

BAIL BOND BOARD MEETING**NOVEMBER 17, 2016**

7 THOSE PRESENT: Theresa Goodness

8 Lt. Minter

9 Cindy Ferguson

10 Casi DeLaTorre

11 Becky Garcia

12 Joleen Fregia

13 Keith Day

14 Mary Godina

15 Tina Landry

16 Tom Roebuck

17 Dustin Galmor

18 Brandi Sewell

1 MS. GOODNESS: We're going to call the meeting
2 to order. We've got the Bail Bond Board meeting today on
3 Thursday, November 17th, at 12:30. It looks like our chair and
4 vice chair are not here today. So I am Theresa Goodness and I
5 am the chief deputy in the county clerk's office so I'm going
6 to get the meeting started.

7 We have an agenda here that says the first item is
8 to review the minutes from last month's meeting. Did everybody
9 get a chance to review those?

10 Yes? We sent them out. Everybody got to look
11 at them. Anybody have any questions or comments about the
12 minutes? If not, I'll entertain a motion to approve the
13 minutes.

14 MS. BENOIT: We need a vote.

15 MR. DAY: I make a motion.

16 MS. FERGUSON: I second.

17 MS. GOODNESS: Thank you. A motion and a
18 second. All in favor say aye.

19 (RESPONSES MADE)

20 MS. GOODNESS: Thank you. The next item on
21 the agenda is a report from the district attorney's office
22 regarding the status of collections on judgments. I think
23 that's been handed out to everybody. Looks like we've got a
24 total for the month of October of \$16,051.23. Is that correct?

25 MS. GARCIA: Yes, that's correct.

1 MS. GOODNESS: Okay. The DA's office here
2 today?

3 MS. GARCIA: No.

4 MS. GOODNESS: No. Any comments about that?

5 Okay. Next item on the agenda is the consideration
6 and approval of applications to become bondsmen or agents and
7 renewals.

8 Becky, didn't you send out an application that we
9 have to --

10 MS. GARCIA: Yes. I did receive an
11 application on October 31st by Erika Francois. I did e-mail it
12 to everyone, so if everyone has had a chance to review that.

13 MS. GOODNESS: Did you find that everything
14 was in order on the application, Becky?

15 MS. GARCIA: I do find that there was a few
16 issues; the financial affidavit, the name on the driver's
17 license is not the name that's in the application that was
18 filed under, the name of the driver's license is not a name
19 listed in the criminal history check. Exhibit 8 I believe is
20 the financial affidavit. Okay.

21 MS. GOODNESS: Okay. But the name on the
22 application was Erika Francois and that is -- I do see that
23 name on the DPS criminal history. But it doesn't match what's
24 on the driver's license, is that what you're saying?

25 MS. GARCIA: Yes.

1 MS. GOODNESS: Is Ms. Francois here?

2 MS. FRANCOIS: Yes.

3 MS. GOODNESS: You have -- is there a reason

4 why your driver's license is different?

5 MS. FRANCOIS: I haven't had time to go down

6 there and change it.

7 MS. GOODNESS: You haven't changed it?

8 MS. FRANCOIS: Uh-huh.

9 MS. GOODNESS: And what were the questions

10 specifically about the financial report, Becky?

11 MS. GARCIA: There is -- in the expenses there

12 is a noted car note payment, but it's not reflected in the

13 liabilities. And I think Dustin had also mentioned something

14 to me earlier just now about the mortgage payments. What were

15 you saying?

16 MR. GALMOR: Well, it shows indebtedness

17 somewhere in here on the property; but it shows no mortgage

18 payment.

19 MS. GOODNESS: Is there a mortgage on the

20 property?

21 MS. FRANCOIS: No. They're paid in full.

22 MS. GOODNESS: So on the financial affidavit,

23 does it say that you have a mortgage payment? That's what I'm

24 looking through here.

25 MS. GARCIA: Page 9.

1 MS. GOODNESS: Page 9.

2 MS. GARCIA: It is saying there is no notes
3 payable to banks, but then there is a car note payment listed
4 on here. It's just that it's not matching up and some of the
5 other items.

6 MS. GOODNESS: So under notes payable to
7 others, is that your car note that you were listing there?

8 MS. FRANCOIS: Yes.

9 MS. GOODNESS: Are these things that you could
10 correct on your application, Ms. Francois?

11 MS. FRANCOIS: Yes.

12 MS. GOODNESS: Do we want to table this for a
13 month for those corrections to be made? Do I have a motion for
14 that?

15 MR. DAY: I make a motion.

16 MS. GOODNESS: Is there a second?

17 MS. FERGUSON: I second.

18 MS. GOODNESS: Okay. The application of
19 Ms. Francois will be tabled until next month's meeting to give
20 her time to make corrections in her application.

21 The next item -- are there any other applications,
22 Becky?

23 MS. GARCIA: No, that was it.

24 MS. GOODNESS: Or renewals?

25 MS. GARCIA: That was it.

1 MS. GOODNESS: Okay. The next item is to
2 consider complaints against bondsmen. Do we have any of those?

3 MS. GODINA: No, we don't have any.

4 MS. GOODNESS: The next item is a report from
5 the treasurer on the cash and CDs up for collateral. I think
6 the treasurer's office handed out the report. Do you have any
7 comments about that? Just this is the report, huh? Same as
8 every month. Any questions about the report?

9 The next item is the report from the auditor's
10 office, but I don't think I see them here. So we'll skip down
11 to the rule on sureties in default in other counties and owes
12 money.

13 MS. GARCIA: This was something that we had
14 previously as a board passed a local rule although I can't find
15 it specifically in our local rules so I just want to be clear
16 that we're all on the same page that if a bondsmen, if it's
17 brought to this board's attention, if a bondsman owes money to
18 another county, regardless if it's a bail bond board county or
19 not, that we will put them in a suspension status here until
20 they correct that issue.

21 MS. GOODNESS: Any thoughts on that? Tom, do
22 you have any thoughts on that, if that's a problem, if they're
23 not a bail bond board county?

24 MR. DAY: Either --

25 MR. ROEBUCK: How are we going to monitor

1 that?

2 MS. GARCIA: Well, the other counties usually
3 will contact me and say, hey, this person is licensed with you
4 but they owe us money. I just had an instance with Chambers
5 County contacting me. One of our bondsmen that we've licensed
6 here owes them some money, and they are a non bail bond board
7 county, so they don't have any repercussions that they can do.
8 They're asking for us to put them in a suspended status so that
9 they can -- he can correct that issue with them. Otherwise,
10 what they're going to do is they're going to go after the
11 collateral he has pledged up with us, so we're going -- it's
12 going to give him a little time, you know, just putting him in
13 a suspension status to go pay it. If not, if they go seize the
14 collateral, they seize the collateral, he's in default with us.

15 MR. DAY: It's probably more likely that a
16 county doesn't contact you in most cases. I mean, talking
17 about 200 something counties across the State, you're probably
18 have, what, a handful of them that actually -- probably the
19 bigger counties.

20 MS. GARCIA: But if they would --

21 MR. DAY: Yeah, I mean, if they did, yeah.
22 It's probably not common.

23 MR. ROEBUCK: Well, I'm a little concerned
24 about -- and chime in any time you want to, Dustin. It seems
25 to me we got a potential issue with some due process problems

1 if -- we've got to establish some predefined criteria to that.
2 I'm not -- and I'm okay with it. I just want to make sure
3 that, you know -- I think if we just get a phone call that says
4 this guy is in default, I don't think that's going to get us
5 there.

6 MS. GARCIA: No. This county has actually
7 sent me their final judgment and abstract of judgment that's
8 been issued.

9 MR. ROEBUCK: So if we do the local rule that
10 says if there is a final judgment in default and if it's
11 unpaid, then I can -- yeah, that's fine. I'm okay with that.

12 MS. GARCIA: Okay.

13 MS. GOODNESS: Doesn't the rule say now if
14 when they come up for renewal, don't they have to say in their
15 application if they've ever been in default in any other
16 counties that they're licensed? Isn't that one of the
17 questions?

18 MR. DAY: Yeah, it's covered.

19 MS. GARCIA: That is one of the questions, but
20 at the time they're doing that application, those other
21 counties if it's not a bail bond board county, they don't have
22 authority to put them in default. So that question kind of
23 only if it pertains to a bail bond board county.

24 MS. GOODNESS: Okay.

25 MR. ROEBUCK: I don't know how we do that.

1 MS. GOODNESS: Well, what about -- I mean,
2 this might require a change to the rules; but what if we put on
3 the agenda and take notice any counties that sent us a copy of
4 the, you know, we could put it on the agenda and take notice
5 that this bondsman had an unpaid judgment in the other county
6 and then it would be on the record for the next renewal, you
7 know, that --

8 MS. GARCIA: But that renewal may be two years
9 out.

10 MS. GOODNESS: Well, it might be; but you
11 would have it on the record that it happened in the county that
12 wasn't a bail bond board county. Just a thought.

13 MR. DAY: But this could even be a county that
14 you're not licensed in.

15 MS. GARCIA: Correct.

16 MR. DAY: That sends you, you know -- I'm not
17 licensed in Harris County, but I could write a bond to someone
18 here on a Harris County charge and if I don't pay the -- if
19 they forfeit and I don't pay it, then that's -- they contact
20 you, right? Harris County does?

21 MS. GARCIA: Correct.

22 MR. DAY: Chambers County? So --

23 MR. ROEBUCK: Well, what she's talking about
24 and my concern is if in those other county counties they don't
25 probably have provisions where they take defaults.

1 MS. GARCIA: Well, it's not a bail bond board
2 county in some of these other counties. All they can do is go
3 through the motions to get the judgment.

4 MR. ROEBUCK: Well, I'm just bothered about us
5 enforcing a non bail bond board county's stuff.

6 MS. GARCIA: I mean, not unless we give them a
7 time period to get it corrected.

8 MR. ROEBUCK: Well, we still -- they still got
9 some minimum due process entitlements. And if there is no
10 final judgment, or a judgment nisi even, that kind of bothers
11 me.

12 MS. GOODNESS: Sounds like something we need
13 to think some more about.

14 MR. DAY: Tom, by law can we have a hearing of
15 the board if Becky gets this information on a person's license?

16 MR. ROEBUCK: I think we can probably draft a
17 board rule that probably complies with those requirements. I'm
18 just -- I don't know. Do we want to go to all that trouble for
19 somebody else's bail, when they're not taking care of their
20 business over there? I mean, hey, I'm just the employee but
21 that's a --

22 MS. GARCIA: The next step would be, you know,
23 they have already asked me what's the collateral. I mean, they
24 can certainly go after their collateral to try to collect on
25 their judgments.

1 MR. ROEBUCK: Well, this is -- I'm okay if
2 there is a judgment. I'm fine with that.

3 MS. GARCIA: No, that's all I'm talking is if
4 there is a judgment.

5 MR. ROEBUCK: Well, I'm good with that. I
6 don't think that's a problem. I'm just -- I'm talking about
7 counties that just want us to do their bidding for them when
8 they say, hey, he's in default and we haven't sued him and we
9 don't have any provisions on how to do that. Like in Hardin
10 County, it never happens.

11 MR. DAY: Yeah. No. I don't think --

12 MS. GARCIA: I'm only talking about if there
13 is a final judgment, it has gone past the appealable time
14 period to file a bill of review or any other resolve to the
15 matter, they owe them money.

16 UNIDENTIFIED SPEAKER: They couldn't go after
17 the collateral because it's up with this county.

18 MS. GARCIA: That's a very gray area in the
19 statute.

20 UNIDENTIFIED SPEAKER: Because that's what --
21 we ran into this problem in Orange with Affordable and we can't
22 shut him down until he comes up for renewal for the question
23 asked, Are you in default in any other county?

24 MR. ROEBUCK: Well, if we got to -- I don't
25 want to interrupt you, but if we've got a secured interest, it

1 takes priority.

2 MS. GOODNESS: Right. Yeah, I would think so.

3 UNIDENTIFIED SPEAKER: If you're just licensed
4 just in this county, and they do a bond in another county, by
5 law you can't do nothing here until they come up for renewal
6 and that's when you handle that issue because technically he's
7 in good standings in this county so there is really nothing you
8 can do. I mean, by law, you can't do something to him because
9 of something in another county.

10 MS. GOODNESS: Well, that's why I think we
11 need to craft a rule about, you know, on the application, we
12 ask the bondsmen have you ever been in default in another
13 county and maybe it -- may be it says licensed in another
14 county. Maybe we need to have another question on there about
15 any non bail bond board counties so --

16 MS. GARCIA: Right.

17 MS. GOODNESS: Okay.

18 MR. DAY: And maybe, Tom, if we're going to
19 draft that rule, maybe it wouldn't necessarily be -- to go to
20 your point, is maybe have a hearing on it rather than just
21 getting the judgment, you know, from the county, maybe, you
22 know, have them come in here and, you know, the bondsmen, and
23 find out, you know, exactly if there is another side of what's
24 going on, you know.

25 MR. ROEBUCK: Well, yeah, but I think if we --

1 well, it's up to the board; but I think we can craft a rule
2 that says if we've got a final certified copy of a judgment
3 where he's -- where he's in default, that we put him in
4 suspension. I think that probably follows all the due process
5 requirements, and I'm not sure we even have to have a hearing
6 on that because we can put somebody in suspension here without
7 hearing. So why would we have to give them more for somewhere
8 else? My thoughts. Assuming we've got a good judgment. But
9 whatever the board wants to do. I mean, the more due process
10 the better.

11 MS. GOODNESS: Yeah, that's why I was saying
12 putting it on the agenda to say that we've gotten a copy from
13 the other county. You know, that puts it on record in the
14 minutes exactly what happened and why, you know, the suspension
15 takes place.

16 Any other thoughts or comments about that? Do we
17 want to have a motion to ask Tom to review how we would craft
18 such a rule?

19 MR. DAY: I make that motion.

20 MS. FERGUSON: I second.

21 MS. GOODNESS: All in favor say aye.

22 (RESPONSES MADE)

23 MS. GOODNESS: Any opposed?

24 Okay. We found a job for you.

25 All right. Anything else? If nothing else is on

1 the agenda, anybody have any more comments? Becky?

2 MS. GARCIA: Yes. We do have like a revision
3 that after passing out the new surety bond form in last month's
4 meeting that got approved, it was on legal form. I got a lot
5 of feedback that it was encumborsome for the bondsmen to sign
6 in two places to have a notary done in two places. So I did
7 get with Tom on consolidating the surety's certificate and
8 acknowledgment of the bond and the oath. So that it's back on
9 letter form. The bondsmen will sign in one place and have it
10 notarized in one place if this -- if the board is okay with
11 this form so that either the bondsmen can use this letter-size
12 form with requiring one signature and one notary or they can
13 continue to use last month's approved form that's legal that
14 has a separate place for the oath, required two signatures and
15 two notaries. So that's --

16 MS. GOODNESS: Did y'all have that on the
17 agenda last month? I'm sorry. I missed the meeting.

18 MS. GARCIA: We did have it on the agenda last
19 month.

20 MS. GOODNESS: Do we feel like we need to put
21 the new form on the agenda next month?

22 MS. GARCIA: We can.

23 MS. GOODNESS: Or is that a problem? I mean,
24 it was on the agenda and you approved the form and now you are
25 wanting to make a change but I don't see it on the agenda.

1 MS. GARCIA: Yeah. Well, we can put it on for
2 next month.

3 All right. Anything else? All right. We're
4 adjourned. Thank y'all.

5 (MEETING CONCLUDED AT 1:51 P.M.)

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