

BAIL BOND MEETING

OCTOBER 15, 2015

THOSE PRESENT: Judge Dollinger

Judge West

Judge Woods

Lt. Mills

Pat Knauth

Jamie Smith/Jill Wiebusch

Becky Garcia

Theresa Goodness

Tim Funchess

Keith Day

Mary Godina

Tina Benoit

Rhonda Brode

Tom Roebuck

Brandi Sewell

12:27 PM 1 JUDGE DOLLINGER: I think we're ready to call
2 the meeting to order.

12:38 PM 3 First order of business is to review the
4 minutes. We have the August minutes available. The September
5 ones are in the process of being prepared. If anybody has not
6 seen the August one and want to -- did you say they did or did
7 not get online?

8 THE REPORTER: They did not get online.

9 That's why I emailed them.

10 JUDGE DOLLINGER: We have a hard copy here.
11 If anybody wants to look at them, they're free to. They also
12 were emailed out to some place, I'm not sure where they went
13 to.

12:39 PM 14 District Attorney's office, report on
15 collections. We have that. Said that total of 18, a little
16 over \$18,000 collected for the month of September.

17 The next order of business is consider and
18 approve the application to become bondsmen or to renew and we
19 have, I think, three; is that correct?

20 MS. GARCIA: Yes, sir.

12:39 PM 21 JUDGE DOLLINGER: All of them are renewals and
22 I believe they're all in order; is that accurate?

23 MS. GARCIA: Yes, sir.

24 JUDGE DOLLINGER: We have Lisa Martin with Al
25 Reed, we have Ron Ducote with Butch's Bail Bond Service and we

1 have Joshua Stewart with Stewart Bail Bond.

12:40 PM 2 Does anybody want to make any comments or
3 inspect the applications? They're here if you would like to.

4 Ms. Garcia assures me that they are all in proper form.

5 MS. GARCIA: The only thing that we're missing
6 on one of the applications on Joshua Stewart is his criminal
7 history check for both he and his employee. They've submitted
8 it. I got the receipts where they submitted it weeks ago, and
12:40 PM 9 they just have not returned so --

10 JUDGE DOLLINGER: Well, I mean, I can make a
11 motion that we accept the renewals and issue them pending the
12 return of the criminal history on Mr. Stewart and his employee.
13 That's the only shortfall. Any second to the motion?

14 MS. GOODNESS: Second.

15 JUDGE DOLLINGER: All those in favor of the
16 approval signify by saying aye.

17 (Response)

18 JUDGE DOLLINGER: Any opposed? Hearing none.
19 They'll be approved with that one reservation.

20 Next is a report from the treasurer's office
12:41 PM 21 which Mr. Funchess just passed out to us showing the amount of
22 money on deposit with his office. Everybody has a copy. Are
23 there any comments or questions?

24 Next the auditor's office, and we have several
25 pages from them. Are there any points of concern that you have

1 on the report this time?

2 MS. BRODE: No, sir.

3 JUDGE DOLLINGER: None at all. Okay.

12:41 PM 4 And next item is to release a cashier's check
5 to Keith Day. Do we have that here today to give to him?

6 MS. BENOIT: Well, I have where you signed and
7 I'll give it to Mr. Funchess.

8 JUDGE DOLLINGER: All right.

9 MS. BENOIT: Put it on the agenda.

10 JUDGE DOLLINGER: Then the last item on the
11 agenda for today is expansion of the local rules and definition
12 of agent versus runner. Agent and runner I guess is more
12:42 PM 13 accurate. We talked about this before. And I think what we
14 were planning to do -- anybody here correct me if I'm
15 misspeaking -- but I think what we talked about doing was to
16 use the same definition in the code for an agent, or let me say
17 qualifications, not definition but qualifications with runners
18 as we do with agents, that way we have information on file for
19 whether the person is a true agent of the bondsmen or whether
20 they're just running paperwork over to the jail. Is that
12:42 PM 21 correct? Is that what the discussion was?

22 MS. GARCIA: Yes, sir. I think Mr. Roebuck
23 may have some more to add to it.

24 MR. ROEBUCK: I'm in a sort of a quandary over
25 this agent business because as I said last time, the statute is

1 not very well drawn. In fact, it's pretty ugly. And
2 technically, there is no such thing as an agent for a sole
12:43 PM 3 proprietorship or an assumed name or dba.

4 JUDGE DOLLINGER: Only corporate.

5 MR. ROEBUCK: Only corporate. I brought up
6 Travis County stuff because they've hedged it and they've
7 called the person -- they called them runners. I don't like
8 that term. I kind of like the way we do this because it puts
9 some integrity into the system for folks that are going to go
10 over there and make bonds. I just I don't know what we do
12:43 PM 11 about the terminology. The terminology is -- it's clearly a
12 conflict of the statute if we call them an agent.

13 JUDGE DOLLINGER: If we called them, for
14 instance, and just throwing this out bail bond assistant.

15 MR. ROEBUCK: Yeah, or bail bond
16 representative.

17 JUDGE DOLLINGER: Bail bond assistant just to
18 show that they're basically doing the same job that an agent
19 would do for a corporate.

20 MR. ROEBUCK: Yeah. What Becky was talking
12:44 PM 21 about awhile ago because, you know, we need to have -- I think
22 it's better for us to establish the criteria than to dump it on
23 the sheriff and have the sheriff do that because we could do
24 nothing and the sheriff could come back and say, I'm going to
25 make sure -- I want everybody to have background checks, you

1 know, approval by the board, whatever.

2 JUDGE DOLLINGER: Photo IDs and --

3 MR. ROEBUCK: Yeah, something. So I just need
4 some guidance on what we're going to do about the nomenclature,
12:44 PM 5 and I think then we can -- we can sort of massage what we have
6 and do it that way. I don't necessarily -- I like the way that
7 we do things so that we are, as I say, maintaining the
8 integrity of the system. I just think we need to massage the
9 term agent because it clearly is in conflict with the statute.

10 JUDGE DOLLINGER: What if we had Keith, as the
12:45 PM 11 representative of the bondsmen, speak with other bondsmen and
12 find out what term would be acceptable. We certainly don't
13 want to call them something that anybody would have reason to
14 believe that is offensive or demeaning but we do need to come
15 up with a term other than agent so we aren't in direct conflict
16 with the statute and so if you could talk to them and see what
17 would be palatable, we could certainly look at that and do
18 that.

19 MR. DAY: Yeah, that's fine. It just so
20 happens that I sent out an e-mail last week -- was that last
21 week that I sent that e-mail out -- last week for us all to
12:45 PM 22 meet. We were going to do it this week, but we had a couple
23 that were gone to class so we're going to probably do it next
24 week so we can -- we can discuss it but y'all do -- you do
25 remember what I said, the only difference between -- the only

1 thing that this allows an employee of my office or any bonding
2 office to do --

3 JUDGE DOLLINGER: Go back into the back to
4 interview.

5 MR. DAY: -- is pull an inmate up to talk to
6 them. I mean, because anybody can go down to the jail and turn
7 a bond in.

8 JUDGE DOLLINGER: Correct.

12:46 PM 9 MR. DAY: So that's really all this does.

10 JUDGE DOLLINGER: Just speak with your cohorts
11 and find out what terminology we could adopt where nobody would
12 have their feelings hurt and we would distinguish it from a
13 true agent as defined in the Occupational Code and then we
14 could bring that up and, you know, if you'll get with Becky and
15 myself after you meet with them and whatever nomenclature they
16 would feel comfortable with, we can put that on the agenda for
17 our next meeting and vote on it and approve it.

18 MR. DAY: I can do that.

19 JUDGE DOLLINGER: Okay.

20 MR. ROEBUCK: And if I might expand a little
21 bit on that, what Travis County calls their runners are just
22 people that go down to the jail and present bonds. We
23 certainly don't want to be limiting what your folks can do, but
24 we also don't want the sheriff if we -- if we don't -- if we --
25 if we radically change this, we don't want the sheriff saying,

12:47 PM 1 well, I'm not going to -- unless the board has some fail-safe
2 methods, we're not going to let people other than the licensees
3 show up.

4 MR. DAY: Right. Well, and I don't even
5 know -- I mean, the sheriff's department, they don't have any
6 knowledge of, you know, except for their representative here
7 who's licensed to go back and pull people. They just know who
12:47 PM 8 is on the list, you know. That's as much as they know about
9 what's going on anyway; but, yeah, you're right. I don't want
10 to -- none of the bondsmen want to get into a situation where
11 we have to send our employees down there each time to post a
12 bond for somebody. We want to be able to -- we want to
13 continue to be able to send family member or friend.
14 Obviously, I guess, that's obviously up to the sheriff to allow
15 that to continue to happen; and that's obviously the way we
16 want it to stand because there are a number of counties that
12:48 PM 17 don't allow that. It has to be -- there are certain counties
18 that have -- that force the actual bondsmen like myself, I
19 would have to get up at 3:00 o'clock in the morning and go down
20 there to post every bond. There are counties like that so, you
21 know, we don't want to get into that situation. So we like the
22 way we have it so we don't want that to change at all.
23 JUDGE DOLLINGER: Those counties have a lot of
24 single bondsmen?
25 MR. DAY: Yeah. But, no, I'll talk to them

1 next week.

2 JUDGE DOLLINGER: Sounds good.

12:49 PM 3 Any other new business to bring before the
4 bail bond board?

5 MS. GARCIA: One thing -- I'm sorry. One
6 thing I do want to throw in to Keith and maybe he can also get
7 this out to all of your people that you represent, I know there
8 was an issue sometimes with getting fingerprints from the jail
9 and it's part of the application that anyone new coming in or
10 even on a renewal process, they have to get a 10-print done and

12:49 PM 11 it was brought to my attention that there is a charge for it.

12 I did call and talk to Captain McMillian and he is going to
13 waive that fee for y'all since we're already collecting a
14 five-hundred-dollar fee for your applications. Just tell them
15 it's for the bail bond board application, you know, because
16 there is not that many that we're doing so you can pass that
17 information along.

18 MR. DAY: Who does the -- do y'all still give
19 out ID -- the badges?

20 MS. GARCIA: I do.

12:49 PM 21 MR. DAY: You do that?

22 MS. GARCIA: If you need it.

23 MR. DAY: So you do still give them out?

24 MS. GARCIA: Uh-huh.

25 MR. DAY: Because do y'all require that to be

1 shown at the jail?

2 LT. MILLS: Not if they're dropping off the
3 bonds.

4 MR. DAY: No. I'm talking about if they want
5 to pull somebody up, they just require an ID?

6 LT. MILLS: If they don't know you, they do.

7 MR. DAY: Okay.

8 JUDGE DOLLINGER: Yes, ma'am.

9 MS. BRODE: Number seven, how much are we
10 releasing to Keith?

12:50 PM 11 JUDGE DOLLINGER: I don't know. Tina has got
12 the letter.

13 MS. BENOIT: \$10,000.

14 MS. BRODE: Okay. Thank you.

15 JUDGE DOLLINGER: Any other new or old
16 business to bring before the board? Do I hear a motion to
17 adjourn?

18 MS. GARCIA: Oh, one more thing. Sorry. I
19 didn't write myself a post-it note this one. I did talk to
20 Kevin Sekaly earlier and she has currently been our
12:50 PM 21 representative for the defense attorneys. She is no longer the
22 president of that. It's now Kevin Laine. Her question was
23 since Kevin's mom is a bondsmen, is a licensed bondsmen with
24 us, if that would be a conflict.

25 JUDGE DOLLINGER: I'm not sure it would be an

1 actual conflict, it certainly could have the appearance of a
2 conflict. Would you agree, Mr. Roebuck? If he had to vote
3 on -- if he was a voting member and there was some action to
4 take, I guess he can recuse himself for that one vote.

5 MR. FUNCHESS: I think it would. Just this
12:51 PM 6 last week, she did a deed of trust to pledge some property as
7 collateral and her son wrote the deed of trust. And so if you
8 look at it like that --

9 JUDGE DOLLINGER: Probably would be better if
10 the criminal defense lawyers would pick a representative at
11 their next meeting.

12 JUDGE WEST: Maybe their next -- the co-chair.
13 I mean, there is the chair and then the chair-elect or whatever
14 and I think that it's either Mike Laird or -- I can't remember
15 who the other one was. They just did that on the bar side.

16 JUDGE DOLLINGER: I thought Mike Laird was
17 upstairs.

18 MR. ROEBUCK: Mike Laird?

19 JUDGE WEST: Oh, not Mike. Mike was on it and
12:51 PM 20 they had to replace Mike and replace Kevin.

21 MR. ROEBUCK: Fox in the hen house.

22 MR. KNAUTH: Presents his case and points out
23 the holes in it.

24 MS. GARCIA: I told her I would call her back
25 and let her know what we discussed and now I guess probably the

1 co-chair would probably need to start attending.

2 JUDGE WEST: Yes.

3 JUDGE DOLLINGER: Any other business?

4 MR. DAY: Judge, did we resolve the Barbara
5 Hartt issue last time?

6 JUDGE DOLLINGER: To the extent we were able
7 to, we did.

12:52 PM 8 MR. DAY: Okay. I guess we -- maybe I'm a
9 month behind.

10 MS. GARCIA: You are.

11 MS. GOODNESS: I move we adjourn.

12 JUDGE DOLLINGER: I second that motion.

13 (MEETING ADJOURNED)

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