at the  
00:27 24 financial statement form for us, the bondsmen having  
25 a --

00: 27 1 JUDGE FLORES: He's looking at them right  
00: 27 2 now.

00: 27 3 MS. GARCIA: That's something different.

00: 27 4 JUDGE FLORES: That's not the form you gave  
00: 27 5 me?

00: 27 6 MS. PRESLEY: That's not an actual  
00: 27 7 financial statement that they would need to fill out.  
00: 27 8 That's just swearing that everything is true.

00: 27 9 MR. DAY: Yeah, what Kathy has. I'm  
00: 27 10 talking about an actual standard financial statement  
00: 27 11 form that every bondsmen would have to fill out that is  
00: 27 12 the same.

00: 27 13 JUDGE FLORES: We talked about that three  
00: 27 14 or four meetings ago.

00: 27 15 MR. ROEBUCK: I looked at it. I don't  
00: 27 16 remember what I decided.

00: 28 17 MS. GARCIA: I think what Cathy wants to do  
00: 28 18 is put this in the form for the application.

00: 28 19 JUDGE FLORES: Go ahead, Mr. Roebuck.  
00: 28 20 These are on the forms that Ms. Presley just passed out.

00: 28 21 MR. ROEBUCK: The one that says the  
00: 28 22 financial statement is true and correct, I think it's  
00: 28 23 fine; but I think it ought to be attached to the  
00: 28 24 financial statement.

00: 28 25 MS. PRESLEY: It is. That's what I've got

00:28 1 them signing to go with their financial statement.

00:28 2 Because some of them are just handwritten financial

00:28 3 statements.

00:28 4 MR. ROEBUCK: Now, the other two --

5 JUDGE FLORES: Which ones, Mr. Roebuck?

00:28 6 MR. ROEBUCK: The ones that say "I will" do

00:28 7 something.

00:28 8 JUDGE LIVELY: Insurance.

00:28 9 MR. ROEBUCK: That's not going to be

00:28 10 enforceable, I mean, by perjury.

00:29 11 JUDGE FLORES: On keeping insurance?

00:29 12 MR. ROEBUCK: Yeah. I mean, that's, you

00:29 13 know, a perjury is a false statement. This is promising

00:29 14 to do something in the future. You can't do that.

15 JUDGE DOLLINGER: You can probably change

00:29 16 the wording to something like "I understand" my

00:29 17 obligation as to each of those things.

00:29 18 MR. ROEBUCK: I don't think it needs to be

00:29 19 -- it doesn't need to be an affidavit. I mean, that's

00:29 20 one of the requirements, is the application.

00:29 21 MS. PRESLEY: It's from Chapter 1704 that

00:29 22 you have an affidavit stating that you will comply with

00:29 23 all this. So, maybe he can come up with something.

00:29 24 JUDGE FLORES: I think she got this

00:29 25 straight from the statute.

00: 29     1                    MS. PRESLEY:    It is.

00: 29     2                    MS. GARCIA:    It's something we haven't had  
00: 29     3 in our applications.

00: 29     4                    MR. DAY:    But didn't -- didn't we discuss  
00: 29     5 this before? Is there -- do you have to sign an  
00: 29     6 affidavit saying you'll keep insurance on the -- or --  
00: 30     7 remember, we went through that application. I thought  
00: 30     8 we looked at that. There is nowhere in the statute that  
00: 30     9 says that, I thought.

00: 30    10                   JUDGE FLORES:   Ms. Garcia, the bylaws,  
00: 30    11 don't they have that now? The bylaws state they have to  
00: 30    12 keep insurance.

00: 30    13                   MR. DAY:    Yeah, in the bylaws. I thought  
00: 30    14 she was talking about in the state statute, what I  
00: 30    15 thought she was talking about.

00: 30    16                   MS. CRIBBS:    Does the statute say that they  
00: 30    17 swear that they will comply or that they are told that  
00: 30    18 they --

00: 30    19                   MS. PRESLEY:    They hereby swear or affirm.

00: 30    20                   MS. CRIBBS:    That I will comply?

00: 30    21                   MS. PRESLEY:    Uh-huh.

00: 30    22                   MS. CRIBBS:    There's a lot of statutes that  
00: 30    23 are questionable.

00: 30    24                   MS. PRESLEY:    I think we need something in  
00: 30    25 place.

00:30 1 MR. ROEBUCK: Well, if the legislature, or  
00:30 2 whoever passed this thing, thinks this is an enforceable  
00:30 3 affidavit, then, you know, I've got ocean front property  
00:30 4 in Arizona, because it is not.

00:31 5 MS. GARCIA: I think what most of the  
00:31 6 problem was is that it wasn't notarized.

00:31 7 JUDGE FLORES: Mr. Roebuck, as the  
00:31 8 attorney, what do you suggest on this?

00:31 9 MR. ROEBUCK: Let me look at the statute.

00:31 10 JUDGE FLORES: We'll hold this until the  
00:31 11 next meeting for a vote. Mr. Roebuck will then present  
00:31 12 his recommendations to us on these documents. And if he  
00:31 13 has any suggestions or corrections, we'll certainly  
00:31 14 accept them.

00:31 15 Any other new business?

00:31 16 JUDGE DOLLINGER: Move to adjourn.

00:31 17 JUDGE LIVELY: I second that motion.

00:31 18 JUDGE FLORES: All those in favor of  
19 adjournment, say "I."

00:31 20 ALL PRESENT: "I."

00:31 21 JUDGE FLORES: Those opposed?

22 (No response).

23 (Conclusion of meeting).

24

25



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