

BAIL BOND BOARD MEETING***SEPTEMBER 24, 2015***

1
2
3
4
5
6
7
8 THOSE PRESENT: Judge Dollinger
9
10 Judge Woods
11 Judge West
12 Pat Knauth
13 Jill Weisbush/Casi De La Torre
14 Becky Garcia
15 Tim Funchess
16 Keith Day
17 Mary Godina
18 Tina Benoit
19 Rhonda Brode
20 Tom Roebuck
21 Brandi Sewell
22
23
24
25

1 JUDGE DOLLINGER: Call to order the September
2 meeting of the Jefferson County Bail Bond Board.

3 The first item of business will be taken care
4 of here in a couple of days, that is, the posting of the
5 minutes online. So we'll pass that.

6 Second is a report from the district
7 attorney's office regarding collections, and I know I saw it.
8 I'm trying to find it.

9 MS. GARCIA: You need another one? Here is
10 another one.

15 Any questions or comments on the collections
16 by the report brought by Mr. Knauth?

17 Okay. Next item of business on the agenda is
18 the consideration and approval of applications to become
19 bondsmen and agents. And I think we have four today; is that
20 correct?

21 MS. GARCIA: We do.

22 JUDGE DOLLINGER: The first one I have in my
23 stack -- if you-all want to see a copy and don't have one, just
24 shout out. We have one here.

25 The first one is for Shonda Alexander. It is

1 a new application to become an agent for Stan Stanley at Allied
12:41 PM 2 bail bonds. And it is in order; is that right, Ms. Garcia?

3 MS. GARCIA: Yes, sir.

4 JUDGE DOLLINGER: Everything is in order. Do
5 we have any questions or comments about Ms. Alexander's
6 application?

7 We need to vote on them individually, or is it
8 okay to wait and vote on them at the end when we have them all?

9 MS. GARCIA: Yes, sir, individual, because
10 there may be one we don't approve.

11 JUDGE DOLLINGER: Okay. And there being no
12 discussion, I'll call for a vote. All in favor of approving
13 Ms. Alexander's application to become an agent, please signify
14 by saying aye.

15 (Response)

16 JUDGE DOLLINGER: Anybody opposed, please
12:42 PM 17 signify by the same. Hearing none, we'll go on to the next
18 one.

19 Nguyet Pham, to be an agent, this is a
20 renewal, also working for Stan Stanley at Allied Bail Bonds and
21 I believe it, too, is in order and has everything it needed.

22 Is that accurate?

23 MS. GARCIA: Yes, sir.

24 JUDGE DOLLINGER: Anybody have any comments,
25 questions about Ms. Pham's application?

1 Hearing none. We'll call for a vote. All in
2 favor of approving Ms. Pham's application signify by saying
3 aye.

4 (Response)

5 JUDGE DOLLINGER: Anybody opposed?

12:42 PM 6 The ayes have it. She is approved.

7 The next one I have is a renewal for Eric
8 James. He is, in fact, renewing his surety license for EJ's
9 Bail Bonding on Bluebonnet in Port Arthur. And nothing was
10 pointed out to me as a deficiency in it so I'm going to assume
11 that you found it to be in order as well.

12 MS. GARCIA: It is in order; and just like I
13 spoke to you before the meeting began, in his real estate
12:43 PM 14 schedule, he listed originally I think in y'all's copies the
15 appraised value of 114,000. The appraisal -- he got an
16 independent appraisal actually had the property listed at
17 85,000. We did change it on my original and has initialed it.
18 It will bring him down, but he will still be in compliance and
19 not in a default status, and he is aware of this.

20 JUDGE DOLLINGER: Okay. Comments or questions
12:43 PM 21 about Mr. James' application? Hearing none. We'll call for a
22 vote.

23 All those in favor of approving Mr. James'
24 application for a surety license signify by saying aye.

25 (Response)

1 JUDGE DOLLINGER: Opposed? No one.

2 And the last one I have is an application by
3 Shirley Laine, also known as SJ Laine, doing business as Real
4 Fast Bond Company. Normally, Ms. Laine would be here; however,
5 she had prepaid trip to Europe with Judge Gist and crew and so
6 she's not present today. I don't think there is anything that
7 would prohibit us from taking up her application. It is in
8 order.

9 MS. GARCIA: The only thing that is missing
10 from it is her criminal background check, but I suspect it will
11 come back clean. It just -- it didn't come back timely before
12 she left for her trip. But other than that, it is in order.

13 JUDGE DOLLINGER: You don't think she's
14 fleeing the jurisdiction?

15 MS. GARCIA: I don't believe so.

16 MR. DAY: She has a shady history.

17 JUDGE DOLLINGER: She could be fleeing the
18 jurisdiction, you never know. Get a UFAP warrant.

21 (Response)

22 JUDGE DOLLINGER: Opposed? None. It is done.

23 Next item of business is a report from the
24 treasurer's office. Mr. Funchess has passed out the August
25 15th balances. Does anybody have any questions or comments

1 about those? Is there anything you need to bring to our
2 attention, Mr. Funchess, other than what's printed?

3 MR. FUNCHESS: I've added the dba names to the
4 list of bail bondsmen that Theresa had asked for. There is a
5 couple of them that still need --

6 JUDGE DOLLINGER: I think Shirley's that we
7 just approved probably --

8 MR. FUNCHESS: Yeah, Shirley, I need to add
9 Real Fast and Eric James, I notice he goes by EJ's bail
12:45 PM 10 bonding; but we'll make those changes.

11 JUDGE DOLLINGER: Okay. Any questions,
12 comments about the report from the treasurer's office? Hearing
13 none. We'll move on.

14 Next item is a report from the auditor's
15 office. Rhonda has passed those out, and everybody should have
16 a copy of them. Any notes or comments that you need to make in
17 addition to what is printed?

18 MS. BRODE: No, sir. I would just like to
19 point out that we're actually 28 hundred dollars in the good.

20 JUDGE DOLLINGER: Hey.

12:46 PM 21 MS. BRODE: In the black. This is great.
22 It's a good year.

23 JUDGE DOLLINGER: Yes, ma'am. Any questions
24 or comments about the report from the auditor's office?
25 Hearing none. We'll move on.

4 MR. ROEBUCK: I've heard nothing. We've sent
5 her -- what happened was I had some concerns about the
6 propriety of the notice that got send to her so we resent the
7 notice some time back. I don't have it in front of me because
8 it didn't come out of my office. Sent it both to her lawyer,
9 certified and regular, and to her, certified and regular. I
10 think the certifieds were not accepted or came back unclaimed.
11 But the regulars went and --

12 JUDGE DOLLINGER: Didn't come back.

13 MR. ROEBUCK: -- no response whatsoever.

14 JUDGE DOLLINGER: Then I would say, are we not
15 at a position now where we could move to terminate her license?
16 Is that the accurate thing to do?

17 MS. GARCIA: We should, as well as she didn't
18 renew her license so that's another --

19 JUDGE DOLLINGER: If she didn't renew, does it
20 even require our action?

21 MS. GARCIA: I want to say that's grounds for
22 automatic -- automatic suspension, for one thing; but I'll have
23 to review the code to see if it's grounds for --

24 JUDGE DOLLINGER: Revocation.

25 MS. GARCIA: -- revocation.

1 MR. FUNCHESS: She's already suspended when
2 her collateral dropped.

3 MS. GARCIA: But we just need to go that extra
4 step to get her revoked.

5 JUDGE DOLLINGER: That way she can't come back
6 and --

7 MS. GARCIA: Or if she has to list it in other
8 counties if she wanted to open up in that county. She'd have
9 to list that her rights were revoked in our county.

10 JUDGE WEST: Yeah, I think we should move. I
11 mean, we've done all of this work for this long. I don't know
12 why we would just let it slide with her not renewing.

13 JUDGE DOLLINGER: Mr. Roebuck, are you
14 satisfied that due process notice has been taken care of at
15 this point?

16 MR. ROEBUCK: I am satisfied.

17 JUDGE DOLLINGER: All right. Well, let's call
18 for the -- I'll move as the chair that we revoke Ms. Hartt's
19 license to do business as a surety.

20 JUDGE WOODS: I second.

21 JUDGE DOLLINGER: Got a motion and a second.

22 Any comment or discussion? Hearing none. We'll call the

23 question: All of those in favor of revoking Ms. Hartt's
24 license to do business as a surety in Jefferson County say aye.

25 (Response)

1 JUDGE DOLLINGER: All those opposed? Hearing
2 none --

3 MR. FUNCHESS: Now, what happens to her
4 collateral?

5 JUDGE DOLLINGER: I would assume it remains
6 on -- well, she's in default. Am I not correct?

7 MS. GARCIA: It is and it will remain held
8 with us until all of her bonds that are still out are dissolved
9 and rid of. So if she is default, that's still collateral we
10 can collect.

11 MR. DAY: How much does she have left?

12 MR. FUNCHESS: 48,000.

13 MS. BRODE: 49 four.

14 JUDGE DOLLINGER: In outstanding bonds or --

15 MS. GARCIA: Outstanding bonds, I don't know.

16 MR. FUNCHESS: What's the collateral?

17 MS. BRODE: I show 234 and I ran it about two
18 hours ago.

JUDGE DOLLINGER: How much?

20 MS. BRODE: 234,000.

21 JUDGE DOLLINGER: In bonds?

22 MS. BRODE: Uh-huh.

23 MR. DAY: But isn't one of those one out of
24 the court, Judge, a pretty big bond that she has out?

25 JUDGE WEST: I think so. I know she has --

1 there's a couple because -- of fairly big ones, I think in my
2 court, because I was having -- I had concerns when all this
3 first started about what to do with those.

4 MR. DAY: Yeah.

5 JUDGE DOLLINGER: Well, we'll just leave her
12:49 PM 6 money on file until we find out what happens to all the people
7 that are currently out on bond by her signature.

8 MS. BENOIT: She has \$234,500 worth of bonds
9 out right now.

10 JUDGE DOLLINGER: I'd say leave the money on
11 deposit until we figure out how these things end up.

12 MR. DAY: Yeah.

13 JUDGE DOLLINGER: All right. Next is to
14 consider changes in local rules, and somebody is going to have
15 to refresh my feeble memory about what rule it was that we were
12:50 PM 16 talking about amending. It have to do with the attorneys
17 writing bonds? No?

18 MS. GARCIA: No. This actually has to do with
19 the actual application format and the new format of the
20 application to become a surety as well as an agent and an agent
21 that writes under an insurance company. I emailed them out to
22 everyone previously for everyone to review as well as pass out
23 copies at last month's meeting. Mr. Roebuck received them
12:50 PM 24 again this morning to be reviewed. Each question that is asked
25 is what the requirement is per the statute; and above the

1 question, it actually says this is -- this question is being
2 asked because of this statute and it has the reference points
3 in it. So we made it as simple as possible and then we even
4 typed up all the exhibits basically for the persons, the
5 applicants to fill in the information, have it notarized if it
12:51 PM 6 needed to be and returned back to me. So it's very simplified
7 in the process.

8 JUDGE DOLLINGER: I want to thank you for the
9 work that you did in preparing this. I know that was no small
10 task so it's appreciated.

11 MS. GARCIA: Well, Theresa did the majority of
12 it.

13 MR. ROEBUCK: I've kind of gone a step
14 further. I went and pulled the Travis County board rules.
15 They have got some, and I went through them and then -- but I
12:52 PM 16 want everybody to perhaps review before we -- and I suppose we
17 can vote on these amendments but there is some interesting
18 things in the Travis County rules that we don't have. So I've
19 made everybody a copy.

20 JUDGE DOLLINGER: Are the differences
21 highlighted somehow so we'll know what we're looking at?

22 MR. ROEBUCK: Well, they were until my copier
23 got a hold of them, and then they weren't so I don't know what
12:52 PM 24 happened. It's supposed to highlight the highlights, but it
25 didn't do it.

1 There is one thing that kind of dovetails into
2 exactly what we're doing here is they have provisions in their
3 rules for the designation of a runner for bail bonding.

4 JUDGE DOLLINGER: Go over and drop it off?

5 MR. ROEBUCK: And they have to be designateD
6 runners who are permitted to show up at the jail and drop bonds
7 off. And if that designated runner is not shown on the jail's
12:52 PM 8 records, the sheriff's records, they don't get to do it. I
9 thought that was a pretty good idea myself.

10 MR. DAY: Judge, the issue you have with that,
11 though, is that anyone can bring a bond over to Jefferson
12 County. The sheriff -- I mean, we have family members that go
13 to the jail and drop the bonds off. So that would have to be
14 something, you know, to go through the sheriff about because if
12:53 PM 15 someone comes to our office, say, a family member comes to our
16 office, we can give them the bond, the signed bond, and they
17 can go over and get the defendant out so it doesn't have to be
18 a run -- anybody from my office can go get the person out as
19 long as the bond is filled out and I've already signed it.

20 JUDGE DOLLINGER: And do you know, Ms. Garcia,
21 if that's addressed in the statute?

22 MS. GARCIA: It's not.

23 MR. ROEBUCK: No. This is a Travis County
24 thing.

25 MS. GARCIA: And the confusion for, at least

12:53 PM 1 for me, is in the beginning of 1704 under the licensing
2 requirements, it says a person may not act as a bail bond
3 surety or as an agent for a corporate surety in the county
4 unless the person holds a license issued under this chapter.
5 So we have bondsmen that aren't corporate so then the term
6 agent is now what's an agent?

12:54 PM 7 MR. ROEBUCK: Additionally, and I haven't gone
8 through the statute to compare it to this other one but to act
9 as an agent in some of these counties not only are you an agent
10 but there has to be a power of attorney on file.

11 MS. GARCIA: Right.

12 MR. ROEBUCK: And I asked -- Becky, I asked
13 you yesterday how many bail bond companies we have that are
14 sole proprietorships. Technically, under the statute you
12:55 PM 15 can't -- you cannot be an agent of a bail bond company that's
16 not incorporated. And that's why -- that's why, Keith, the
17 runner concept kind of came to my mind.

18 Now, I suppose perhaps the question would be,
19 and the statute does not address it, is whether or not a sole
12:55 PM 20 proprietorship can execute a power of attorney to an individual
21 to be a -- not an agent but to just --

22 MR. DAY: Well, the whole reason for the agent
23 in our county is for one reason and one reason only, that's
24 because like in the instance of Allied's two that they have,
25 Roshanda and Ms. Pham, is that they can go back and pull a

1 defendant and actually talk to the person. That's the only
12:55 PM 2 thing that that license does because, like I said, anybody can
3 go over to the jail and drop off a bond whether it's a family
4 member or a friend or someone from my office but not just
5 anybody can go over there and pull up -- if I've got somebody
6 that I really need to, you know, we need to talk to this person
7 before we post a bond on them, either myself or whatever agents
8 I have licensed, are the only ones that can go pull those --

12:56 PM 9 pull those people up. So that's the only reason we even have
10 the license. Otherwise, I wouldn't get any of my agents
11 licensed because there is -- there is no point in it. There is
12 no up side to me paying the \$500 fee to have an agent licensed
13 when you don't have to have a license to bring a bond to the
14 jail anyway.

15 MR. ROEBUCK Well, and -- how do we address
12:56 PM 16 this, appears to me a potential discriminatory issue where you
17 have -- where there is no provision for that idea if you're a
18 sole proprietorship and you elect not to be incorporated?

19 MR. DAY: There is only -- a majority of
20 bondsmen across the State of Texas are incorporated, they are
21 insurance companies, a big majority. Jefferson County's one of
22 those, and a few other counties in this area, are one of the
12:57 PM 23 rare birds that we have a lot of private surety and I think --
24 I don't know how many licensed agents we have. You don't know
25 off the top your head how many licensed agents we have? I

1 think there is 16 or 17 companies, and I would be willing to
2 bet that probably 13 or 14 of those are all private. So -- but
3 I'm not sure without having it in front of me how that reads on
4 having it, but I think that would be more of a sheriff's
5 decision on whether who can accept bonds because that's the way
12:57 PM 6 it is in other counties.

7 For instance, Orange County, you have to be
8 licensed, I believe, if I'm not mistaken, to go back because
9 you actually have to go into the jail to drop a bond off.

10 MR. ROEBUCK: What is the sheriff doing if you
11 have someone bring a bond and wants to see an accused and he's
12 not an agent, just doesn't -- if the owner of the sole
12:58 PM 13 proprietorship, that agent, if he doesn't show up by himself,
14 it just doesn't happen? Is that right?

15 MR. DAY: No. If I have -- I have licensed
16 agents. Like, I have three girls that work at my office that
17 are all licensed, that I got licensed through. And like, for
18 instance, Roshanda that just got licensed here, if she wants to
19 go down to the jail and pull an inmate to speak with them, she
20 can now because she's been approved as an agent. Whereas --
21 DeeDee, are you approved?

22 (Negative Response)

12:58 PM 23 MR. DAY: DeeDee is not an approved agent so
24 she can't go to the jail and pull up an inmate and their name
25 is listed --

1 MS. GODINA: There's a list.

2 MR. DAY: Each agent is listed next to the --

3 MR. ROEBUCK: But are you incorporated?

4 MR. DAY: Who me? No.

5 MR. ROEBUCK: See, there is not any provision
6 in the statute for that. We're doing it, but there is not a
7 provision for it.

8 MS. GARCIA: Yeah. And right now as the
9 statute reads, an agent must comply exactly as a surety in
10 answering the questions.

12:59 PM 11 MR. DAY: So can I get a refund on the ones
12 I --

13 MR. ROEBUCK: I mean, I don't --

14 MS. GODINA: We just got in the black.

15 MR. ROEBUCK: I don't know of any reason we
16 couldn't -- well, I don't know if we --

17 JUDGE DOLLINGER: I guess the base question
18 comes down to can we have regulations that are above and beyond
19 the statutory requirements? Obviously, what's in the statute
12:59 PM 20 we have to have, there is no -- we don't have any wiggle room.

21 But the question would become are we allowed to have -- in
22 addition to what the statute requires, are we allowed to have
23 local rules and/or policies above and beyond the statute
24 requirements?

25 MR. DAY: Well, I think because all of this

1 actually allows you to do is something that the sheriff has
2 approved obviously. So I don't see why our local rules
01:00 PM 3 couldn't say that we -- an agent is licensed to basically just
4 go back and pull an inmate because, I mean, that's all this
5 license is saying. It doesn't -- I mean, it's not saying
6 anything else.

7 JUDGE DOLLINGER: The only question I would
8 have, Keith, would be if agent is statutorily defined, if there
9 is a definition in the statute for an agent and we're going to
10 have people doing that job that don't meet that definition,
11 maybe we should call them by another name.

12 MR. DAY: So basically we would just be
01:01 PM 13 changing the title of that.

14 JUDGE DOLLINGER: Change what we call them,
15 not what they do but change what we call them so that we're not
16 outside the statute. I don't want to do anything that's
17 violative of the statute but --

18 MS. GARCIA: Which that's being done in other
19 counties.

20 JUDGE DOLLINGER: It is?

21 MR. ROEBUCK: What's being done?

22 MS. GARCIA: Defining job titles and duties
23 and what they can and can't do. As that county did a runner.
01:01 PM 24 There is another county Theresa and I were looking at, they
25 defined what an agent is.

1 JUDGE DOLLINGER: I would think if agent is
2 defined under the code, that's the definition. I'm doubtful
3 that the legislature is going to let us make up our own
4 definition.

5 MS. GARCIA: And, see, everything -- all the
6 questions, again, that's on the agent's license and the
7 surety's license. I mean, the statute to me is very poorly
8 written. To be licensed under the chapter, a person must apply
9 for a license by filing a sworn application to the board. The
10 application must and then it states everything. So they're
11 lumping everything in as one. They're not separating out what
12 is for a surety and what's for a nonsurety.

13 MR. ROEBUCK: They get -- Travis County gets
14 around it by calling them runners.

15 MS. GARCIA: Right.

16 MR. DAY: So the easiest thing to do would be
17 just change the application to application for runner.

18 JUDGE DOLLINGER: You would still want to have
19 one for an agent in those times when it's a corporate -- when
20 it's a corporate entity but I agree.

21 MR. DAY: But at the same time I don't want
22 just any of my employees having access to go over to the jail
23 and pulling up an inmate so that's why we would still need
24 to -- we could even call them a licensed runner because I have
25 to approve that employee to have that authority to go do that.

1 JUDGE DOLLINGER: Okay. We can -- we can look
2 at that. Do we -- do you think we need to hold off then, Tom,
3 on the three applications that Becky has prepared for us or
4 would that be in addition to what we have?

5 MR. ROEBUCK: Well, you know, I suppose the
6 question is is can we -- I mean, the way we're doing it I think
7 is the way it ought to be done. It's just a -- it's just
8 does -- I mean, folks, let me just tell you: This bail bond
9 statute is very poorly written. It's just, you know, it's like
10 they just come up with ideas and say, Oh, that sounds good,
11 let's do it. They don't address the realities of life.

12 I like the way we do it by having -- and
13 I think that's the way to do it -- is have -- have agents be
14 licensed. I'm just not sure that -- I mean, my suggestion is
15 that we just amend our rules and call an agent somebody that's,
16 you know, gets licensed -- expand the definition as someone who
17 is licensed.

18 JUDGE DOLLINGER: Authorized interviewer.

19 MR. ROEBUCK: Yeah.

20 MR. DAY: Yeah, because that's the only thing
21 we can do with this.

22 JUDGE DOLLINGER: Just come up with a title
23 then. We can amend it.

24 MS. GARCIA: We would also have to inform the
25 sheriff's department so they're aware of each person, what

1 their title is and what they're allowed to do at the jail.

2 MR. DAY: Well, they already know. I mean,
3 the --

4 MS. GARCIA: But if we're going to change
5 something --

6 MR. DAY: But they don't even know what we do.

7 MR. ROEBUCK: I'm not suggesting we --

8 MR. DAY: The people at the jail don't even
9 know.

10 MR. ROEBUCK: I think -- I think what we do
11 and my suggestion would be that we investigate and/or just
01:05 PM 12 change the definition of an agent in our local rules; and with
13 the understanding that, you know, perhaps some third-party
14 corporate entity might at some point in time come in and
15 complain and say that you're not following the statute but, you
16 know, I -- what's the worst is going to happen, we have to redo
17 it?

18 MR. DAY: Who does the jail list? Do you do
19 the jail list now?

20 MS. GARCIA: Uh-huh.

01:05 PM 21 MR. DAY: I think it just says agent out next
22 to their name so you just have to change that and the jail
23 would never even know. Truly, they would never know.

24 MR. ROEBUCK: I mean, why -- I mean,
25 realistically, why should there be a distinction between a sole

1 proprietorship and an LLC or a corporation. If you decided to
2 do Keith Day, LLC, whatever, then it's fine to do it that way.

01:06 PM 3 So what's the -- I -- we're kind ever dancing on, I mean, how
4 many camels on the head of this pen sort of a thing, I think.

5 MR. DAY: Well, I don't -- I don't know where,
6 I would have to go back and look. I don't think that I can do
7 business as an LLC.

8 MR. ROEBUCK: I just threw that out. I mean,
9 why should you be treated differently than a corporation?

10 MR. DAY: Yeah. Oh, being treated
11 differently, well --

01:06 PM 12 MR. ROEBUCK: I mean, it penalizes you for
13 electing you not to operate in a corporate capacity --

14 MR. DAY: Uh-huh.

15 MR. ROEBUCK: -- under the statute, I think.

16 MR. DAY: So an agent under an insurance
17 company would still fall under this application?

18 MR. ROEBUCK: Right.

19 MR. DAY: A runner for a private surety would
20 be a different application?

21 JUDGE DOLLINGER: Not necessarily.

01:07 PM 22 MS. GARCIA: They would still have to answer
23 the same --

24 JUDGE DOLLINGER: Same for both names.

25 MR. DAY: It would say -- it would be an

1 application for an agent's license and one would be an
2 application for a runner's license is basically it?

3 JUDGE DOLLINGER: There you go.

4 MR. ROEBUCK: Well, I'm not even saying that.
5 I'm just saying we expand the definition of an agent under
6 our --

7 JUDGE DOLLINGER: An agent is a) whatever it
8 says in the act and then b) would be whatever we determine an
9 agent to be and that's an agent for our purpose. That way they
01:07 PM 10 both meet the same requirements, fill out the same application,
11 provide the same information to us.

12 MS. GARCIA: Right.

13 JUDGE DOLLINGER: Any heartburn with that?

14 MR. DAY: No, not at all. And reduce the fees
15 for those runners, right?

16 JUDGE DOLLINGER: I didn't hear a second to
17 that motion. I guess it failed.

01:08 PM 18 MS. GARCIA: I'm not a voting member anymore.
19 I can't say it.

20 JUDGE DOLLINGER: Okay. Then I would say
21 we'll move to approve the applications that we have now; and if
22 you want to put it on the agenda for next month, we'll take it
23 up to approve a second or an alternate definition for a person
24 acting in the capacity of an agent but for a nonincorporated
25 entity and we can vote on that next month and all we would have

1 to change would be the very front page and just put two blocks.
2 Check this one or check that one. I'm working for a
3 corporation or an incorporated entity or I'm working for a sole
4 proprietorship or a partnership and I think that would cover
5 us. I believe.

8 MR. ROEBUCK: Yeah. There is a provision --
9 and Keith addressed this -- maybe it was a private conversation
10 we had about an extradition you had at one point in time.

11 There is a specific application in Travis County for reduced
12 liability if the -- if certain requirements are met if you've
13 got somebody that's been arrested in another jurisdiction and
14 you've got a bond forfeiture, there is a provision for applying
15 for reduced liability in Travis County if you pay some of the
16 expenses and do some other things, which I thought was probably
17 a pretty good idea. We don't have anything formal that we've
18 ever addressed that I know of unless there is some informal
19 agreement that there is with -- that you have with the courts

20 MR. DAY: No. Tell me again because I don't
21 think that this was you and me that had this conversation. I
22 don't remember this conversation.

23 MR. ROEBUCK: Well, you know, the first thing
24 that goes is your short-term memory.

25 MR. DAY: Maybe so. They have -- they can

1 have the defendant taken off -- I don't think I quite
2 understand what you're saying.

3 MR. ROEBUCK: They can -- instead of getting
4 tagged for 100 percent of the bond --

5 MR. DAY: Uh-huh.

01:10 PM 6 MR. ROEBUCK: -- there is a provision, an
01:10 PM 7 application -- well, here. I made copies. Everybody get one.

8 MS. BRODE: Mr. Roebuck, what page is that?

9 Where are you?

10 MR. ROEBUCK: That's on the very back.
11 Appendix C, I think.

01:11 PM 12 MS. BRODE: Okay.

13 MR. ROEBUCK: So what's worse, Keith, to not
14 remember a conversation or remember a conversation that I never
15 had apparently?

16 MR. DAY: Well, I still don't remember the
17 conversation but that doesn't mean anything.

18 MR. ROEBUCK: Well, that's what I'm saying.
19 Maybe I'm delusional.

20 MS. BRODE: Becky, is this covered in the
21 statute? This?

22 MS. GARCIA: What page is it?

23 MS. BRODE: It's the very last page.

24 JUDGE WEST: It's Appendix D.

01:11 PM 25 MS. GARCIA: There is a section on this, and

1 actually Judge Woods and I talked about this at one time. Of
2 course, we only extradite on felonies so this has never
3 something I've been able to do on misdemeanors. But the cost
4 of, you know, if a surety goes and gets the person and brings
5 them back, they can actually petition to the court to have that
01:12 PM 6 reduced from their forfeiture on the face value.

7 MS. BRODE: That's in the statute?

8 MS. GARCIA: Whereas on the flip side of it,
9 if we have to go get that person, the cost of if it's airline
10 tickets, the deputies, the meals, the whatever, if that
11 information is relayed from the sheriff's office to the court
12 and put in the court's file, if there is a forfeiture on it,
13 that cost can be added in addition to the court cost part of
14 the bond and you can add in extradition costs.

15 MR. DAY: But, I mean, a surety can't go pick
01:13 PM 16 somebody up anyway.

17 MS. GARCIA: Well --

18 MR. DAY: I don't even know why that would be
19 in there because I can't go to a jail and say, Hey, give me so
20 and so. I'm bringing him back with me.

21 MS. GARCIA: If you -- if he agreed to come
22 back and you said, Here, here is money for a bus ticket and
23 come -- I mean, just --

24 MR. DAY: Oh, you're talking about if they're
25 not in custody?

1 MS. GARCIA: Yeah. Either way.

2 MR. DAY: Well --

3 MS. GARCIA: If there is cost involved.

4 MR. DAY: You wouldn't be paying extradition
5 costs if they're not in custody. This is only if they're in
6 custody.

7 MS. GARCIA: Yeah, you're right, if they're in
8 custody.

01:13 PM 9 MR. DAY: So -- and the jail is not going to
10 release an inmate to me.

11 MR. ROEBUCK: No.

12 MR. DAY: At least I hope not.

13 MR. ROEBUCK: This formalizes the -- it
14 reduces the cost of the county bringing him back on the front
15 end where it appears to me that, you know, if you -- if
16 you -- a lot of times, you know, you may find out where he is
17 before the Court does and just --

01:13 PM 18 JUDGE DOLLINGER: Lift the warrant.

19 MR. ROEBUCK: This formalizes the ability, I
20 think, to reduce the cost on the front end.

21 JUDGE DOLLINGER: If the warrant is entered in
22 the system, would it not be probable that the sheriff would be
23 the first person to know that they were taken into custody?

24 MS. GARCIA: Not necessarily.

25 MR. ROEBUCK: Huh-uh.

1 JUDGE DOLLINGER: No?

2 MS. GARCIA: Happens all the time when people
01:14 PM 3 go in and bondsmen find out before the courts, before the
4 agency.

5 MR. ROEBUCK: It's not been unheard of where
6 the arresting jurisdiction doesn't have a notice of a warrant
7 anyway.

8 MS. GARCIA: Uh-huh.

9 MR. DAY: It's more common with misdemeanors
10 than felonies. Usually felonies, you know, you hope that they
11 catch but misdemeanors, I've seen on a few occasions that
01:14 PM 12 they've dropped the ball and not -- but on this, I mean, I -- I
13 wished Tina or Philip were here. Usually they just send a bill
14 saying this is what it cost us to get them back and, you know,
15 I don't really -- I mean, I've never -- I've never argued one.

01:15 PM 16 I haven't had very many but I have never argued one because I
17 don't know, you know -- obviously, I don't know the breakdown
18 of what they, you know, who they send, how much they pay and
19 all of that. I'm usually just happy to have the person back in
20 custody at that point so ...

21 JUDGE DOLLINGER: It seems like what Travis
22 County is doing is they're sort of doing up-front what we do
23 afterward.

24 MR. ROEBUCK: Right, right.

25 JUDGE DOLLINGER: Am I somewhat on track?

1 MR. ROEBUCK: It's just formalized the
2 process.

3 JUDGE DOLLINGER: Well, I don't know. I don't
4 think we --

5 MR. ROEBUCK: Well, I just discovered it and
6 then I obviously dreamed up this conversation I had with Keith
7 about it.

8 MR. DAY: Yeah. I don't remember the
9 conversation; but, like I said, we may have and I -- you know,
10 I just don't remember it.

11 MS. GARCIA: Well, there is a comment -- and
12 this is Chapter 17, Bail, Texas Code of Criminal Procedure --
13 where it says, "The bond shall also be conditioned that the
14 principal and the sureties, if any, will pay all necessary and
15 reasonable expenses incurred by any and all sheriffs or other
16 peace officers in rearresting of the principal in the event he
17 fails to appear before the court or magistrate named in the
18 bond at the time stated therein. The amount of such expenses
19 shall be in addition to the principal amount specified in the
20 bond."

01:16 PM 21 So, I mean, it provides for it.

1 to the defendant and his sureties, if any, for expenses
2 incurred by him, and not to the State for any fees earned by
3 him in connection with the rearresting of an accused who has
01:17 PM 4 violated the condition of his bond."

5 MR. ROEBUCK: Any wishes?

6 JUDGE WEST: I really don't. I haven't had
7 that issue where I've had too many to where it would be a -- I
01:17 PM 8 mean, nothing has been brought to my attention that was weird
9 about anything or if anybody was asking for anything special.

10 JUDGE DOLLINGER: Well, I would say let's go
11 ahead and move on the three applications that were provided to
12 us in amended form and we'll vote. If there is no further
01:18 PM 13 discussion about the ones that Becky presented here today,
14 we'll vote on those.

15 All those in favor of us adopting the three
16 applications as amended signifying by saying "aye."

17 (Response)

18 JUDGE DOLLINGER: All those opposed? Hearing
19 none, they are adopted.

20 And if you'll be sure and pass on to Theresa
21 our appreciation for the work she put in there, too, because I
22 know that was a lot.

01:18 PM 23 MS. GARCIA: I sure will.

24 JUDGE DOLLINGER: And everybody feel free to
25 take with you what Mr. Roebuck has provided us and go through

1 that at your leisure and when we come back next month, we can
2 take up modifications.

3 MR. ROEBUCK: And if anybody wants to e-mail
4 me comments or suggestions, I'm all ears.

5 MR. DAY: Tom, I'm wondering, too, reading
6 over some of this -- and I may be wrong because I'm not sure
7 what Travis County's policies are -- but there are a number of
01:19 PM 8 counties in Texas that have settlement practices on forfeitures
9 whereas they might have a schedule that says -- let's say I
10 have a \$10,000 bond that forfeits, they may settle with me
11 before the person is ever back in custody that I paid \$2500
12 plus court costs and I kind of wash my hands of it at that
13 point, a bondsman can. And -- but there is no -- you can't go
14 back and try to recoup any of that money if a person gets
01:19 PM 15 arrested. So in 30 days if they -- the DA's office offers me a
16 settlement for \$2500 on a \$10,000 bond forfeiture and I pay it
17 and the person gets arrested the next day, I can't recoup any
18 of that money. You know, it's basically a settlement at that
19 point.

20 MR. ROEBUCK: Well, theoretically you
21 couldn't. If there was a judgment nisi issued, theoretically,
22 you couldn't anyway.

23 MR. DAY: Right. And that's the whole point
24 of the settlement practice. But I'm wondering if -- but I'm
01:20 PM 25 not sure if Travis County -- I was thinking Travis County

1 doesn't have a settlement policy, but I know there are a number
2 of counties that do.

3 MR. ROEBUCK: I didn't see it.

4 MR. DAY: So I'm wondering if that has
5 something to do with this.

6 MR. ROEBUCK: Pat, that is y'all's
7 jurisdiction anyway.

8 MR. KNAUTH: Right, right.

9 MR. ROEBUCK: So you could decide what you
10 wanted to do.

11 MR. KNAUTH: Right, we get to decide. I mean,
12 Flip, I'm sure that the reasonable expenses are incurred and
01:20 PM 13 that is exactly detailed and that there is no question about
14 that. And it's also controlled by what the courts will do.
15 So, I mean, we enter into it. I'm sure Flip enters into
16 settlements with the different bonds company when they forfeit.
17 And I know before -- you know, I was hoping we weren't going to
18 make an agreement today. I was going to ask to table it. But
19 if we're going to make that kind of a decision, I want to
20 involve Flip and Tina and --

21 MR. ROEBUCK: I suppose my question is that, I
01:21 PM 22 mean, do we even have jurisdiction over that?

23 MR. DAY: Well, there is no current settlement
24 policy that I'm aware of in Jefferson County.

25 MR. KNAUTH: Right.

1 MR. DAY: As far as what I just explained, we
2 don't, you know, we don't have that.

3 MR. KNAUTH: I wouldn't want y'all to tell us
4 what to do or, you know, any of y'all. I mean, it's like it
5 would be our -- our decision as to and with that in mind, we're
6 representing Jefferson County and the commissioner's court and
7 we have to sort of come up -- we actually had some sort of
8 conversation with you at one time about some sort of a
9 settlement about one guy about property and all that. And,
10 again, I was going -- our conversation was, well, who really is
11 our client? Who do we need to get authority to? I mean, we
12 had to go talk to -- I think we went and talked to Branick and
13 another commissioner to get some sort of guidance as to that
14 concern. So that, to me, is the one that's really driving
15 about the ultimate decision would be, you know, as to how much
16 money or what percentage or anything that's -- so I'm a little
17 cautious about policy, you know. That doesn't seem
18 unreasonable what was set out here; but, again, I wouldn't feel
19 comfortable with it right at this point to say that's what
20 we're going to do on every case. There may be some extenuating
21 circumstances on some guys. Some guys may be very violent, may
22 be a risk and if they got out and we shouldn't have given them
23 a bond or, you know, a better procedure should have been done,
24 there are more costs or who knows. I don't know.

25 MR. DAY: Yeah, that's kind of the argument

1 against the settlement policy is that right there. I mean,
2 it's the responsibility of the bondsmen at that point to, you
3 know, to locate the fugitive at that point and try to get them
01:22 PM 4 back in custody. And if you have a settlement policy, you
5 know, at that point, what's the -- what's the use? You know,
6 but then there are other -- other sides of it that say someone
7 that's maybe less violent, a less violent offender, maybe a
8 theft charge or something --

9 MR. KNAUTH: Yeah.

10 MR. DAY: -- maybe, you know, this person has
11 absconded to Mexico. For instance, like a perfect example is I
01:23 PM 12 had guy about five, six years ago on a \$50,000 bond. Gone.
13 You know, I had to pay the whole \$50,000. It's a possession
14 charge. Now, I would have loved at that point to have a
15 settlement, you know, that I could have done not to pay the
16 whole \$50,000. But -- but then again, if you've got someone
17 that's out on a kidnapping charge or murder charge or something
18 like that, then obviously that's not something you want to
19 settle on. You want everybody's eyes looking for this guy. So
01:23 PM 20 it goes -- it kind of goes both ways, I guess.

21 So to your point, yeah, you wouldn't want a
22 policy in place. However, it would be to the benefit to at
23 least to be able to go to the DA's office to have that
24 discussion to bring to a judge.

25 MR. KNAUTH: I'm reluctant at this point.

1 That's -- but then again, whenever I get into any sort of
2 decision which is -- could be far-reaching and it involves an
3 area where I'm not as comfortable, you know, I don't do this
4 all the time, I would want to get people in the room that knew
5 what they were doing to make this decision.

6 MS. GARCIA: I know up to this point it's
01:24 PM 7 always been on a case-by-case basis --

8 MR. KNAUTH: Right, right.

9 MS. GARCIA: -- with anything. And I also
10 know there has never been a real communication between the
11 sheriff's department and the courts as far as costs that it
12 incurred to go extradite and get this person. So the court has
13 never been aware and it's never been in the court's file how
14 much it cost to even, if it's a forfeiture, to get that
01:24 PM 15 reimbursed. Or it could actually be reimbursed in court costs
16 on the commitment.

17 MR. ROEBUCK: The problem with this whole
18 thing, though, is once a bond is forfeited, we don't have any
19 jurisdiction over that. It -- that becomes -- that -- that's
20 an issue between the representative of the county, which is the
21 DA's office; the client, which is the county at that point in
22 time because they're the ones that are out the money and the
23 court because it's a separate -- I mean, that's a separate
24 cause of action.

01:25 PM 25 MR. KNAUTH: And the bondsman.

1 MR. ROEBUCK: And I don't think we've got any
2 authority over it.

3 JUDGE DOLLINGER: All right. I'm afraid this
4 horse has been whipped all it can get whipped. So we're going
5 to move on to the very last item, and that is voting.

6 MR. ROEBUCK: Since -- I'm sorry. Since Pat
7 brought it up.

8 MR. KNAUTH: Didn't mean to.

9 MR. ROEBUCK: This issue with -- and this is
10 just let -- me keeping the board informed, the fellow by the
11 name after Michael Baboric (sic) and we've been knocking this
12 around for months and months and months. Baboric had some
13 property, he's out of the bail bond business. He was going to
14 sell these two pieces of property and we voted that should he
15 do so, if he didn't get any money, we would just release our --
16 we would request that the -- from commissioner's court that
17 they release the judgment. There was a tract that I was
18 notified and the -- Baboric is in the throws of a divorce. I
19 get a call from his divorce lawyer that says what are we going
20 to do. This is after I talked to the guy three or four times.
21 He's in a divorce. Can we get this property released? I wrote
22 a letter back in April said, "Look, this is what is going to
23 have to happen. It's going to have to be submitted to
24 commissioner's court. You know, you get a sale. Let me know."

25 I got a call, or an e-mail -- I didn't even

1 get a courtesy of a phone call; I got an e-mail the day of the
01:26 PM 2 closing that said, well, go ahead and sign off on this release
3 of judgment so we can get this piece of property closed.

4 Well, I immediately send the information to
5 judge who then sends it to the county judge's office who then
6 calls me and says what's going on, you know, it's got to be
7 submitted to commissioner's court and on and on and on and on.

8 Then I get this hot e-mail from the guy saying, well, you know,
01:27 PM 9 you drug your feet. It's your fault this deal didn't close,
10 and now the transaction has been cancelled. So I've enjoyed
11 about all of Mr. Baboric that I can stand. And so at this
12 point in time -- and I had a conversation with Fred Jackson
13 yesterday -- at this point in time, whatever conveyance of this
14 property was scheduled where he was going to get zero money has
01:27 PM 15 been cancelled. So that's the status of that. So I've
16 probably spent six hours on this thing, and we're still messing
17 with it.

18 MR. FUNCHESS: What was the judgment that the
19 commissioners were releasing?

20 MR. ROEBUCK: Abstract of judgment on a bond
21 forfeiture.

22 MR. FUNCHESS: We still have deed of trust for
23 the collateral?

24 MR. ROEBUCK: Yeah.

25 MS. GARCIA: We should.

1 MR. ROEBUCK: And we discussed that, and we
2 didn't want to necessarily be in the real estate business.
3 This property sold for \$20,000. And if we want to do that,
4 hey, that's great. Let's post it and foreclose. But then
5 we're going to have to maintain -- and I don't know anything
6 about either one of these pieces of property -- but for
7 \$20,000, I can't imagine that this is much.

8 MS. GARCIA: Well, it's not even in Orange
9 County, it's in -- I meant, it's not in Jefferson County. It's
10 in Orange County.

11 MR. ROEBUCK: So --

12 MR. DAY: And, Judge, on a side note to what

01:28 PM 13 Tom is talking about right here, if we go back to the last and
14 I guess we'll bring it up here in a few minutes but the last
15 individual that tried to get licensed as a bondsman. For years
16 I've been sitting on this board and then I watched Bob Ogden
17 sit on this board before and far too often, I could go down the
18 list of people I've seen get licensed as bail bondsmen in this
19 county and have come in, perfect example right there but there
20 is more than just him. Becky could tell you, give a whole list

01:29 PM 21 of these people that have been licensed and I could see right
22 from the beginning just by looking at their application, even
23 though their application was in order, that these people were
24 going to be problems at some point and just almost, you know,
25 100 percent they are at some point. So I'm glad to see this

1 last license that came up that, you know, had so many problems,
2 Becky looking at it and everybody else looking at it, that we
3 are a lot more careful about who we license in this county as
01:29 PM 4 far as bondsmen go because any time there is a bad -- one bad
5 bondsmen, it reflects poorly on me and all the other bondsmen
6 that have been in this county for a number of years. It's not
7 like attorneys. I mean, you could have a bad attorney pop up
8 and it doesn't affect anybody's name. Everybody is an
9 individual. But with me, it's an industry. So if one bad one
10 comes in --

11 JUDGE WEST: That's not true.

12 MR. ROEBUCK: We are all liked. Is that what
13 it is? Or we're all so bad, it doesn't really matter.

14 MR. KNAUTH: It doesn't matter if there is a
15 good one, they all hate us.

01:30 PM 16 MR. DAY: You're all bad. (laughter)

17 You know, it reflects -- because there is so
18 few of us compared to the amount of attorneys that are out
19 there. So if one bad one comes in, it makes us all look bad.
20 So I'm glad that the board really dissected this last
21 application and is a little bit more careful in the future
22 about who we license to avoid these sort of problems that come
23 up like this.

24 MS. GARCIA: Well, and going in with that --

01:30 PM 25 JUDGE WOODS: And it's, I guess, up for review

1 again. It's been -- and still not having --

2 MS. GARCIA: It's still pending. This is
3 going on four months.

4 JUDGE WOODS: And there is still no
5 corrections made?

6 MS. GARCIA: Right.

7 JUDGE WOODS: Well, then I make a motion that
8 we deny that application. And what's her name?

9 MS. GARCIA: Erica Francois.

10 JUDGE WEST: Can we do something with that
11 since it's not on the agenda or do we have to --

12 MS. GARCIA: It's been rolling over in other
13 business.

01:31 PM 14 JUDGE WEST: Other business. Okay.

15 MR. FUNCHESS: We decline the application.

16 When they reapply, they have to refile the application?

17 MS. GARCIA: Absolutely. And put more money
18 up.

19 MR. FUNCHESS: Yeah. I'm all for that.

20 JUDGE WEST: I'll second this motion.

21 MS. GARCIA: I mean, this has been dragging on
22 for four months. She hasn't corrected any of the deficiencies
23 from last month's meeting, and as I know it, she has contacted
24 bondsmen for jobs so I don't think that she's plans on, at this
25 point. But, again, this is going on for four months that I'm

01:31 PM 1 hanging on to it.

2 JUDGE DOLLINGER: So what's your motion?

3 JUDGE WOODS: Motion to deny the application.

4 JUDGE WEST: Second.

5 JUDGE DOLLINGER: We have a motion and a
6 second that we deny that application of Ms. Francois. Any
7 discussion or comment? Hearing none, we'll call the question.
8 All those in favor of a denial signify by saying aye.

9 (Response)

10 JUDGE DOLLINGER: All those opposed? Hearing
11 none, Ms. Francois' application is denied. She can reapply if
12 she chooses.

13 And the very last item is to elect my
14 successor.

01:32 PM 15 MR. ROEBUCK: What's wrong with you keeping
16 it?

17 JUDGE DOLLINGER: It says to select a
18 chairman.

19 MR. ROEBUCK: Well, it can be you.

20 MR. DAY: I nominate Judge Dollinger.

21 JUDGE WEST: Second.

22 MR. DAY: As chairman.

23 JUDGE DOLLINGER: Somebody else, I know, wants
24 the job. No? Any discussions, questions or comments?

25 MR. KNAUTH: My hearing is going.

1 JUDGE WOODS: It was you, Pat.

01:32 PM 2 MR. KNAUTH: Whoa, whoa, no, no.

3 JUDGE DOLLINGER: I'll nominate you, Pat.

4 MR. KNAUTH: No. Don't do that. No.

5 JUDGE DOLLINGER: All right. No comments,
6 questions or discussion, we'll call for question.

7 All those in favor.

8 (Response)

9 JUDGE DOLLINGER: All those opposed.

10 (Response)

11 MS. GARCIA: I think we also need to --

12 JUDGE DOLLINGER: The first ayes have it.

13 MS. GARCIA: I think we also need to address
14 maybe this year having a vice chair in the event of your
15 absence, you know, if you're out, to do that as well.

16 MR. DAY: I nominate Tim Funchess for that
17 job.

18 JUDGE DOLLINGER: Okay.

19 JUDGE WEST: Second.

20 JUDGE WOODS: Second.

21 JUDGE DOLLINGER: Nomination and second for
22 Mr. Funchess. Any other nominations? Hearing none.
23 Discussions, comments or questions?

24 MR. ROEBUCK: Yes, sir. Are we all aware that
25 Mr. Funchess was elected president of the Treasurers'

1 Association of the great state of Texas?

01:33 PM 2 MR. DAY: I wasn't aware of that.

3 MS. GARCIA: That just means he's more
4 qualified. You're a little bit more rounded now.

5 JUDGE DOLLINGER: And he's getting the big
6 bucks.

7 MR. FUNCHESS: Yeah.

8 MS. GARCIA: That, too.

9 JUDGE DOLLINGER: All those in favor of
10 Mr. Funchess serving as vice-chair of the board signify by
11 saying aye.

12 (Response)

13 JUDGE DOLLINGER: All those opposed. Hearing
14 none. It's so ordered.

15 Entertain a motion to adjourn.

16 MS. GARCIA: Oh, hang on. You didn't say
17 other stuff.

18 JUDGE DOLLINGER: It's not on my agenda. I
01:34 PM 19 looked. There is no number 11.

20 MS. GARCIA: I do have a deed of trust that
21 Shirley does want to pledge in addition to her already pledged
22 collateral. I don't see any problems or issues with it so I
23 just wanted to bring that up before the board since Tim is here
24 and he'll have to take that in after it's filed.

25 MR. FUNCHESS: We don't need action to take

1 pledge. We just need action to release it.

2 MS. GARCIA: To remove it. Okay.

3 MS. BRODE: Am I correct in saying that Eric
4 James' collateral is going down and Shirley Laine's collateral
01:35 PM 5 is going up?

6 MS. GARCIA: Yes. And I'll send an e-mail out
7 to confirm what the exact numbers are. Even though Eric James'
8 collateral is going down, he's still above the margin. He will
9 not be in default compared to what bonds he has out, not by
10 much, but I did personally tell him this.

11 MS. BRODE: Okay.

12 MR. FUNCHESS: Move to adjourn, Judge.

13 JUDGE DOLLINGER: Motion to adjourn. All
14 those in favor.

15 (Response)

16 JUDGE DOLLINGER: All those opposed, please
01:35 PM 17 keep it to yourself.

18 (MEETING ADJOURNED AT 1:35 P.M.)

19

20

21

22

23

24

25