

BAIL BOND BOARD MEETING

July 19, 2012

THOSE PRESENT: Judge Flores
Judge Dollinger
Judge Lively
Sgt. Kelly
Catherine Presley
Steve Wiggins
Becky Garcia
Tim Funchess
Keith Day
Mary Godina
Liz Parks
Tina Gillespie
Rhonda Brode

JUDGE FLORES: Okay. We're on the record in the Jefferson County Bail Bond Board. The first item of business is has everyone reviewed the minutes from the last meeting? Any comments, objections, or further submissions on the minutes?

(None.)

JUDGE FLORES: Okay, hearing none, we'll go to the report from the district attorney's office.

1 Mr. Wiggins, any comments on the report?

2 STEVE WIGGINS: No, Judge.

3 JUDGE FLORES: Okay. Any other comments or
4 discussion or questions on the report from the district
5 attorney's office?

6 (None.)

7 JUDGE FLORES: Okay. The -- I believe that
8 there is at least one application or one -- to be
9 reviewed; that is correct, Ms. Presley?

10 CATHERINE PRESLEY: Yes, sir.

11 JUDGE FLORES: Kind of give us an idea what
12 we're looking at.

13 CATHERINE PRESLEY: We have a renewal
14 application for Joseph Segura doing business as Around
15 The Clock Bail Bonds.

16 JUDGE FLORES: Okay.

17 CATHERINE PRESLEY: Bonding.

18 JUDGE FLORES: Okay.

19 CATHERINE PRESLEY: The only thing I have a
20 question about is that he does have a CPA that prepared
21 his financial statement; but it's not sworn; and then
22 there is an outstanding judgment.

23 JUDGE FLORES: Okay. On the -- on the
24 preparation by the CPA, and it's not sworn, do we have
25 those forms in place already?

1 CATHERINE PRESLEY: No, sir.

2 JUDGE FLORES: Okay. Those were the forms I
3 believe Mr. Roebuck was supposed to get in place. Well,
4 what we can do is we can consider the application,
5 subject to that being -- prepared by Mr. Roebuck. What
6 have we done in the past when we didn't have those
7 forms?

8 CATHERINE PRESLEY: I had made up those
9 forms; and they were signing them, just to kind of cover
10 us.

11 JUDGE FLORES: Let's do this, Ms. Presley;
12 what we can do is we'll try to get with Mr. Roebuck. If
13 he hasn't had a chance, if you have something you've
14 done in the past and you can use that -- anybody have
15 any comments on that? Mrs. Garcia?

16 BECKY GARCIA: No, that's good.

17 JUDGE FLORES: Anything else? Anybody have
18 any questions? I see a few puzzled looks.

19 Yes, sir.

20 JOE SEGURA: I have a question. In all the
21 years I've been doing bail bonding, a CPA has never,
22 which the same lady been preparing my application, in 25
23 years she's never had to swear to anything. She went to
24 credit school and all. To me it doesn't make too much
25 sense.

1 CATHERINE PRESLEY: It's in Chapter 17.

2 JUDGE DOLLINGER: It's in the Occupation
3 Code, not us.

4 JOE SEGURA: Oh, okay.

5 CATHERINE PRESLEY: We didn't know until we
6 started going to school.

7 JUDGE FLORES: It's required by the law.
8 It's in the act itself; and we're trying the get
9 everybody in compliance with it.

10 CATHERINE PRESLEY: Uh-huh.

11 JUDGE FLORES: We understand that we may
12 have to have Ms. Presley just do something if Mr.
13 Roebuck hasn't, or we can't get ahold of him. So, we'll
14 get those to you as soon as we can; but I think we can
15 consider the application subject to that.

16 As to the judgment, I'm familiar with that,
17 personally. It's not in my court. It's in Judge
18 Stevens' court. I have inquired about it. There was a
19 Bill of Review that was filed. There's been testimony.
20 It's still pending with Judge Stevens. It's not a final
21 thing yet; so I think there's -- there's still -- the
22 D. A. and the attorney and Judge Stevens are still
23 trying to get something worked out; okay?

24 CATHERINE PRESLEY: Everything else is in
25 order.

1 JUDGE FLORES: Everything else is okay?

2 CATHERINE PRESLEY: Yes, sir.

3 JUDGE FLORES: Any other questions on this
4 application?

5 TIM FUNCHESS: Is there a requirement for
6 updated appraisal?

7 CATHERINE PRESLEY: What do you mean a
8 requirement?

9 JUDGE DOLLINGER: Through the occupation or
10 our local rules.

11 CATHERINE PRESLEY: He has an appraisal from
12 the tax office; and it's in there.

13 BECKY GARCIA: You can use either or.

14 CATHERINE PRESLEY: Yes, it is. You can do
15 that or certified. You can. It's in 17.04. And he has
16 that; and he has showing that his taxes are paid, and
17 the insurance.

18 TIM FUNCHESS: Okay.

19 BECKY GARCIA: Some bondsmen will pay that
20 extra money to have a certified appraisal go out because
21 in most cases they get more value, more bang for your
22 buck rather than using on J-CAD; but, of course, it's
23 free and faster, just to get it off of J-CAD.

24 JUDGE FLORES: And it's normally less than
25 what the property is appraised for; and if they went to

1 an appraiser, they'd get a higher limit; but like they
2 said, it's easier; it's more convenient; and it is
3 accepted under the act.

4 TIM FUNCHESS: Okay.

5 CATHERINE PRESLEY: He has one piece of
6 property, one collateral.

7 JUDGE DOLLINGER: That is the same picture
8 in the post affidavit?

9 JOE SEGURA: Yes.

10 JUDGE FLORES: Anything else on this
11 application?

12 KEITH DAY: How long have you been licensed
13 in Jefferson County?

14 JOE SEGURA: One more time, 25 years.

15 KEITH DAY: 25? 25. I was kind of curious
16 who has been licensed the longest.

17 (Off the record.)

18 JUDGE FLORES: Okay. Sorry. All that's off
19 the record.

20 KEITH DAY: It was a curiosity question.

21 JUDGE FLORES: Okay, any other comments or
22 whatever on Mr. Segura's application?

23 (None.)

24 JUDGE FLORES: Okay, well, then I will sign
25 it subject to the paperwork done on the -- as far as the

1 affidavit of the sworn statement.

2 CATHERINE PRESLEY: Okay.

3 JUDGE FLORES: Okay. Any other
4 applications?

5 CATHERINE PRESLEY: No, sir.

6 JUDGE FLORES: Okay. Mrs. Godina, any
7 complaints against bondsmen.

8 MARY GODINA: No, sir.

9 JUDGE FLORES: Report from the treasurer's
10 office?

11 TIM FUNCHESS: I laid it out for you-all's
12 review. If there are any questions on it, I'll answer.

13 JUDGE FLORES: Any other comments or
14 questions on the treasurer's report?

15 (None.)

16 JUDGE FLORES: Report from the auditor's
17 office?

18 RHONDA BRODE: Nothing out of the ordinary.

19 JUDGE FLORES: Okay. Mr. Day, on the
20 dormant licenses?

21 KEITH DAY: Judge, we can go ahead and nix
22 the whole thing. I spoke with Scott up in Dallas
23 County, who's head of the records department up there;
24 and he told me that either I was misinformed by the
25 attorneys that -- for PBT or I misunderstood. I said

1 well, I didn't misunderstand because I wrote it all down
2 and I went and spoke to him afterwards; but either way,
3 there's no way to get around it. According to 17.04, he
4 said what they're doing up there is they have that local
5 rule that states that you can't have two bonding
6 companies running out of the same office. So he said
7 what they do is they just -- someone else, like for
8 instance in my case, my wife would get licensed; and
9 then she -- they file a letter with the county stating
10 that they don't want to be put on the bonding list. So
11 they're not writing any bonds. That's basically what it
12 is. That way they can be licensed but they're not
13 writing bonds. That way they don't have to open up an
14 office or anything. So that's the -- that's -- that is
15 the dormant part of it.

16 JUDGE FLORES: Okay.

17 KEITH DAY: But as far as getting around
18 17.04, you just can't do it. So it's just been a big
19 waste of time.

20 JUDGE FLORES: That answers the question.

21 KEITH DAY: That answers the question.

22 JUDGE FLORES: Okay. Any other new
23 business? Ms. Presley, Mrs. Garcia?

24 BECKY GARCIA: Nothing new, but I do want to
25 mention, I did get some information on -- I think last

1 month we were talking about Michael Barborek because he
2 hadn't turned over his information to Mr. Funchess;
3 but -- he does have two felony forfeitures, I believe
4 the Nisi's have been filed. They're \$50,000 apiece. If
5 I'm not mistaken, I think judgments have been rendered;
6 so it might be something to -- we need to look at to
7 forfeit that piece of property, that collateral that we
8 still have, to satisfy those.

9 JUDGE FLORES: Okay.

10 BECKY GARCIA: But the other forfeiture --

11 JUDGE FLORES: Would you get ahold of -- and
12 Mr. Wiggins is here from the district attorney's office.

13 BECKY GARCIA: Yeah.

14 JUDGE FLORES: Just make sure -- I believe
15 it's Philip Babin that still handles those. Mr.
16 Wiggins, if you'll get ahold of Mr. Babin and have him
17 call Mrs. Garcia, because if we got two 50-thousand
18 dollar bonds, we need to look at those.

19 MR. WIGGINS: Sure, absolutely, Judge.

20 TIM FUNCHESS: He has two 50-thousand dollar
21 bonds?

22 JUDGE FLORES: That's got to be old.

23 BECKY GARCIA: They're old.

24 TIM FUNCHESS: He only has collateral on a
25 47,5.

1 BECKY GARCIA: It's on like a 10-to-1 ratio.

2 KEITH DAY: It's on a ratio.

3 JUDGE FLORES: Yeah.

4 BECKY GARCIA: It's in the chapter, so.

5 I've never agreed with it; because at times, many times
6 you don't have enough collateral to cover what you
7 wrote. You know, I could take everything; and they
8 still owed me money. I've never agreed with it, but
9 that's what's in the chapter, and it's based on the time
10 period you've been in business.

11 JUDGE FLORES: Longevity.

12 BECKY GARCIA: 3-to-1 ratio, 5-to-1 ratio,
13 and I think a 10-to-1 ratio.

14 JUDGE DOLLINGER: Did we not hear at the
15 last meeting or maybe it was the one before, the
16 property he has pledged has diminished tremendously in
17 value since.

18 BECKY GARCIA: Well, that was the bondsman
19 whose property is in Galveston.

20 JUDGE DOLLINGER: That's not this gentleman.

21 BECKY GARCIA: No. This piece of property
22 is a good -- I think the collateral is like valued at a
23 hundred thousand, eighty thousand.

24 JUDGE DOLLINGER: My mistake.

25 BECKY GARCIA: Uh-huh.

1 KEITH DAY: So his two bond forfeitures have
2 already gone to hearing?

3 BECKY GARCIA: I believe so. If not,
4 they're set.

5 JUDGE FLORES: They have to be felonies,
6 right?

7 BECKY GARCIA: They are felonies. I'll get
8 with the D. A.'s office.

9 KEITH DAY: You can't do anything until
10 they're final; and then you have 30 days after that.

11 BECKY GARCIA: Right.

12 JUDGE FLORES: Any other new business?
13 Before I entertain a motion from Judge Dollinger, I will
14 say that we had another incident with Lt. Kelly where a
15 bondsman took another voluntary person up there in
16 handcuffs; and again, the sheriff's department said, no.
17 And that is strictly a decision for the sheriff's
18 department. It's not up to the Bail Bond Board. We
19 were aware of it because I believe the person tried to
20 show up here to get a judge to sign the AFRS with the
21 client defendant in the parking lot in handcuffs in his
22 car; and the judge said no. Unlawful restraint. It's a
23 criminal offense. And I think the bondsman was told
24 that; and I think you might want to take that up with
25 your association.

1 KEITH DAY: Well, here's the deal. I'll --
2 I'll discuss it with them, but he is -- I think we found
3 out he was a private investigator, a licensed PI; right?
4 Did we verify that?

5 LT. KELLY: No.

6 CATHERINE PRESLEY: That's what he told me.

7 KEITH DAY: I think he's a private
8 investigator. Obviously without a warrant, he can't do
9 that.

10 JUDGE FLORES: He's not law enforcement;
11 unless he's a police officer exercising a valid warrant.

12 KEITH DAY: Right.

13 JUDGE FLORES: And the thing is, they need
14 to come get the warrant first. I mean just get your
15 AFRS; and then, get the police to go out to the scene
16 and get him.

17 JOE SEGURA: Let me say something.

18 JUDGE FLORES: Yes, sir.

19 JOE SEGURA: There's a difference between a
20 voluntary surrender and an arrest. You don't hand cuff
21 a person with a voluntary.

22 JUDGE DOLLINGER: That's exactly our point.

23 LT. KELLY: That's the whole point.

24 JUDGE DOLLINGER: That's exactly our point.

25 LT. KELLY: You cannot bring me an

1 individual in cuffs and ask the person working for me at
2 the window can I have an AFRS.

3 JOE SEGURA: Well, I mean, a person
4 volunteers --

5 LT. KELLY: A person --

6 JOE SEGURA: He comes to court himself, and
7 say --

8 JUDGE FLORES: The law does provide for
9 voluntary surrenders. The law does provide -- and we've
10 even got a form out of the sheriff's department; okay.

11 JOE SEGURA: Yeah.

12 JUDGE FLORES: But in this case, none of
13 that applies; because what we've got is re -- if
14 somebody is in handcuffs, it's not voluntarily.

15 JOE SEGURA: No, it's not.

16 JUDGE FLORES: Okay. And I think that's
17 strictly a decision up to the sheriff's department. I
18 support them completely on that. That's something that
19 they've got handled; okay. But --

20 LT. KELLY: My deal is if that person is in
21 hand cuffs, he doesn't come to the sally port. He came
22 to the window, that person is walking in handcuffs; and
23 somebody bumps them, and they get injured, that person
24 is liable. It's not going to be on the sheriff's
25 department or Jefferson County.

1 JOE SEGURA: Understand.

2 BECKY GARCIA: And more detailed into this,
3 this person, this bondsman went to another county,
4 located the person, handcuffed her, and brought her back
5 over here.

6 JUDGE FLORES: Yeah.

7 BECKY GARCIA: In the end, there was a
8 very --

9 JUDGE DOLLINGER: I'd like to have her for
10 my civil client. She wouldn't have to worry about a
11 bond. She can buy her own jail.

12 BECKY GARCIA: -- there was a hearing held
13 and the Judge informed this bondsman he couldn't do it.

14 KEITH DAY: Judge, I can tell these bondsmen
15 this; but they to go the classes, like Joe just had his
16 class. They know this stuff; and if he's a private
17 investigator, he's bound to go to some sort of class for
18 that, I guess. You know, and -- they have -- I mean,
19 this is not something they shouldn't know.

20 JUDGE DOLLINGER: Attending and absorbing
21 are not necessary.

22 KEITH DAY: Well, you're right. You're
23 right.

24 BECKY GARCIA: I think this is something we
25 need to look at when he comes up at renewal.

1 JUDGE FLORES: We can't look at it unless
2 somebody complains.

3 MARY GARCIA: There hasn't been a complaint
4 filed.

5 JUDGE FLORES: Okay.

6 JUDGE LIVELY: Could tell him to stop
7 watching Dog, the Bounty Hunter.

8 JUDGE FLORES: I understand. Any other new
9 business? Any old business?

10 (None.)

11 JUDGE FLORES: Judge Dollinger?

12 JUDGE DOLLINGER: I make the motion we
13 adjourn.

14 JUDGE FLORES: Judge Lively?

15 JUDGE LIVELY: I'd love to second that
16 motion.

17 JUDGE FLORES: All in favor.

18 (All respond.)

19 JUDGE FLORES: Thank you.

20 (END OF HEARING)

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