

BAIL BOND BOARD MEETING

February 21, 2013

THOSE PRESENT: Judge Flores
Judge Branick
Judge Lively
Lt. Kelly
Catherine Presley
Tom Rugg
Tim Funchess
Keith Day
Mary Godina
Liz Parks
Tina Gillespie
Rhonda Brode
Tom Roebuck

JUDGE FLORES: All right. We're going to call this meeting of the Jefferson County Bail Bond Board to order. The record will reflect we have a quorum. The first item on the agenda is review of the minutes of the last meeting. Any type of comments or discussion on the minutes?

(None.)

JUDGE FLORES: Hearing none, we'll move to the next item. The report from the district attorney's

1 office, Mr. Rugg?

2 TOM RUGG: Well, I'd love to give you a
3 report but Becky is not here; and frankly, I don't know
4 what happened to it. I'll just dispense with the
5 report.

6 JUDGE FLORES: Okay.

7 TOM RUGG: I know she told me someone was
8 doing it; and it clearly wasn't me; and I don't remember
9 how that was supposed to be covered.

10 JUDGE FLORES: She's not here; we'll move
11 on. Mrs. Godina -- or Mrs. Presley, any applications
12 for approval, applications for bondsmen or agents?

13 CATHERINE PRESLEY: No, sir.

14 JUDGE FLORES: Mrs. Godina, any complaints
15 against bondsmen?

16 MARY GODINA: No, sir.

17 JUDGE FLORES: We do have a copy of the
18 treasurer's report. Mr. Funchess, any comments?

19 TIM FUNCHESS: No, sir.

20 JUDGE FLORES: Any questions or discussion
21 on the treasurer's report?

22 (None.)

23 JUDGE FLORES: All right. Hearing none,
24 we'll move on. We have a report from the auditor's
25 office. Any comments on the auditor's report?

1 RHONDA BRODE: No, sir, nothing unusual. I
2 reviewed the collateral versus the limits on our
3 bondsmen report. I'm able to download it now and
4 separate the bondsmen from the attorneys from the
5 sureties, and really distinguish. Had a couple of
6 questions for Tina. I think next time I'll actually be
7 able to start dispersing the report.

8 JUDGE FLORES: Great.

9 TOM RUGG: Great.

10 THE COURT: Any questions to the
11 representative of the auditor's office?

12 (None.)

13 JUDGE FLORES: All right. Does anybody --

14 TOM RUGG: If all fails unplug it.

15 JUDGE FLORES: Yes. All right. Item number
16 7 on the agenda; procedure if a surety falls below the
17 \$50,000-mark with the treasurer.

18 I'm not sure who put that item --

19 KEITH DAY: I did, Judge.

20 JUDGE FLORES: Go ahead, you have any
21 discussion on it?

22 KEITH DAY: Well, I think what happened the
23 last couple of months kind of showed us, you know,
24 probably a good thing it happened. It showed us we have
25 some holes in our system of procedure here on suspension

1 of license. When somebody falls blow the \$50,000-mark
2 in the treasurer's office, they should be immediately
3 suspended and then set for hearing for revocation at
4 that point; and I don't think that's been done to this
5 point.

6 Now, I've never known -- in 18 years I've
7 been in business, I've never known somebody to fall
8 below the \$50,000-mark in that time. Maybe it's
9 happened, I just didn't know about it; but I've never
10 seen it happened before. So I think a procedure needs
11 to be put in place where the treasurer's office notifies
12 Tina immediately if someone falls below that
13 \$50,000-mark; and Tina would -- or I guess it would be
14 Tina -- would put that bondsman into suspension and
15 immediately set a revocation hearing for the next Bail
16 Bond Board meeting, because I don't think an emergency
17 meeting needs to be set up at that point. I think it
18 could just be heard at the next meeting. I don't think
19 that an emergency meeting is necessary.

20 JUDGE FLORES: Okay.

21 KEITH DAY: And not necessarily that that
22 person may be revoked; but the only reason someone would
23 fall below to \$50,000-mark anyway, would be if a
24 judgment was paid out of that \$50,000, an unpaid
25 judgment -- which you would have plenty of notification

1 from there because you'd be notified by the district
2 clerk's office or county clerk's office; or if you just
3 had a 50 -- you know, say you had an appraisal on a
4 piece of property for \$55,000. The property got
5 re-appraised; and it was only going to be \$45,000. You
6 -- but even at that point, you'd still have two or three
7 months before, you know, to get it cleared up. So the
8 only -- that would be the only reason I could see
9 falling below the \$50,000-mark.

10 JUDGE FLORES: I think that's been addressed
11 by Mr. Funchess. Mr. Funchess?

12 TIM FUNCHESS: When Barbra went under
13 50,000, I immediately notified Becky who put her in
14 default; so the system was there.

15 KEITH DAY: Well, but that's default.

16 TIM FUNCHESS: By the time the meeting came,
17 the next meeting came around to even consider
18 suspension, she'd already made everything right --

19 KEITH DAY: Right. But a suspension --

20 TIM FUNCHESS: -- and brought her collateral
21 back up.

22 KEITH DAY: -- is not up -- I mean it's
23 immediate. It says in the statute it's immediate
24 suspension. So she -- the license should be suspended
25 immediately at that point. As soon as she goes below

1 the 50,000 or soon as anybody -- I mean not Barbra --
2 but anybody that goes below that \$50,000-mark should
3 immediately be suspended. And then if it's brought back
4 up above the \$50,000-mark before a revocation hearing,
5 then she's taken off suspension.

6 However, we still need to continue with the
7 revocation hearing, I believe, because it's up to the
8 board to find out okay, why did this person fall below
9 the \$50,000-mark? Is it -- does -- do they show a
10 history of doing this. And I think that's why it needs
11 to be in place. If it was a one time deal somebody been
12 in business for a number of years, fell below the
13 \$50,000, got it taken care of, that's one thing the
14 board needs to hear. But somebody who's done it
15 numerous times, then I think the board needs to kind of
16 look at that person's license at that point.

17 So, going into default immediately is
18 correct; but they also -- the license should have also
19 gone into suspension at that same time.

20 JUDGE FLORES: When you go default, you
21 can't write any more bonds.

22 KEITH DAY: Right, right, you can't write
23 any more bonds.

24 JUDGE FLORES: That's -- that's -- that
25 pretty much assures the same procedure, basically it

1 stopped them from writing bonds.

2 KEITH DAY: Correct.

3 JUDGE FLORES: Any discussion on this?
4 Mr. Roebuck any comments? Or Mr. Funchess?

5 TOM ROEBUCK: Well, I think for me the term
6 "immediate suspension" kind of scares me. But, I mean
7 if you've got in place, you know, a system where they
8 default, they can't write any more bonds, so to me that
9 seems to solve the problem.

10 JUDGE FLORES: Mr. Rugg, do we need to
11 establish something or --

12 KEITH DAY: Well -- I --

13 JUDGE FLORES: I guess it would just be --

14 TOM RUGG: I think a good point is made that
15 at that point in time when that happens to somebody,
16 that bondsman's license ought to be up for review before
17 board. And it maybe it's no big deal; and I think it's
18 certainly a rare event; but I still think for two
19 reasons, number 1, I think this board needs to be aware
20 of it; and then number 2, I think the board needs some
21 assurances that this isn't going to become or has been a
22 habitual problem where the license may need to be -- I
23 don't know, it may need to be looked at. We may need to
24 change the collateral rules with respect to that
25 license.

1 There are a number of tools that are
2 available to the board; but if it's not posted on the
3 agenda, then the matter is never brought up before the
4 board. So I think the suggestion that when that occurs
5 that license ought to be up for review at the next board
6 meeting is well taken. I think to me that would be an
7 appropriate thing have happened.

8 JUDGE FLORES: Yes, ma'am.

9 RHONDA BRODE: After the last meeting I
10 worked with Judge Walker on this a little bit and Tim;
11 and Judge had wanted like a tag along program in the
12 AS400 that the treasurer's office would maintain; and
13 anytime it went blow \$50,000, it would e-mail all of the
14 members.

15 TOM RUGG: But we can't do anything unless
16 it's posted as an agenda item.

17 RHONDA BRODE: At least that would be an
18 automatic --

19 JUDGE FLORES: The office of the chair
20 should be notified if no one else is, so I can put it on
21 as an agenda item at the next meeting.

22 MARY GODINA: And that never got done.

23 JUDGE FLORES: I think, Mr. Funchess, there
24 is a procedure in place now where not only do you notify
25 Becky --

1 THE REPORTER: I'm sorry.

2 JUDGE FLORES: Mr. Rugg --

3 TOM RUGG: We're having a side bar. It's my
4 fault.

5 JUDGE FLORES: There is a procedure in place
6 now that not only do you notify Becky as far as the
7 default, is there a procedure in place where you notify
8 Mrs. Benoit or Mrs. Godina to where we can place it as
9 an agenda item for the next meeting?

10 TIM FUNCHESS: I notify both of them.

11 JUDGE FLORES: Okay.

12 TOM RUGG: Well, I think what's missing is
13 the step where we put that matter on the agenda for
14 review.

15 JUDGE FLORES: Okay.

16 TOM RUGG: And that's what the suggestion
17 is.

18 JUDGE FLORES: Mr. Rugg, is there a motion
19 as far as procedures?

20 TOM RUGG: Well, I would move that we amend
21 our rules procedure to where if a bondsman's collateral
22 is in a position of being deficient, that that matter,
23 that that license be posted for a review by the board at
24 in next available board meaning.

25 KEITH DAY: Well, And I'm not so sure that

1 that's necessary, because it states --

2 TOM RUGG: Well, I know what the law says;
3 but that doesn't -- that doesn't involved board
4 evaluation or action with respect to the license; and I
5 think that's important.

6 JUDGE BRANICK: Is this a distinction
7 without a difference, because --

8 TOM RUGG: No, it's a law.

9 JUDGE BRANICK: If you're not letting them
10 write bonds anyway, aren't they effectively suspended?

11 TOM RUGG: Until they get their collateral
12 back and then they fly under the radar without the board
13 considering it.

14 JUDGE BRANICK: And I'm in agreement with
15 you that at the next meeting we need to --

16 JUDGE FLORES: I tend to agree where Mr.
17 Rugg. Not only do we need to address it -- we are
18 addressing it immediately because they are stopped from
19 writing bonds; but we do need to address it, I guess,
20 for the board to be satisfied that it's not a
21 reoccurring problem; that it's not something -- if it's
22 a one time deal or whatever. But I think the board
23 needs to be aware of that matter.

24 I think that the proper way to do it is when
25 Mr. Funchess -- and I think he's -- and with the

1 auditor's office, I think -- and Judge Walker kept me
2 posted on what they were doing. I think that we've got
3 a remedy for this situation now; but -- so we may not
4 need any board action. I think that when they inform
5 Becky and them as far as the default, they're also going
6 to notify Tina or Mary; and we're going to place it on
7 the next agenda item at the next meeting.

8 TOM RUGG: And I think that's a good
9 process.

10 JUDGE FLORES: Okay. Mr. Roebuck, are
11 you --

12 TOM ROEBUCK: Yes, sir.

13 JUDGE FLORES: Any more comments? Do you
14 need a couple more minutes?

15 TOM ROEBUCK: No, no, I'm just -- I didn't
16 see anything right now that says we have to set it
17 for --

18 TOM RUGG: We don't have to. We're
19 suggesting it's a good procedure.

20 TOM ROEBUCK: And I'm thinking, that's kind
21 of giving them basic due process after the fact.

22 TOM RUGG: That's my thought. It will.

23 JUDGE FLORES: Mr. Day, any comments on
24 this, other than what's already been suggested by Mr.
25 Funchess' office as far as notifying not only the proper

1 authorities as far as placing them in default, and then
2 also notifying us so we can place on it the next agenda?

3 KEITH DAY: Right.

4 (Discussion among several board members.)

5 THE COURT: Mr. Rugg, if you'll make the
6 comments for the record, please?

7 KEITH DAY: Well, what I would say is --

8 JUDGE FLORES: Mr. Day.

9 KEITH DAY: Yeah, you know, put that --
10 obviously they're put in default immediately and the
11 license, according to the law -- if I'm reading it
12 right -- is immediately suspended as well. If they
13 bring it back above 50, they're taken out of suspension;
14 but like Tom said, I recommend that we go ahead -- and
15 like I said, this hasn't been a problem. And even with
16 Ms. Hartt, it wasn't really a problem because it was the
17 first time it had ever happened. But we don't need to
18 take a risk of it happening later on down the road a
19 number of times; and that's what we're looking for.

20 JUDGE FLORES: I think it's probably -- as
21 far as -- it does give due process to the bondsman and
22 it gives them a chance to explain what the problem was.
23 Obviously, it could be something that's easily resolved
24 or whatever. It could have been, you know, some
25 personal financial problems or whatever. I'm just

1 speculating. I don't know; but I tend to agree that we
2 do need to air it out; you know, just -- and be -- be as
3 forthcoming as we can.

4 Judge Branick, any other comments? I was
5 looking at you.

6 JUDGE BRANICK: No, I agree with you.

7 JUDGE FLORES: Okay.

8 TOM ROEBUCK: The rule -- just make sure
9 that we're clear on this. The rule says there's an
10 immediate suspension, if they go under the --

11 JUDGE FLORES: Okay.

12 TOM ROEBUCK: And immediate reinstatement.

13 TOM RUGG: Correct.

14 TOM ROEBUCK: So we need to be cognisant of
15 that.

16 JUDGE FLORES: An immediate reinstatement
17 after what?

18 TOM ROEBUCK: When they -- when they --

19 KEITH DAY: When they bring it back to the
20 50.

21 JUDGE FLORES: Okay. Even with -- even
22 without board action?

23 TOM ROEBUCK: Right.

24 JUDGE FLORES: All of that is automatic;
25 right?

1 TOM ROEBUCK: That's what it says.

2 TOM RUGG: And that's why I'm suggesting it
3 ought to trigger a review by this board so we can
4 know -- it could not only be a problem with a bondsman,
5 there could be something -- that's not working right in
6 our processes or procedures. I just think that the
7 board needs to be aware of it in a formal meeting where
8 they can review the situation.

9 JUDGE FLORES: Anybody have any other
10 comments on this subject? I think that the problem is
11 addressed. I think we recognize the issues, and I think
12 we'll all be aware of it. And just like Mr. Day said, I
13 don't think this is a normal occurrence. I've been
14 involved in this board since '94; and we haven't had any
15 problems; but -- any other comments, Mr. Roebuck?

16 TOM ROEBUCK: Nothing.

17 JUDGE FLORES: Okay. Any other comments
18 from any other member of the board? All right.

19 The next item on the agenda was a uniform
20 financial statement. I think that was Mr. Day and Mrs.
21 Garcia?

22 KEITH DAY: Yeah, I had brought that up
23 about six months ago; and we had a copy of a Wells Fargo
24 financial statement.

25 JUDGE FLORES: Right.

1 KEITH DAY: We gave it to Tom; he was going
2 to look over it. I think that's something we really
3 need to, you know, come to a decision on, to have a
4 uniform financial statement, especially for these new --
5 any new applications or renewal applications, obviously;
6 that way everybody is working off the same form.

7 JUDGE FLORES: Mr. Day, what do the other
8 counties in our local area do?

9 KEITH DAY: You know, to be perfectly honest
10 with you, I'm not sure. I'm not licensed in any other
11 bail bond board counties. So I'm only licensed in
12 non-bail bond board counties; and they require a
13 financial statement; but I put all my financial
14 statements on a Community Bank financial statement.
15 Now, I think at one time -- Al were you a --

16 JUDGE FLORES: What I'm going to do, the
17 record is going to reflect there are several other
18 bondsmen in the courtroom, present at that meeting. If
19 anybody else has any comments to make, I know Mr. Reed,
20 you've got quite a bit of experience in this matter.
21 What do other counties or localities do as far as
22 financial statements?

23 AL REED: Well, like Keith said, there's
24 non-bail bond board counties that you -- you submit your
25 financial statements. There's no licenses involved.

1 JUDGE FLORES: Okay.

2 AL REED: In the bail bond county that you
3 present your financial statements with all this other.

4 JUDGE FLORES: With the application.

5 AL REED: With the application. I think
6 what he's saying is that we don't want financial
7 statements on the back of a notebook paper like I have
8 seen that's been turned in before. That everything
9 should be uniform, that you list all your assets and all
10 your liabilities. Now I think that's a good suggestion.

11 THE COURT: Mrs. Presley, don't we have that
12 in place?

13 CATHY PRESLEY: No, sir.

14 JUDGE FLORES: What do we have as far as the
15 application and financial statement here?

16 CATHY PRESLEY: They provide their own
17 financial statements. We don't have a form in place.
18 We do need one.

19 JUDGE BRANICK: I think we ought to make
20 it -- I mean, just get a copy of a Community Bank
21 Financial Statement, change -- make a copy of it, change
22 the top of it to Jefferson County Bail Bond Board; and
23 we use that.

24 TOM ROEBUCK: We addressed this a while
25 back.

1 JUDGE FLORES: Mr. Roebuck, your suggestion.

2 TOM ROEBUCK: We addressed this a while
3 back; and I think I got shouldered with the
4 responsibility; looks like I didn't tend to my business.

5 JUDGE FLORES: Well, Judge Branick -- Judge
6 Branick if you could get us a copy of a financial
7 statement from one of the local financial institutions;
8 and then either bring to it my office or get it to Mr.
9 Roebuck; and I think we can go that way and just have
10 one standard form; and then we just make that part of
11 the application.

12 Yes, ma'am?

13 BARBRA HARTT: Harris County has theirs
14 posted online in their application.

15 JUDGE FLORES: Their financial statement?

16 BARBRA HARTT: They have a financial
17 statement on their website.

18 SELENA REED: Brazoria County does as well.

19 COURT REPORTER: I'm sorry. I need names.

20 JUDGE FLORES: Okay.

21 SELENA REED: Selena Reed.

22 BARBRA HARTT: Barbra Hartt. Brazoria
23 County has theirs online, also. They're a bail bond
24 board county.

25 JUDGE FLORES: Do this for me. If you-all

1 will get copies of those and get them to Mr. Day, your
2 representative on this board; and he'll provide it to
3 Mr. Roebuck or Mrs. Presley; and we'll try to come up
4 with one.

5 JUDGE BRANICK: I think the treasurer said
6 he'd get one and provide it to Tina.

7 JUDGE FLORES: Will you do that, Mr.
8 Funchess?

9 TIM FUNCHESS: Yes, sir.

10 JUDGE FLORES: All right. Then that will
11 answer the question.

12 TIM FUNCHESS: Is this a personal financial
13 statement?

14 KEITH DAY: Yes.

15 CATHERINE PRESLEY: Yes.

16 JUDGE FLORES: But as it applies to the
17 company itself; right?

18 KEITH DAY: Well, it would cover that
19 individual's -- you know.

20 JUDGE FLORES: Total assets and
21 expenditures.

22 KEITH DAY: Total assets, yes. That's what
23 the board is interested in.

24 JUDGE FLORES: All right. The record will
25 note Mr. Funchess will provide a copy of a financial

1 statement. Mr. Rugg, what should be the procedure, give
2 it to Mr. Roebuck to look at or Mrs. Presley to look at?

3 TOM RUGG: Well, I don't know that there is
4 any magic form; but I think the board ought to review it
5 and make sure that all the information that the board
6 believes is relevant to making a decision is on the
7 form. So, my suggestion would be that we get forms from
8 several sources, perhaps the bail bond counties that
9 have a form online, as well as a local financial
10 statement that would be readily accessible to people;
11 and look at it at the next board meeting and adopt a
12 form.

13 JUDGE FLORES: Let's do this. Is there a
14 motion at the next Bail Bond Board meeting that we take
15 up the issue of financial statements; and with that
16 provision, Mr. Day will provide us with copies that the
17 other bondsmen provide him from other jurisdictions; and
18 Mr. Funchess will provide us with one from his office,
19 and then sounds like to me we can probably get one from
20 Judge Branick.

21 JUDGE BRANICK: You said Brazoria County;
22 and you said which county.

23 LADY IN AUDIENCE: Harris.

24 JUDGE BRANICK: Harris County.

25 TOM RUGG: I'll make that motion, Judge,

1 that we take that issue up at the next meeting.

2 JUDGE BRANICK: Second.

3 JUDGE FLORES: It's been moved and seconded
4 that we place this as an agenda item on next meeting to
5 address the issue of financial statements, and copies of
6 financial statements; and I'm going to put Mr. Day in
7 charge since he's a representative from the bail bond
8 association. If you'll make sure that the people who
9 said they would provide it, if you'll provide that to
10 the board.

11 KEITH DAY: Okay.

12 JUDGE FLORES: Anything further on this
13 matter?

14 (None.)

15 JUDGE FLORES: All those in favor of
16 Mr. Rugg's motion signify by saying aye.

17 (Response.)

18 JUDGE FLORES: All those opposed.

19 (None.)

20 JUDGE FLORES: The ayes have it. Okay.

21 Action number 9, I think, has already been covered, on
22 having hearings for suspension or revocations for
23 sureties with unpaid judgments. I think we addressed
24 that.

25 KEITH DAY: That -- actually that agenda

1 item was severed from the other item. That had to do
2 with unpaid judgments; but I wanted to take that item
3 off. I want to do a little bit more research.

4 JUDGE FLORES: Okay. And then finally, last
5 item on the agenda is the Election of Surety
6 Representative, I assume is that -- under section
7 17.04.0535 of the Code. And who put at that item on?
8 Was that yours?

9 KEITH DAY: No, I didn't put that item on
10 there; but that item -- that's not an election by the
11 board. That's an election by the bondsmen.

12 JUDGE FLORES: That's what I thought.

13 KEITH DAY: And there's been no meeting to
14 have that.

15 JUDGE FLORES: Okay. Well, I don't think we
16 have any authority over that, Mr. Rugg?

17 TOM RUGG: I agree.

18 JUDGE FLORES: Is that something you and
19 Mrs. Garcia had talked about as far as -- so you-all
20 will have a representative or -- I'm trying to find out
21 how it got on the agenda.

22 KEITH DAY: I don't know how it got on the
23 agenda, I mean; but a bondsman meeting needs to be
24 called in order to --

25 JUDGE FLORES: Oh, okay. Apparently that's

1 an item that Judge Walker had brought up.

2 KEITH DAY: Okay.

3 JUDGE FLORES: But like I said, I think
4 that's not anything that this board has any direct
5 control over. I think that's something that your
6 association, you-all have to elect a representative.
7 That's something we're going to leave up to you-all.

8 TOM RUGG: Until, you-all do, you're it.

9 JUDGE FLORES: All right. Is there any
10 other items to be discussed today, any old business?
11 Any new business?

12 AL REED: I have a couple of things, Judge.

13 JUDGE FLORES: Yes, sir, go ahead, Mr. Al
14 Reed.

15 AL REED: Well, this is -- this is not a
16 complaint. In fact, this is an opposite of a complaint.
17 I think this is something we need to bring up; that we
18 have something -- I don't know if it's the -- the State
19 Statute or if it's just a local statute about this
20 advertising thing; and I read the Statute yesterday
21 under the local law about the advertising in the phone
22 book that you have to have your license number in it.
23 Okay. I think we should do away with that; and I'll
24 tell you the reason why.

25 Harris County is a stickler on the law. One

1 person failed to put their license number in the phone
2 book or the phone company failed to enter that into the
3 phone book. It cost them \$90,000. Their bail bond
4 board made them disconnect the phone, move out of the
5 office they were in to a temporary office in order to
6 comply; and I think that's wrong.

7 JUDGE FLORES: I was going ask you why did
8 they do that?

9 AL REED: Because they're Harris County; and
10 they like to do anything they want to do. And we have
11 the same statute on this -- on -- for this bail bond;
12 and I think it's dangerous. Now, we -- we don't have to
13 enforce the law like Jefferson -- I mean like Harris
14 County. We can give a warning to that person, or -- but
15 I'd like to go on record that when we give that
16 information to the phone book, and the phone book comes
17 out, we don't have any control of that. And I don't
18 want it to happen to me next year or year before, or --
19 it happened to somebody this year; and I don't want to
20 see them jeopardized as they could be.

21 JUDGE FLORES: Okay.

22 AL REED: So I think this is something we
23 can take into consideration.

24 JUDGE FLORES: Mr. Day?

25 KEITH DAY: Well, I agree with him one

1 hundred percent. I don't really remember the reason why
2 we added that. That was done, I believe, when Bob was
3 still here, that we added that license code or whatever,
4 whatever it is; but Al's right. It mean if -- if you
5 don't have any control -- it's never happened to me; but
6 I know it happened to Allied one year.

7 AL REED: It's happening to somebody right
8 now.

9 KEITH DAY: They actually put the wrong
10 phone number for you-all in there one year in the phone
11 book. I don't know if you remember that. It's been
12 about six or seven years ago, they had the wrong phone
13 number. Of course, that doesn't have anything to do
14 with this, that just shows you that a mistake by the
15 phone book can be made; and if it happens, there's
16 really not much you can do about it.

17 JUDGE FLORES: That would be -- that would
18 be, unless I'm reading this wrong, Mr. Rugg, that would
19 be an action from the bail bond board.

20 TOM RUGG: This is a pretty good group. I
21 can't imagine we'd penalize the bail bondsman because
22 the phone company screwed something up.

23 LADY IN AUDIENCE: They send a group.

24 TOM RUGG: They can still make a mistake. I
25 can't image if a phone company made a mistake in what

1 they printed in the book, that this bail bond board
2 would penalize a bondsman.

3 JUDGE FLORES: Okay. Going back --

4 AL REED: I'm just saying.

5 JUDGE FLORES: Okay, going back --

6 TOM RUGG: I'm offended that you'd accuse us
7 of that, Mr. Reed.

8 AL REED: It's happening over in Harris
9 County. I wouldn't see it happening here; but I don't
10 want it to happened to me down the road. Well, man,
11 you're -- you're --

12 JUDGE FLORES: Mr. Reed, one of the things
13 that I think you would be guaranteed is a hearing before
14 anything happened; and if -- then I think that's
15 something that this board would look at. Mr. Roebuck,
16 Mr. Reed, both of you-all as far as memory, Mr. Day, I
17 don't think we've ever had a problem like that here.

18 KEITH DAY: Well, no, we haven't a problem
19 like that here, but we also -- and --

20 AL REED: We have one now.

21 KEITH DAY: Right. Oh, we have one now?

22 JUDGE FLORES: We do? Somebody's license is
23 being taken away.

24 AL REED: No, but it's not in the phone
25 book.

1 JUDGE FLORES: Oh, okay; but that's not
2 anything that this bail bond board has got control over.

3 AL REED: It does because it's your -- it's
4 in your --

5 KEITH DAY: Yeah, it's a local rule, Judge.

6 AL REED: Local rule.

7 KEITH DAY: It's a license number that was
8 given out years and years ago; and that's how they code
9 the bonds in the jail is how the license is set up; and
10 that license was in the local rules, not the bail -- not
11 the Texas, but our local rules, that that license has to
12 be on all advertisement. Like I said, I don't remember
13 why that was done. Bob was here before; and it was so
14 long ago I don't even remember why it was put on there.

15 JUDGE FLORES: Lt. Kelly, do you -- as far
16 as the representative from the sheriff's department, do
17 you have any idea how we address this issue?

18 JUDGE BRANICK: I think you can address the
19 issue simply by just changing the rule to say if he
20 knowingly fails to include the number, license number in
21 the -- in any advertising. That way if the phone
22 company screws up, you're not going to be liable.

23 KEITH DAY: For some reason, Judge, I've got
24 it in my head that there was this out of county bondsman
25 that was advertising in the Beaumont phone book; and --

1 stating that they, you know -- not necessarily saying
2 they did bonds in Jefferson County; but insinuating that
3 they did; and -- maybe that's why we did it. I don't
4 know.

5 TOM RUGG: And they would get calls and farm
6 them out to another local bondsman.

7 KEITH DAY: Yeah, I think maybe that's what
8 it had something to do with.

9 JUDGE FLORES: I'm kind of remembering
10 myself.

11 TOM RUGG: That is kind of ringing a bell.

12 JUDGE FLORES: Well, what do you suggest?

13 KEITH DAY: Well, I mean, I agree with Al in
14 the fact we don't know who's going to be on the board
15 from, you know --

16 TOM RUGG: It's right.

17 KEITH DAY: We're not all -- we're not all
18 going to be here forever; and you know, any -- any rule
19 we have now, who's to say someone wouldn't go Harris
20 County on a bondsman ten years from now, you know. I
21 don't know if there's -- we'd have to weigh the pros and
22 cons of having it done. I don't even know by having the
23 license on there if it -- if it would help in that
24 situation. I mean, you still could advertise in the
25 phone book. Five years from now we're not going have a

1 phone book, probably, anyway. So it's not really going
2 to matter in the big scheme of things, but -- it -- it's
3 supposed to on all advertising, that includes pens,
4 T-shirts, I guess any form of advertising you would do.

5 I don't see the necessity for it,
6 personally; but that's just my opinion. I think it's
7 the -- you just, you open up a can of worms in that
8 situation, because you could -- that could happen to
9 anything, anything you have printed up. You could spend
10 all that money on pens. Of course, anything else like
11 that, if they don't do it properly, you could get it
12 reprinted; but a phone book you can't. Once that's
13 done, that's done, you know.

14 JUDGE FLORES: Judge Branick, any comments?

15 JUDGE BRANICK: Why don't we take it under
16 advisement and put it on the next agenda, give us an
17 opportunity to think about it; and we can get specific
18 provision --

19 THE COURT: Do we need any type of a
20 proposal or proposed rule change so we can take it up?

21 TOM RUGG: Just put it on the agenda as a
22 consideration of a possible rule change concerning the
23 requirement of using a bail bond number on advertising.
24 I think we can post it that way, and then -- then next
25 month everybody think about it and come up with pros and

1 cons. I think the point may be very well taken; but I
2 know there was a reason why we did that; but I've gotten
3 old and I can't remember.

4 JUDGE FLORES: Mr. Roebuck?

5 TOM ROEBUCK: It's not in the statute.

6 JUDGE FLORES: I didn't think so.

7 JUDGE BRANICK: It sure --

8 JUDGE FLORES: They keep saying it's a local
9 rule.

10 KEITH DAY: It is.

11 JUDGE BRANICK: I would tell Mr. Day it's a
12 waste of money to advertise on pens to people who
13 normally can't read, or write.

14 JUDGE FLORES: Okay. Mr. Roebuck, as far as
15 your opinion, you agree with Mr. Rugg to put it on the
16 next agenda?

17 TOM ROEBUCK: Yes, sir.

18 JUDGE FLORES: All right. Mr. Rugg, I'm
19 going to take that in the form of a motion to put it on
20 the agenda. Is there a second to that?

21 JUDGE LIVELY: Second.

22 JUDGE FLORES: It's been moved and seconded.
23 All in favor of putting this as an action item on the
24 next agenda signify by saying aye.

25 (Response.)

1 JUDGE FLORES: All opposed.

2 (None.)

3 JUDGE FLORES: All right. Any other item --

4 AL REED: One other thing.

5 JUDGE FLORES: Yes, sir. Go ahead, Mr.

6 Reed.

7 AL REED: I had two. This is addressing
8 the -- I guess you'd call it workers for the bail bonds
9 board.

10 JUDGE FLORES: Thank you, Judge.

11 JUDGE BRANICK: Thank you.

12 AL REED: -- that when they come to our
13 office to view our files and make sure everything is --
14 is right, proper. Well, this also -- this also falls
15 under the attorneys that write bonds. They need to be
16 included --

17 JUDGE FLORES: This is the problem --

18 AL REED: -- in having their --

19 JUDGE FLORES: This is the problem. I don't
20 mean cut you off.

21 AL REED: Okay.

22 JUDGE FLORES: We have absolutely no
23 jurisdiction over attorneys.

24 AL REED: Yes, you do, if they're writing
25 bail --

1 JUDGE FLORES: Mr. Roebuck?

2 AL REED: -- you have absolutely --

3 TOM ROEBUCK: There is an exemption.

4 TOM RUGG: Attorneys are exempt.

5 AL REED: Not if they are writing bonds.

6 JUDGE FLORES: Yes, they are, sir. I think
7 so. That is something, if you get with Mr. Roebuck or
8 Mr. Rugg they can show you the statute; but I think they
9 are exempt.

10 AL REED: Okay.

11 KEITH DAY: I think they're except from
12 licensing, but I don't know that they're -- from the
13 licensing part of it; but I'm not so sure -- well, we'll
14 go back and read it.

15 JUDGE FLORES: As far as them being able to
16 write bonds, that's a decision from the sheriff's
17 department.

18 AL REED: But they can't advertise as a
19 bondsman. They can't advertise as writing bonds. They
20 have to follow everything that the bondsmen follow under
21 the bail bond board --

22 TOM RUGG: If they are in the bail bonds
23 business, that's correct.

24 AL REED: And I -- you can investigate it;
25 but I believe that they're -- the -- there's same

1 scrutiny under our audit, that they should be under the
2 same scrutiny audit as we are.

3 TINA GILLESPIE: If attorneys make a bond on
4 somebody, it's on their clients. They can't make a bond
5 for somebody and not represent them.

6 AL REED: That's right.

7 TINA GILLESPIE: That would be a bondsman.
8 They are doing it as part -- for their clients. So
9 that's -- particularly why the Bail Bond Board has no
10 jurisdiction.

11 AL REED: I believe we do; but if you-all
12 could research that.

13 THE COURT: Well, we'll have Mr. Roebuck
14 check into it; but also, if you can find a part of the
15 statute that many address that, please --

16 AL REED: I will.

17 JUDGE FLORES: -- please contact Mr. Roebuck.

18 AL REED: I sure will.

19 JUDGE FLORES: Okay? And that would help
20 us.

21 TOM RUGG: Okay.

22 JUDGE FLORES: Anything else? All right.
23 Judge Lively?

24 JUDGE LIVELY: Motion to adjourn.

25 JUDGE FLORES: Second.

1 TOM RUGG: Second.

2 JUDGE FLORES: Moved and seconded for
3 adjournment. All those in favor signify by saying aye.

4 (Response.)

5 JUDGE FLORES: All opposed?

6 (None.)

7 JUDGE FLORES: Okay. Thank you very much.
8 We covered a bunch of stuff.

9 (END OF HEARING)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25