

BAIL BOND BOARD MEETING

THOSE PRESENT: Judge Flores
Lt. Kelly
Catherine Presley
Tom Maness
Tom Rugg
Theresa Goodness
Keith Day
Kevin Cribbs
Mary Godina
Liz Parks
Glenda Segura
Rhonda Brode

JUDGE FLORES: All right. Okay. We're going to call this meeting of Jefferson County bail bond board meeting to order.

The first item on the agenda is to review the minutes from the last meeting. Are there any comments, suggestions, or further submissions on the minutes from the last meeting?

TOM RUGG: I thought they were incredibly accurate.

JUDGE FLORES: Hearing none, they'll be

1 approved.

2 At this time we'll have the report from the
3 district attorney's office. Mr. Maness?

4 JUDGE MANESS: I'll turn that over to Judge
5 Rugg.

6 JUDGE RUGG: I'll turn it over to Becky
7 who's not here.

8 JUDGE FLORES: Okay.

9 JUDGE RUGG: We don't seem to have one.

10 THE COURT: At this time we'll consider any
11 renewal of applications for bondsmen, Ms. Presley.

12 CATHERINE PRESLEY: Yes, sir. I have two.
13 I have a renewal application for Nquyet Pham. She is an
14 agent for Stan Stanley, Allied Bail Bonds. Everything
15 is in order.

16 THE COURT: Okay. Any questions or comments
17 on that application from anybody on the board?

18 (NO RESPONSE.)

19 CATHERINE PRESLEY: And she had to get her
20 own criminal history and everything is in place --

21 JUDGE FLORES: Okay.

22 CATHERINE PRESLEY: -- for that, also.

23 JUDGE FLORES: All right. That will be --
24 I'll approve that once it's presented to me to sign.

25 Any other applications?

1 CATHERINE PRESLEY: The next one is for a
2 renewal application. It's for a bail bondsman. It's
3 for Josh Stewart, doing business as Stewart Bail Bonds.
4 The application is in order; but I do not have the
5 criminal history back.

6 JUDGE FLORES: Okay.

7 CATHERINE PRESLEY: He ran something; but it
8 wasn't the complete criminal history; and so -- I think
9 within like two or three days ago he went to get it; but
10 I think it has to come in the mail; and it takes like
11 two or three weeks.

12 JUDGE FLORES: Okay.

13 CATHERINE PRESLEY: But judge I have another
14 question.

15 JUDGE FLORES: Yes, ma'am.

16 CATHERINE PRESLEY: I think it's in Chapter
17 17.04, that the application has to be given to me 31
18 days prior to expiring.

19 JUDGE FLORES: Okay.

20 CATHERINE PRESLEY: I'm having trouble with
21 that. So I'm going to start time stamping when I get
22 the applications.

23 JUDGE FLORES: You're talking in general or
24 with this one?

25 CATHERINE PRESLEY: No, in general.

1 JUDGE FLORES: Okay.

2 CATHERINE PRESLEY: I mean, I'm walking them
3 through and calling them and everything trying to get
4 their applications in in time; and I encourage them to
5 go a month ahead just in case there's something wrong
6 and it gets tabled. So, I'm going to start time
7 stamping them. That way if I don't get them in time,
8 then I'll present it to the board that it's late, and
9 then I guess the board can decide.

10 JUDGE FLORES: Mr. Day, any comments on that
11 for the organization?

12 KEITH DAY: No, sir. I wasn't aware that
13 she was having problems. I knew there were some
14 underlying circumstances on this one; but as far as like
15 in the past, I didn't realize there was a problem, you
16 know.

17 JUDGE FLORES: Do you have any suggestions
18 that we can do?

19 KEITH DAY: No, I mean that sounds like a
20 good idea to me what she's talking about doing. You
21 know, you can't really -- you know -- babysit us too
22 much. It mean it's -- it's our responsibility; and we
23 know the law, so.

24 JUDGE FLORES: It's your business and
25 livelihood.

1 CATHERINE PRESLEY: Right; and I send out
2 letters when they expire, with the application, with the
3 guidelines and everything months, months before they
4 expire; and I don't even have to do that. I do that as
5 a courtesy.

6 JUDGE FLORES: Sure.

7 CATHERINE PRESLEY: To try to help them.
8 So, I just want to I know if I get -- in the future --
9 late, can I time stamp it and then we discuss it as a
10 board whether we accept it or not?

11 JUDGE FLORES: Yes, ma'am. Probably the way
12 to do it; but if it's not on time, it goes to the next
13 meeting.

14 CATHERINE PRESLEY: They'll expire.

15 JUDGE FLORES: They'll expire.

16 JUDGE RUGG: Well, bet that doesn't happen
17 very often before they'll get the message.

18 JUDGE FLORES: That's the problem with this.
19 I mean I think we're bending over backwards. You're
20 sending out more than enough notice.

21 CATHERINE PRESLEY: Uh-huh.

22 JUDGE FLORES: More than you're required to
23 by the statute.

24 CATHERINE PRESLEY: Right. Okay.

25 JUDGE FLORES: Is there a consensus from the

1 board on the suggestion that Ms. Presley made that -- is
2 everybody in approval with that or any comments or
3 discussion on that? Judge Rugg, Judge Maness?

4 JUDGE MANESS: No.

5 TOM RUGG: I'm perfectly fine with her
6 bringing those before the board that are not filed
7 timely; and then the board can consider whether or not
8 it has the authority to even consider the application
9 when it's not been on file for 31 days.

10 THE COURT: Just as Mr. Day says, there may
11 be some certain situations.

12 CATHERINE PRESLEY: And there was. There
13 was -- on this application.

14 THE COURT: And what about on the next one,
15 on Stewart, what do you suggest on that?

16 CATHERINE PRESLEY: On this I don't have the
17 criminal history. Now, I looked in the past. I ran him
18 in the past and his employee; and they were fine. I say
19 we approve it; and then -- with the understanding that
20 he'll get that to me.

21 THE COURT: That's fine. Is the board in
22 consensus with that recommendation to approve these
23 provisionally; and as soon as -- if there's a problem
24 with the criminal history, then we'll address it when it
25 comes?

1 KEITH DAY: Right. And we've run across
2 this problem a few other times, especially when we're
3 trying to get letters from other counties --

4 JUDGE FLORES: Sure.

5 KEITH DAY: -- that we're licensed in;
6 but --

7 JUDGE FLORES: Ms. Presley, there's a lot of
8 times I know she makes verbal calls and gets verbal
9 verification.

10 CATHERINE PRESLEY: I do.

11 KEITH DAY: Yeah.

12 JUDGE FLORES: All right. I think we can
13 conditionally approve the Stewart application; and
14 Ms. Presley, if you'll just keep us posted if there are
15 any problems, just bring it up at the next meeting.

16 CATHERINE PRESLEY: I sure will.

17 JUDGE FLORES: All right. Again are there
18 any further applications? Is that all, Ms. Presley?

19 CATHERINE PRESLEY: Yes, sir, that's it.

20 JUDGE FLORES: Okay. Mrs. Godina, any
21 complaints against bondsmen.

22 MARY GODINA: No, sir.

23 JUDGE FLORES: Okay. I don't see
24 Mr. Funchess.

25 RHONDA BRODE: His report has been

1 delivered. He had a funeral.

2 JUDGE FLORES: Any comments on Mr. Funchess'
3 report?

4 RHONDA BRODE: There were no changes.

5 JUDGE FLORES: And the auditor's report?

6 RHONDA BRODE: I have supplied a packet that
7 includes the last charges for the fiscal year, the last
8 revenue for the fiscal year, bondsmen and attorneys.
9 The highlighted areas are the ones that are of concern,
10 if they're on default, et cetera. And after our
11 conversation last month, I pulled the bail bond fee
12 assessment, that's the very last attachment, that
13 Ms. Presley supplies to me monthly; and just since the
14 last meeting we've been able to collect fees from five
15 different attorneys by just calling them and saying hey,
16 you have an accounts payable check that's been cut. We
17 cannot release it if you owe the county money; and I see
18 here that you do. And they immediately go pay.

19 THE COURT: Good.

20 JUDGE MANESS: Wonderful.

21 RHONDA BRODE: So -- but to go a little bit
22 further, because every single one of these attorneys
23 have said the same thing. Oh, my God, I didn't know.
24 I'm so sorry.

25 So the auditor's office is asking your

1 opinion on this. We wanted to send friendly letter out
2 saying "we have reviewed this file, and we notice that
3 you have something due."

4 JUDGE FLORES: I can tell you a lot of these
5 attorneys are no longer in this area; and some aren't
6 even practicing.

7 RHONDA BRODE: Well --

8 THE COURT: I can tell you Judge Hawthorne
9 is not practicing anymore. Zack Hawthorne. Okay. But
10 that's good. I think that's -- I think using -- and
11 Judge Wortham is certainly not practicing.

12 RHONDA BRODE: Right. But these were debts
13 made when they were practicing.

14 JUDGE FLORES: Okay. Well, I -- I think if
15 you're trying to get ahold of them, the way that you
16 are, I think, is the best way to do it.

17 Anybody have any comments or suggestions for
18 the auditor's office? Yes, ma'am.

19 CATHERINE PRESLEY: I have a question.
20 Richard Colter has \$90 on the bond fee assessment.

21 JUDGE FLORES: Okay.

22 CATHERINE PRESLEY: How do we collect that
23 since he's not in business anymore? Do we just try the
24 letter? Or can we take -- can we take it from the
25 treasurer, from the money he has pledged?

1 JUDGE FLORES: Mr. Rugg, any kind of
2 suggestion on that?

3 JUDGE RUGG: No, I think --

4 JUDGE FLORES: I don't know if we can just
5 take the money.

6 TOM RUGG: I don't know that we can just
7 take it.

8 CATHERINE PRESLEY: Well, in the past --

9 RHONDA BRODE: If it's in the forfeit --

10 CATHERINE PRESLEY: Well, in the past, Bret
11 Wagner, before they released any of his collateral,
12 everything had to be paid. Maybe before we release any
13 collateral that would have to be paid.

14 JUDGE FLORES: Well, I agree with that.

15 JUDGE MANESS: Are -- maybe get a little
16 court order? How much is it, \$90?

17 CATHERINE PRESLEY: \$90.

18 JUDGE MANESS: I'd almost say let it sit.

19 THE COURT: Well, the problem is, court
20 costs would be more than that.

21 JUDGE MANESS: Just let it sit; and -- write
22 the letter. Keep your fingers cross.

23 JUDGE FLORES: Judge Maness, the suggestion
24 about not releasing anything until they paid would
25 probably --

1 JUDGE MANESS: Yeah, that, that --

2 JUDGE FLORES: I think we can do that. That
3 way we don't have to expend any funds from the county to
4 get it; but they can't get their money; and I'm sure it
5 would be in there if they've got collateral up of, you
6 know, several thousand, be glad to pay the 90 to get
7 that back.

8 TOM RUGG: I would think so.

9 JUDGE MANESS: You bet.

10 JUDGE FLORES: Keith, what you think about?

11 KEITH DAY: I mean I don't have a problem
12 with it; but --

13 JUDGE FLORES: Right.

14 CATHERINE PRESLEY: Most of these attorneys
15 don't even know when they write those bonds that there's
16 this out there. They're sent a bill.

17 JUDGE FLORES: Okay.

18 KEITH DAY: Oh, like I get? I didn't know
19 they got treated like me.

20 CATHERINE PRESLEY: They do.

21 KEITH DAY: So, in most counties, the fee is
22 collected as you're posting bond. Like if I go to
23 Hardin County; and I've got to stop and get a money
24 order, pay with the money order and everything. The way
25 that Jefferson County does it is by far much better and

1 easier than any other county I've had to deal with up to
2 this point. And it sounds to me like, as far as the
3 bondsmen go, that everything is usually paid in a
4 timely -- at least the licensed bondsmen anyway.

5 CATHERINE PRESLEY: And if you don't pay,
6 you're in default.

7 KEITH DAY: Then you go into default.

8 CATHERINE PRESLEY: So they can't write
9 bonds.

10 RHONDA BRODE: And they -- we're stopping
11 their checks. So, they're not getting any payments from
12 us.

13 JUDGE FLORES: That's fine.

14 JUDGE MANES: Okay.

15 JUDGE FLORES: All right. That concludes
16 the agenda. Is there any old business?

17 KEITH DAY: Judge, again on the old
18 business, David Fregia couldn't make it today to
19 discuss -- he's in a meeting in Angelina County. We can
20 just table that again --

21 JUDGE FLORES: Okay.

22 KEITH DAY: -- until next month.

23 JUDGE FLORES: Any new business?

24 THERESA GOODNESS: Becky did leave something
25 for me to bring up today. I think we had -- in the

1 application she would like to see some information about
2 the criminal background check being required. Let's
3 spell it out in the application to the bondsmen or the
4 renewal application so they know that that's a
5 requirement.

6 I know it's part of the rules and part of
7 the statute; but if we actually have a paragraph or
8 something in the application, to say, this criminal
9 background check is required; and maybe even have some
10 instructions on the website for how they can obtain
11 that.

12 JUDGE FLORES: I thought that was already in
13 there.

14 CATHERINE PRESLEY: Mr. Roebuck is supposed
15 to put it in there.

16 JUDGE FLORES: Okay.

17 CATHERINE PRESLEY: And update --

18 JUDGE FLORES: I thought we agreed to that
19 earlier.

20 CATHERINE PRESLEY: We discussed that last
21 month.

22 JUDGE FLORES: Okay.

23 THERESA GOODNESS: But we haven't gotten --

24 CATHERINE PRESLEY: No, we haven't received
25 anything yet.

1 JOSH STEWART: Judge, I'm Josh Stewart. The
2 problem I ran into really wasn't a problem. I just
3 created an account on DPS' website. They do full
4 criminal backgrounds. So, I went there and printed out
5 the confirmation page; but it's -- it's -- it's
6 different what you've got to do now. You have to go
7 someplace and mail off the criminal background. More
8 formal like they did in the sheriff's department. So if
9 it is a time issue, I could have printed it right before
10 I was supposed to turn my application in; but now it
11 takes a week or more to get it back in the mail, which
12 essentially, they check the same data base; but they
13 actually fingerprint you the way we do it now.

14 JUDGE FLORES: Okay.

15 JOSH STEWART: So that's the issue I ran
16 into.

17 JUDGE FLORES: Ms. Presley, what do you
18 suggest?

19 CATHERINE PRESLEY: That's what we had
20 talked about, that he'll get it to me as soon as he --

21 JUDGE FLORES: I mean I understand; but --
22 what they're suggesting was to put more information in
23 the application.

24 CATHERINE PRESLEY: Oh, definitely. Put it
25 in our local rules and the application that they have to

1 run they're own criminal history.

2 JUDGE FLORES: We'll try to get ahold of
3 Mr. Roebuck, just to find out what the status of that
4 is.

5 CATHERINE PRESLEY: All right.

6 JUDGE FLORES: Remind me of that.

7 MARY GODINA: I wrote it down.

8 JUDGE FLORES: Okay, good.

9 CATHERINE PRESLEY: And, Judge, I have an
10 agent renewal in February of next year; and I've already
11 called. It's one of Keith's; and let them know what
12 they need to do through DPS to go ahead and start the
13 criminal history.

14 THE COURT: Okay. All right. Any further
15 new business?

16 KEITH DAY: Judge, I have one other thing.

17 JUDGE FLORES: Go ahead.

18 KEITH DAY: I've got a few calls in the past
19 few months from other bondsmen. This issue has been
20 raised before; and I thought there was something in
21 local rules about it; but I don't know if when Tom
22 rewrote the local rules he took it out or what.

23 In the statute it says that you can't -- a
24 bondsman can't advertise or solicit business or anything
25 in a facility where prisoners are housed. Okay. The

1 complaints I've gotten recently from a few people is
2 there is a bondsman that's going to the jail, in the
3 jail parking lot with signs --

4 JUDGE FLORES: On the car.

5 KEITH DAY: -- on the car. Okay. Now --

6 JUDGE FLORES: We've had that mentioned
7 before.

8 KEITH DAY: Right. And according to 17.04,
9 I don't think -- Tom, if I'm not mistaken that's not
10 illegal for her to do that? I mean if she's not
11 going --

12 JUDGE RUGG: I don't think so.

13 KEITH DAY: So --

14 JUDGE FLORES: Not on a public parking lot.

15 KEITH DAY: Yeah.

16 JUDGE FLORES: I think it refers to the
17 facility itself.

18 KEITH DAY: So, I just want to clarify.
19 Because I don't drive to the jail; and I'm driving -- I
20 don't know if you-all see what I drive; but I drive like
21 a giant billboard.

22 JUDGE FLORES: You've got a Hummer with
23 everything on it.

24 KEITH DAY: But I don't drive over there
25 because I've always -- I didn't really know where we

1 stood on that deal; but I know at one time -- Josh,
2 correct me if I'm wrong; but wasn't there something in
3 our local rules that said at one time that you couldn't;
4 but I think when Tom rewrote the rules, he took that
5 out. Now, like I said, I personally don't have an issue
6 with it; but it had been raised by the bondmen. So I
7 just want make sure we clarify it's not in our local
8 rules and what the statute says is she's freely to do
9 that.

10 JUDGE FLORES: Well, I tend to agree with
11 Mr. Rugg. I don't think -- I don't think there's any
12 prohibition about what you do in a public parking lot.
13 I think the prohibition is designed to address people
14 walking in the jail with shirts and pamphlets and all
15 that stuff.

16 KEITH DAY: Right.

17 JUDGE FLORES: I think a public parking lot
18 isn't covered. Is that your opinion, Mr. Rugg, also?

19 JUDGE RUGG: Yes, sir. Right.

20 KEVIN CRIBBS: Is it a public parking lot
21 when you have to pass the guard --

22 JOSH STEWART: They did it because of the
23 guard shack.

24 JUDGE FLORES: Still public, just screens
25 people coming in.

1 KEITH DAY: But the rule was put in before
2 that guard shack was there; because that guard shack
3 hasn't been there but for a few years; and it seems like
4 that rule was there prior to that. Like I said, I don't
5 have an opinion one way or the other. I don't know how
6 the other bondsmen feel about it. It's easy for me to
7 say that, considering what my vehicle looks like. The
8 other bondsmen may have another opinion on it; but I
9 don't know.

10 JUDGE FLORES: Okay.

11 JUDGE RUGG: I don't see it as a problem;
12 and I think it's probably an activity that's protected
13 by commercial free speech under the First Amendment
14 anyway, so.

15 JUDGE FLORES: I agree with Mr. Rugg. If
16 somebody finds something, Keith, maybe another
17 jurisdiction that has the same, or similar problems or
18 rules or whatever, get that to us and we'll be glad to
19 look at it; but I think as for now, unless they can show
20 us some type of prohibition against that, I think it's
21 probably -- I think it's okay.

22 JUDGE RUGG: I agree, Judge.

23 JUDGE FLORES: Any further discussion on
24 that issue? Anybody on the board?

25 Okay. Well, if there's no further business

1 either, old or new, Judge Rugg?

2 JUDGE RUGG: Your Honor, I'd like to move
3 that we adjourn. I hope I can get a second.

4 THERESA GOODNESS: Second.

5 JUDGE FLORES: Okay. It's been moved and
6 seconded. All those in favor signify by saying aye.

7 (RESPONSE.)

8 JUDGE FLORES: Thank you.

9 (END OF HEARING)

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