

BAIL BOND BOARD MEETING

THOSE PRESENT: Judge Flores  
Judge Dollinger  
Judge Lively  
Lt. Kelly  
Catherine Presley  
Tom Maness  
Tom Rugg  
Becky Garcia  
Joleen Fregia  
Keith Day  
Liz Parks  
Tina Gillespie  
Rhonda Brode  
Tom Roebuck

JUDGE FLORES: Okay. We're going to call this meeting of the Jefferson County bail bond board to order. First item on the agenda is a review of the minutes from the last meeting. Are there any comments to the minutes?

(None.)

JUDGE FLORES: Okay. Next item on the agenda is the report from the district attorney's

1 office. There's no representative here from D. A.'s  
2 office.

3 BECKY GARCIA: They already left.

4 JUDGE FLORES: They left?

5 BECKY GARCIA: They -- yes, sir. Out in the  
6 hallway. They didn't -- they couldn't wait any longer.

7 JUDGE FLORES: Who was it?

8 BECKY GARCIA: Rugg. Tom and Maness.

9 JUDGE FLORES: No response from the D. A.?

10 BECKY GARCIA: I have the report. I've  
11 already passed it out.

12 JUDGE FLORES: Okay, good. Any comments on  
13 their report?

14 JUDGE DOLLINGER: Once again the county  
15 courts are working much harder than the district courts.

16 JUDGE FLORES: You only say that because  
17 Judge Walker isn't here.

18 Okay, are there any applications of any  
19 of -- consideration of any applications for bondsmen or  
20 agents?

21 CATHY PRESLEY: No. I would like to remove  
22 Kelly Smith at Allied - Stan Stanley. She didn't renew  
23 her license; and he's aware of it.

24 JUDGE FLORES: Well, if she hasn't renewed  
25 her license --

1 CATHY PRESLEY: Take her off?

2 JUDGE FLORES: Yes. Were there any  
3 complaints against bondmen, Mrs. Godina --

4 TINA GILLESPIE: No, sir.

5 JUDGE FLORES: Okay. Good. And the  
6 treasurer's report? Any comments on the treasurer's  
7 report?

8 (None.)

9 JUDGE FLORES: Okay. Report from the  
10 auditor's office.

11 RHONDA BRODE: I passed out the expenses  
12 itself. Everything looks fine. And I had a couple of  
13 housekeeping on the bondsmen report. Professional Bail  
14 Bonds is the first one. I think some how the bond limit  
15 got changed by a hundred thousand in the last month.  
16 It's not matching the calculated amount. So if we can  
17 just take a look at that. Also -- Keith, you didn't  
18 give any more collateral?

19 KEITH DAY: Yeah, I did last week.

20 RHONDA BRODE: What did you do?

21 KEITH DAY: Cashier's check. Cashier's --

22 JOLEEN FREGIA: This reflects through April.  
23 That's why.

24 RHONDA BRODE: That's the reason why, okay.  
25 It was how much, I'm sorry?

1 KEITH DAY: 10,000.

2 JOLEEN FREGIA: Can I send you a copy?

3 RHONDA BRODE: Yes, please. It's not in the  
4 general ledger.

5 JOLEEN FREGIA: It should be.

6 RHONDA BRODE: It's not in the general  
7 ledger.

8 I know we have discussed Michael Barborek.  
9 The questions I had about that, am I correct in saying  
10 he's no longer a bail bondsman?

11 CATHY PRESLEY: Yep.

12 RHONDA BRODE: But we have 50,000 sitting  
13 out there for him; and we have \$47,500 in collateral.

14 BECKY GARCIA: He's got -- as far as I know,  
15 there was felony forfeitures.

16 RHONDA BRODE: So, we're still sitting on  
17 that amount?

18 BECKY GARCIA: Until they pursuit the felony  
19 collection or forfeitures; they can go after that  
20 property and force them to sell it.

21 RHONDA BRODE: That's what I need to make  
22 notes about. Like I said, just housekeeping. S. J.  
23 Laine, I -- the bond limit is not matching the  
24 calculated bond limit in the system; so if we can look  
25 at that one.

1 JUDGE FLORES: Okay.

2 RHONDA BRODE: It's really off.

3 JUDGE FLORES: How much collateral?

4 RHONDA BRODE: Collateral, I show 114,040.

5 So it's off.

6 JUDGE FLORES: Property or cash?

7 RHONDA BRODE: It is 35,000 in cash, and 114  
8 in property.

9 JUDGE FLORES: Okay.

10 RHONDA BRODE: And the bond limit on the  
11 system is over by a hundred and sixty so --

12 JUDGE FLORES: How does that happen?

13 RHONDA BRODE: The bond limit in the system  
14 is set by people in -- I see in this building.

15 JUDGE FLORES: Okay.

16 RHONDA BRODE: I've calculated according to  
17 the collateral; so maybe it doesn't go down when the  
18 collateral went down, that's just -- housekeeping that I  
19 wasn't sure who wanted to work that out with me.

20 JUDGE FLORES: You need get with the  
21 treasurer's office on that because they're the ones that  
22 have the collateral amount.

23 RHONDA BRODE: I matched the collateral.  
24 That's why I needed to get with someone on this side.  
25 Tina, you want to work on that with me?



1 collateral.

2 RHONDA BRODE: Could we get together after  
3 the meeting. The collateral has been wiped out on our  
4 list.

5 BECKY GARCIA: Okay.

6 RHONDA BRODE: I'm glad I asked.

7 JUDGE FLORES: Okay. Anything else?

8 RHONDA BRODE: Thank you. No, that's it.

9 JUDGE FLORES: Okay. All right. Review of  
10 the local rules for posting. I believe that Mrs. Parks  
11 sent out kind of recap of the rules. Any comments or  
12 anybody wish to address that?

13 Mrs. Garcia?

14 BECKY GARCIA: No, sir. I honestly didn't  
15 even get a chance to look at it.

16 JUDGE FLORES: Okay. Anybody want to  
17 make -- any discussion on the local rules or -- did  
18 anybody look, is there anything that we need to correct  
19 or amend?

20 (None.)

21 JUDGE FLORES: Unusually quite. Okay.  
22 Well, if there's no comment on the rules, I -- do I hear  
23 a motion we accept the rules as posted?

24 BECKY GARCIA: Motion to accept the rules as  
25 posted.

1 JUDGE DOLLINGER: Second.

2 JUDGE FLORES: Moved and seconded to accept  
3 the rules as posted. All of those in favor signify by  
4 saying aye.

5 (Response.)

6 JUDGE FLORES: All opposed signify by saying  
7 nay.

8 (None.)

9 JUDGE FLORES: Ayes have it. Okay, Mrs.  
10 Parks, if you'll make sure it's posted the correct way.  
11 Okay. Is there any other new business?

12 Mr. Roebuck?

13 TOM ROEBUCK: We ever address the Attorney  
14 General's opinion that said that lawyers are bound by  
15 certain decisions of the bail bond act?

16 KEITH DAY: No.

17 JUDGE FLORES: Not really. Mr. Reed brought  
18 it up again at the last meeting; but -- the floor is  
19 yours if you wish to say something.

20 TOM ROEBUCK: I got to looking. We've got a  
21 total -- Mel Shelander look likes he's got right at the  
22 maximum. He's got 19000 --

23 JUDGE FLORES: Yes, sir.

24 TOM ROEBUCK: -- 777. If you take him out,  
25 there's a total of 11,000 in lawyer bail bonds out; and



1 I don't know if all of those are still pending or not.  
2 My observation is given the very few numbers of lawyers  
3 that post bail bonds, it becomes I think less and less.  
4 Seems to me it would be an awful lot of effort to have  
5 the rules that seem to apply and then we've got problems  
6 with Attorney/Client privilege with -- if the -- if  
7 those files are subject to review. I don't know any of  
8 the other -- and I've done some checking. I don't know  
9 of any other county that's even pursuing any of this;  
10 and -- so, it seems to me that we've got -- that all  
11 there is is the Attorney General opinion, which is not  
12 law. There's no cases that I've been able to discover;  
13 and at some point in time I think the board needs to  
14 consider this and what's required if we're going to have  
15 lawyers -- kind of hanging out there, subject to the --  
16 those specific provisions of the bail bond rules that  
17 the opinion seems to say -- apply.

18 Keith, have you -- going by this list here?

19 JUDGE FLORES: The one I just got.

20 KEITH DAY: This one here, if I'm not  
21 mistaken, this only reflects extra that the attorney may  
22 have put up.

23 JUDGE FLORES: It's over and above the  
24 20,000 the Jefferson County sheriff --

25 TOM ROEBUCK: So over here -- and that's my

1 next question -- is where it says cash, that's not  
2 just -- that's not just -- is a surety bond that's been  
3 posted?

4 JUDGE FLORES: No, sir, that's -- that's --  
5 he may have posted on top of the 20,000 they get from  
6 the sheriff's department. He probably put up another  
7 \$2,500 in cash, to give him a little bit more, so he  
8 could write that. And on that, if it's ten to one, you  
9 know it's like a 5000; right, Keith?

10 KEITH DAY: Uh-huh.

11 TOM ROEBUCK: In looking --

12 JUDGE FLORES: In looking at this list,  
13 several attorneys you had -- I know that Paul Buchanan,  
14 Deborah Burke has been in San Antonio for ten years,  
15 most -- a lot of these aren't even in this area. But  
16 like I say, I think this is just over and above the 20.  
17 The only one that actively pursues it, as you well  
18 mentioned, was Mel Shelander.

19 TOM ROEBUCK: Well, I'm a little surprised;  
20 and I'm not -- I suppose I might be questioning it, for  
21 example, Mike Jamail shows \$550.

22 JUDGE FLORES: Yes, sir. And the reasons is  
23 that means he has 20,000 worth of bond out on paper plus  
24 other 550; and have any of us seen Mike Jamail down here  
25 in forever? So -- I'm just a little curious if that's

1 accurate?

2 TOM ROEBUCK: Well --

3 JUDGE FLORES: I think he's posted bond for  
4 a couple of people. That's -- that's my -- my  
5 information.

6 TOM ROEBUCK: Well --

7 TINA GILLESPIE: I can tell you how much  
8 Mr. Shelander has out in bonds right now.

9 JUDGE FLORES: Okay. Any other comments on  
10 the collateral balances for bail bonds?

11 KEITH DAY: So, what -- what is your -- I  
12 didn't hear you, Tom. What is your --

13 TOM ROEBUCK: It's not on the agenda. I  
14 don't think we can -- I'm just making observations. I  
15 mean if the board doesn't want to put it on the agenda,  
16 that's fine with me.

17 JUDGE FLORES: What do you suggest? Tell me  
18 what you're thinking.

19 TOM ROEBUCK: I just think given the -- the  
20 total picture here, and since there's -- I think there's  
21 constitutional issues with -- with some of this -- well,  
22 let me backup.

23 The Attorney General's opinion is just one  
24 of these big broad things that says, bail -- lawyers are  
25 subject to this provision of the bail bond statute;

1    which has got like 18 different provisions.  And I kind  
2    of went through some of them; and I've got some serious  
3    concerns from the standpoint of attorney/client  
4    privilege and constitutionality of those; and there's  
5    been nothing specific that says what portions of that  
6    apply.

7                   So, you know, if -- since it's only an  
8    Attorney General opinion, and it doesn't bear any, you  
9    know, any authority whatsoever -- but if we decide to  
10   subject lawyers to this, these provisions, these  
11   particular rules, we'll have to send our folks  
12   throughout to start looking at files.  And you can  
13   imagine what kind of reception you're going to get when  
14   you start doing that.

15                   And then what happens, when they say you're  
16   not looking at my files?  You know, those are  
17   attorney/client privilege.  You're not looking at my  
18   files.  We start going back down here, we start pushing  
19   it.  We've got a motion to deny him the ability the  
20   write bonds, where does it stop?  That's just my two  
21   cents on that.

22                   If you look -- the AG opinion's sitting out  
23   there; and it's not powerful; but if you look at the  
24   rules themselves, the statute on the bail bonds, there's  
25   no mandate in there to review lawyers as a licensee.

1 The rules -- and correct me if I'm wrong -- too lenient  
2 throughout there, as far as the specific provisions of  
3 the act. But whenever -- the -- with respect to  
4 lawyers, the issue is if they've -- commit acts that  
5 would subject a licensee to discipline or loss of  
6 license, then they're subject to review by the bail bond  
7 board.

8 RHONDA BRODE: That's what --

9 TOM ROEBUCK: That's what the statute says.  
10 That's what it says. But then, when you get -- the  
11 Attorney General's opinion, those particular acts, if  
12 violated would subject the attorney to be -- his bonding  
13 privileges to be suspended or revoked. So -- it's just  
14 kind of a -- a mess; and normally, if it hadn't been  
15 brought up, I don't think we'd do anything; but it has  
16 been brought up. And the question is do we want to act  
17 on it or not, you know. But the statute says just like  
18 judge says, it's what it says. And I mean I'm not --  
19 if -- you know, since there's been no complaints that I  
20 know of, then, I -- you know, I -- as far as I'm  
21 concerned, it's not something that ought to be put on  
22 the agenda. But I'm just a silly lawyer that sits here  
23 and listens to things. So --

24 KEITH DAY: Judge, I think the best thing  
25 for to us do in this situation, is -- I -- I'm not going

1     anytime soon because my license isn't up; but I was  
2     going to say I don't know if anybody here is planning on  
3     going to a course -- are you, Becky, by chance anytime  
4     soon?

5                   BECKY GARCIA:   That would have to be from  
6     the board.

7                   KEITH DAY:    Maybe contact a few of the --  
8     yeah, I could contact Roger Moore, the attorney for the  
9     bail bondsmen; but maybe contact a few of these bigger  
10    counties, I guess. I hate to say bigger counties  
11    like Harris County and a few of these other bail bond  
12    counties, find out how they handle this situation.  
13    Speaking for myself, from a professional standpoint, and  
14    De De and Patsy are both here, this is -- hasn't really  
15    been an issue for me. I don't know if it has been for  
16    Al, about losing bonds to attorneys.

17                   Has that been an issue for you-all?  
18    Eighteen years of doing business, it's never been a real  
19    issue; but at the same time, we know how quickly things  
20    can become an issue, especially from a business  
21    standpoint. So, I think it might be best if maybe we  
22    find out how other counties do handle that.

23                   My -- my thing I would say about it, if the  
24    attorney is posting a bond for someone, then they should  
25    have a completely separate file from their normal

1 attorney/client file, if they're posting a bond and  
2 basically acting as a bail bondsman at that point. If  
3 they're posting a bond, that's exactly what they're  
4 doing. They should have a file, same file I have for  
5 every one of my clients that's up for review from Tina  
6 or Mary if they show up at my office, that doesn't have  
7 any sort of -- your normal attorney/client information  
8 in it. You know, it's standard information, contractual  
9 information that we have with our -- with our clients.  
10 That's if -- this ultimately -- we ultimately decide to  
11 do something.

12 I see what Tom is saying. If you start  
13 this, you're going open up a whole can of worms and  
14 attorneys and whatnot because the way I'm sure -- it  
15 would be a -- a disaster if you went to some attorney's  
16 office right now and asked to see -- if Tina asked to  
17 see the file on these people they posted bond for,  
18 because it's never been done before; but at the same  
19 time, like I said, before -- I don't want something to  
20 become an issue -- nor do any of you-all -- become an  
21 issue later on down the road, you know, that we could  
22 take care of now.

23 So I think the best thing to do is maybe let  
24 me make a few phone calls to see how it's handled in  
25 other counties instead of letting it go by the way side;

1 and, you know, they're the same way. But I don't know  
2 if the other attorneys -- how big attorneys writing  
3 bonds -- I know a lot of attorneys advertise they do  
4 bonds in other counties. But, you know -- and I think  
5 if I'm not mistaken, Tom, the State of Texas is still  
6 the only state that allows it, if I'm not mistaken.

7 Am I right? Do you I know.

8 TOM ROEBUCK: I don't have that right on the  
9 tip of my tongue, Keith.

10 KEITH DAY: Yeah, I think the State of Texas  
11 is the only one that allows attorneys to do bonds.

12 TOM ROEBUCK: A couple of things, too. You  
13 know, if you're in a county that doesn't have sufficient  
14 population to require a bail bond board, then -- you  
15 know, there's -- it's whatever rule the sheriff makes.

16 KEITH DAY: Right.

17 TOM ROEBUCK: So that probably happens.  
18 In -- and I don't have the statute in front of me, but  
19 somebody mentioned that lawyers could write bonds in  
20 multiple amounts of the cash they put up. That's not  
21 what the statute says. The statute says you can write  
22 \$20,000 worth of bonds, period, on your signature. And  
23 then if you put up the cash, then you can write other  
24 bonds.

25 For example, you know, you've got --



1     apparently Mel's got \$20,000 cash up for -- for some  
2     other bonds. But that -- the lawyers don't get the same  
3     benefit that the bondsmen do. They don't get to write  
4     whatever the limit is. You get -- you get, it's a bond  
5     limit. Not a deposit limit. So, from the standpoint of  
6     it being an issue, it's got to be di minimis, seems to  
7     me. For example, the most -- the most a lawyer -- the  
8     largest amount of bond he could have up could be the 20  
9     he can write on paper, plus another 20; 40,000. Now, if  
10    anybody thinks I'm fixing to go put \$20,000 of mine up  
11    to write a bond for someone, then -- I mean that's nuts.

12                 KEITH DAY: And it's like I said, up to this  
13    point, 18 years I've been in business, and I've never --  
14    it's never been an issue with us. But I think that --  
15    the reason he brought it up was because -- I wish he was  
16    here. I don't know if there was, you know, one  
17    particular situation he was speaking on; but -- but like  
18    you said, I mean looking at the numbers over the 20,000  
19    that he can write, there's not really anybody that's  
20    putting up the money to write a large amount of bonds.  
21    But I think it would be best just to see how the other  
22    counties -- even if we chose, you know, not to do  
23    anything, if we just chose to handle it the way we're  
24    doing it now.

25                 JUDGE FLORES: Keith, I don't think there's

1 a problem as we speak; but if you want to check with the  
2 other counties, if want to you do that and report back  
3 to the bail bond board --

4 KEITH DAY: Okay.

5 JUDGE FLORES: By the same token, Mr.  
6 Roebuck, as an attorney, I see where you're coming from.  
7 I see the -- personally, I think it's a problem that an  
8 attorney is writing someone's bond, because unlike a  
9 bondsman, let's say an attorney has a problem with a  
10 person, when you have to get off of his bond, you're  
11 acting against the best interest of your client.

12 TOM ROEBUCK: It's definitely a conflict.  
13 Which is not what you're supposed to do. So I --

14 JUDGE FLORES: I think there's a lot of --  
15 but I think those are ethical concerns you and I have  
16 talked about; but as far as the business standpoint, I  
17 don't think that we've had a problem; but if you can  
18 find out how other jurisdictions do it, that would  
19 assist us. And maybe hopefully, why don't you ask Mr.  
20 Reed who brought this up originally if he has a personal  
21 example. It mean I -- he didn't really say when he  
22 addressed us last time.

23 KEITH DAY: No.

24 JUDGE FLORES: So, if there's nothing  
25 further, then, why don't you check into that. And

1 then -- get back -- get back at our next meeting of the  
2 board or let Mr. Roebuck know.

3 KEITH DAY: Usually there's situations --  
4 I'll call and ask him after the situation -- usually  
5 these situations come about after a bondsman or someone  
6 attends one of our conventions or one of our educational  
7 classes, and a bondsman from a different county has --  
8 had a problem. So, I'm sure at some point that's  
9 probably where it came from.

10 JUDGE FLORES: It's the same thing with  
11 attorneys. Every time we attend a seminar, we find out  
12 about ten things we're doing wrong. That's just a fact  
13 of life. If you can get us information, and definitely  
14 speak to Mr. Reed, if he has a particular thing that  
15 needs to be addressed, we'll address it. But just like  
16 you said, I don't think there's been a real problem here  
17 in Jefferson County with that.

18 Anything further, Mr. Roebuck?

19 TOM ROEBUCK: Let me ask one question if I  
20 could. The -- the collateral balance list, whatever  
21 number of lawyers that are here, I mean, those guys have  
22 shown up for years. The bond report doesn't have any of  
23 the lawyers.

24 RHONDA BRODE: I delete the lawyers.

25 JUDGE FLORES: You do?

1                   RHONDA BRODE: I could give a separate  
2 report for the lawyers if you wanted it.

3                   It's just a very long list.

4                   TOM ROEBUCK: Well, so -- if -- well, it  
5 kind of would be nice if we've got guys that have got  
6 some bond forfeiture out there, we might ought to know;  
7 just my suggestion.

8                   RHONDA BRODE: Would you like an entire  
9 list, just the ones that have bonds out there, or for  
10 forfeitures out there -- how would the board like to see  
11 it?

12                  JUDGE FLORES: Because there's 700 attorneys  
13 in the county.

14                  TOM ROEBUCK: Yeah, but there's only  
15 apparently ten that have --

16                  JUDGE FLORES: Have corporate money. But  
17 that doesn't count -- a lot of them have --

18                  TOM ROEBUCK: You know, if we're going to  
19 open this can of worms --

20                  RHONDA BRODE: I had a question that  
21 would -- off of what was said here. You have said some  
22 of these people that you see on this list, the  
23 collateral list aren't in this area anymore?

24                  JUDGE FLORES: Correct.

25                  RHONDA BRODE: Should we contact these

1 people and get their money back to them or at least get  
2 them a -- notify them of what they're -- you know what  
3 their collateral is.

4 TOM ROEBUCK: Paul Buchanan, he's only got  
5 \$92. He's deceased.

6 BECKY GARCIA: That's what's left after I  
7 took everything; but that's not to say he doesn't owe  
8 money on a felony.

9 TOM ROEBUCK: And I don't --.

10 BECKY GARCIA: I wouldn't be surprised if  
11 Lum doesn't even know he had that thousand out there.

12 JOLEEN FREGIA: Who?

13 BECKY GARCIA: Lum, Lum Hawthorne.

14 RHONDA BRODE: Should we notify them and let  
15 them know what they're collateral bail --

16 JUDGE FLORES: You're going to have to know  
17 if there are any outstanding --

18 RHONDA BRODE: And can I see that -- on the  
19 lines that I delete. Like I said it's a long list. The  
20 first time I printed it, it was about ten legal pages.

21 JUDGE FLORES: Of lawyers --

22 RHONDA BRODE: It's a good size list.

23 JUDGE LIVELY: I think I'll sit here.

24 (Judge Lively enters meeting.)

25 JUDGE FLORES: I think you ought to get the

1 list and give to Mr. Roebuck and let him go through the  
2 whole thing.

3 TOM ROEBUCK: I'm going --

4 JUDGE FLORES: You're the only one asking.

5 TOM ROEBUCK: I'm going to get you for that.

6 JUDGE LIVELY: I'll second that.

7 JUDGE DOLLINGER: All this for a lunch.

8 TOM ROEBUCK: Okay. Maybe I need to the  
9 miss some more meetings.

10 JUDGE FLORES: We'll be glad to give you  
11 some more.

12 RHONDA BRODE: I'll break it down a little  
13 bit more.

14 JUDGE FLORES: Yes, ma'am, if you would.

15 TOM ROEBUCK: If you lost it, it would be  
16 okay with me.

17 JUDGE FLORES: Anything further?

18 (None.)

19 JUDGE FLORES: Okay, any other -- any other  
20 new business?

21 (None.)

22 JUDGE FLORES: Any old business?

23 (None.)

24 JUDGE FLORES: Judge Dollinger?

25 JUDGE DOLLINGER: Motion to adjourn.

1 JUDGE LIVELY: Second that motion.

2 JUDGE FLORES: All signify by saying aye.

3 (Response.)

4 (END OF HEARING)

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