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11 BAIL BOND BOARD MEETING

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19 On the 17th day of May, 2012, 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
3	Judge Layne Walker
4	Judge Ken Dollinger
4	Judge Craig Lively
5	Tom Roebuck
5	Kevin Cribbs
6	Cathy Presley
6	Becky Garcia
7	Tim Funchess
7	Keith Day
8	Mary Godina
8	Tina Gillespie
9	Rhonda Brode
9	Lieutenant Kelly

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

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

8 (No response).

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

14 MS. GILLESPIE: They sent their report.

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

17 MS. GARCIA: I did pass it out already.

18 || You should have yours.

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

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

22 (No response).

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

00:06 1 revamping the system where they can go in and get the  
00:06 2 subject's address and that type of information. But --

00:06 3 MR. DAY: The reason this all started, I  
00:06 4 think, was probably about ten years, eight or ten years  
00:06 5 ago, and what basically was happening, Judge, was  
00:06 6 someone would say, for instance, call my office about a  
00:06 7 bond. I would call over -- have to call over to the  
00:07 8 jail, get the inmate's information and bond them out,  
00:07 9 charges and everything on the person. Then they would  
00:07 10 call another bondsman. Then that bondsman would call  
00:07 11 the jail on the same person. This was just a cycle  
00:07 12 going through and through.

00:07 13 So, I think -- I'm not sure exactly who  
00:07 14 come up with the idea for allowing us the jail screen.  
00:07 15 We go through MIS, is who we go through to get access to  
00:07 16 that. And I think his name is Tim, is the one we  
00:07 17 usually have to call to get it set up. But when this  
00:07 18 happened, the only -- when I spoke with some of the  
00:07 19 bondsmen, we all agreed that the only thing that we  
00:07 20 needed are the defendant's name, the charge, the bond  
00:07 21 amount, the case number, if there is a case number. And  
00:07 22 the only other information, I think, that we have on our  
00:07 23 bonds are the driver's license number and address.

00:07 24 But probably over and beyond that, the only  
00:08 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.

11 JUDGE FLORES: Ms. Sekaly, you had a  
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 MJS.

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

00:14 1 where this local rule is, and he hasn't gotten back with  
00:14 2 me yet about that rule and how it's written up. But I  
00:14 3 wanted to throw it out there for discussion. We can  
00:14 4 table it until I get that information.

00:14 5 I'm actually glad Stan is here today  
00:14 6 because the reason that I was going to bring this up is  
00:14 7 because of the situation that Stan was in when he did  
00:14 8 his original license. Basically, from my understanding,  
00:14 9 what Dallas County does, they have a local rule that  
00:14 10 states the -- I guess that -- like, I guess in Stan's  
00:14 11 instance when his mother passed, he took over the  
00:14 12 business. And basically what he would have been able to  
00:14 13 do before any of that happened was to get what they call  
00:14 14 in Dallas County as a dormant license. The person is  
00:14 15 not on the list at the jail when they get the license.  
00:14 16 They have to fill out the application, do everything  
00:14 17 that they would normally do when you're filling out a  
00:14 18 new application to become a licensed agent. The only  
00:14 19 difference is that license is not funded. You know how  
00:15 20 we have to now -- I think it's either 60 or 90 days we  
00:15 21 have to fund that account in order to write bonds.  
00:15 22 Well, it's not funded. It's just a dormant license that  
00:15 23 sits there for two years; and then once the two years is  
00:15 24 up, they have to reapply. And basically why that  
00:15 25 license is there, in case something happens like in the

00: 15 1 case of Stan, that license can immediately be made  
00: 15 2 active and he can carry on his -- they can carry on the  
00: 15 3 business.

00: 15 4 JUDGE FLORES: But he had collateral up in  
00: 15 5 the business already. See, that was different than the  
00: 15 6 place you're talking about funding. I know their  
00: 15 7 business already had collateral.

00: 15 8 MR. DAY: But he did it ahead of time  
00: 15 9 because of that situation. Okay. But, for instance, if  
00: 15 10 I'm licensed and I decide that I want to get my wife  
00: 15 11 licensed and we have this dormant, then I -- something  
00: 15 12 happens to me in a freak accident or something, all the  
00: 15 13 sudden, well, if she's not prepared ahead of time, then  
00: 16 14 basically what is going to happen is my business is just  
00: 16 15 going to sit there and my employees and everything.  
00: 16 16 It's going to sit there and nothing will be able to be  
00: 16 17 done until my wife goes out and, you know, qualifies for  
00: 16 18 a license and everything.

00: 16 19 So, basically what this dormant license  
00: 16 20 does for -- that they do in Dallas County -- like I  
00: 16 21 said, I'll get the wording of the law that they wrote  
00: 16 22 into their local rules and everything. It allows that  
00: 16 23 dormant license to sit there in situations like that.

00: 16 24 JUDGE FLORES: We've had situations like  
00: 16 25 that come up. I remember the case when Bob Ogden passed

00:16 1 away. We had a big problem as far as who was going to  
00:16 2 pick up the bonds and who was going to take care of the  
00:16 3 business and that kind of stuff. We've had bondsmen  
00:16 4 that came forward.

00:16 5 MR. DAY: There were some bondsmen that  
00:16 6 came forward. But if I -- Bob Ogden didn't continue his  
00:16 7 business. That business was not continued. My  
00:16 8 business, if something were to happen to me when I leave  
00:16 9 the court house today, it has to continue on for my  
00:16 10 family to survive. And that's basically -- I don't know  
00:17 11 in my time that we've ever had an issue like that. Like  
00:17 12 I said, Stan was in a situation where we didn't have  
00:17 13 this rule. So, he started preparing ahead of time.

00:17 14 Bob's case, he didn't -- the business  
00:17 15 wasn't carried on. So, it didn't matter. I'm talking  
00:17 16 about an incident to where if a family member were sick  
00:17 17 or if they come, you know, -- a freak accident or  
00:17 18 anything, that that person who is going to take over the  
00:17 19 business, like in my case, my wife, or in Marsha's case  
00:17 20 it was Stan, that they could take over immediately  
00:17 21 rather than going through the entire process. Like I  
00:17 22 said, I'll get the rule, how they have it written up.  
00:17 23 He just hadn't replied to my e-mail yet that I can get  
00:17 24 that rule. Their rules are not on line like ours are in  
00:17 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.

00:18 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.

00:18 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.

00: 24 3 JUDGE FLORES: Becky was saying that she --

00: 24 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?

00: 24 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  
00: 25 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 DOLINGER: 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.

00: 27 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  
00: 27 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 --

00: 28 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.

00: 29 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 DOLINGER: Move to adjourn.

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

00: 31 18 JUDGE FLORES: All those in favor of  
00: 31 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

REPORTER' S CERTIFICATE

2 THE STATE OF TEXAS )  
COUNTY OF JEFFERSON )

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7 and foregoing contains a true and correct transcription  
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9 requested in writing by counsel for the parties to be  
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11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
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16 I further certify that the total cost for the  
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