

BAIL BOND BOARD MEETING

DECEMBER 8, 2016

THOSE PRESENT:

Judge Clint Woods
Judge Raquel West
Judge Craig Lively
Sergeant Stafford
Cindy Ferguson
Pat Knauth
Casi DeLaTorre
Becky Garcia
Theresa Goodness
Joleen Fregia
Keith Day
Mary Godina
Tina Landry
Rebekah Patin
Tom Roebuck
Brandi Sewell

1 JUDGE WEST: I'll call the meeting to order. I
2 would like to thank everyone for being here. Let's see. The
3 first thing on the agenda is to review the minutes from last
4 month's meeting. They were emailed out and if anyone has any --
5 do we need to approve them?

6 MS. GOODNESS: I make a motion we approve the
7 minutes as written.

8 JUDGE WOODS: I second it.

9 JUDGE WEST: Motion and second. All in favor?

10 (RESPONSES MADE)

11 JUDGE WEST: Any opposed?

12 (NO RESPONSE)

13 JUDGE WEST: That's done.

14 Report from the DA's office regarding status of
15 collections.

16 MS. GARCIA: It's been passed out.

17 JUDGE WEST: Anything that we need to, that you
18 know of, that we need to worry about?

19 MS. GARCIA: No.

20 JUDGE WEST: And that doesn't need to be
21 approved, right? Or does it?

22 MS. GOODNESS: It's just a report.

23 JUDGE WEST: Okay. Consideration and approval of
24 applications to become bondsmen or agents and renewals.

25 MS. GARCIA: There is an application that we

1 tabled from last month's meeting pending some revisions. The
2 revisions have been made. I emailed it to everyone. The
3 revisions and Ms. Francois' application are attached to the copies
4 that have been passed out today. There is a corrected personal
5 financial statement that was submitted and she has since submitted
6 Texas identification that has the same name as her application.
7 And the background check, it does take time to get these back; but
8 I think she did submit it today, a receipt showing that she did
9 submit a background check for the Oseguera that's not listed in
10 the other background check. It seems the application is in order.

11 JUDGE WEST: We don't need to wait for the
12 background check to come back to approve it?

13 MS. GARCIA: Well, her previous background check
14 came back with nothing on it. It was just this is one of the
15 names that she did not have, but this is the only thing that the
16 board needs to take into consideration on this application.

17 MS. GOODNESS: The names that were listed on the
18 background check are the names that are on the application, it
19 does match and there was one other name. It just happened that
20 there was a third name that Ms. Francois --

21 JUDGE WEST: See, I missed last meeting so I
22 missed all of that so I'll let -- if there is any --

23 MS. GARCIA: We --

24 MS. GOODNESS: I think it's substantially in
25 order myself, and I'll make a motion that we approve the

1 application.

2 JUDGE WOODS: I'll second it.

3 JUDGE WEST: Is there any other discussion? So
4 tell me, I guess just real quick, what was the issues last time --
5 I'm sorry -- because I wasn't here.

6 MS. GARCIA: Her application was tabled last
7 month due to the name listed on the driver's license did not match
8 the name listed in the application. The personal financial
9 statement submitted had some incorrect and misleading information
10 provided in it. The second page of the financial statement did
11 not list any property not exempt from forced sale, which would be
12 the property that she intends to pledge for collateral. The
13 background she submitted did not have the name Erika Osegueda as
14 it is -- as it is the name on her driver's license she originally
15 submitted. So since then she has gone back and provided a new,
16 updated Texas identification card with that. Her picture and her
17 name on it that matches. The financial statement has now been --
18 I think that's Exhibit 8 right there -- on both pages that has
19 been corrected and I do have a receipt showing that she has
20 submitted a background check under the name of Osegueda.

21 JUDGE WEST: Okay. Any other discussion? All
22 those in favor?

23 (RESPONSES MADE)

24 JUDGE WEST: Any opposed?

25 (NO RESPONSE)

JUDGE WEST: All right. It passes.

2 Number four, do we have any complaints against
3 bondsmen that we need to --

MS. GODINA: No, ma'am, I don't have any.

5 JUDGE WEST: Report from treasurer on cash and
6 CDs that are up for collateral.

MS. FREGIA: They should be passed out.

8 | Everybody should have one.

JUDGE WEST: Okay. Any discussion on that? I

10 | got it here.

Auditor's office.

12 MS. PATIN: The report is passed out. There is a
13 note here that for fiscal year '16, we had a profit of \$761 and
14 fiscal year '17 isn't estimated to be profitable because of few
15 renewals. Rhonda would be available to discuss that if anyone has
16 any questions.

17 JUDGE WEST: Anything else on that? Thank you
18 very much.

Approval of amended local rule.

20 MS. GARCIA: This is also a tabled issue from
21 last month. Previously in last month's meeting, we discussed
22 where other counties are at times contacting me because we have a
23 licensed bondsmen under us that are owing them money. It's gone
24 to final judgment and they have issued the abstract off of it. So
25 now the counties are looking over here saying, "Hey, can you help

1 me out? Since they're licensed under you, can you, you know, some
2 way you can put them in suspension status or let me know what the
3 collateral is to go out and seize it since it's not exempt
4 collateral?"

5 So that was kind of the issue. Mr. Roebuck was
6 going to look at the local rules; and I believe whenever the last
7 time he and I spoke, in our local rule on Rule 11(1) it says --
8 let me get to it -- 11 -- it currently says no person shall be
9 licensed if the applicant has an unpaid final judgment in
10 Jefferson County, Texas that has been unpaid for more than 30
11 days, et cetera. I think the language that he spoke to me about
12 was saying no person shall be licensed if the application has an
13 unpaid final judgment in Jefferson or any other county. So at the
14 time of renewal -- correct me if I'm wrong.

15 MR. ROEBUCK: Yeah, I sent it to you. It's not
16 my fault you don't read your e-mail.

17 MS. GARCIA: I had already left for the meeting.

18 MR. ROEBUCK: I was kind of belated getting it to
19 her. I did do a proposed rule, and I sent it to her this morning
20 so it should be -- if we want to vote on it next time, you've got
21 a chance to distribute it. I just changed a couple of words. I
22 didn't see any need to reinvent the wheel. I changed a couple of
23 words to indicate that if there is a -- if there is a final
24 judgment in any county that they're licensed in, then that's --
25 that suspends them here, too.

1 JUDGE WEST: Is that typical for other counties?
2 Do we know if in the other counties their local rules do the same
3 thing?

4 MR. DAY: Well, I spoke with David Fregia this
5 morning and he told me that -- what county is it, Chris?

6 UNIDENTIFIED SPEAKER: The only counties we know
7 that has something similar to that is Bexar and Bell County.

8 MR. DAY: Bell and Bexar County. And what they
9 do is -- and I don't know if we can do this or not, Tom. But
10 maybe have -- once Becky or whoever is notified of the unpaid
11 forfeiture, notify that bondsmen, you know, and give them 10 days
12 to take care of it; and if they don't take it within that 10 days,
13 just shut off their writing capabilities in the county, not
14 suspend them but shut down their writing capabilities, almost like
15 putting them in default, and do that for 20 days. Then if they
16 haven't taken care of it at that point, which would actually be 30
17 days, then have a hearing about suspending the license.

18 JUDGE WEST: But who is going to be in charge of
19 doing all of that? I mean, I guess who would be -- because then
20 you're having to worry about getting it -- we have to then worry
21 about getting the information from the other county on have they
22 paid and have they done what they're supposed to do. Are we -- do
23 we want to put ourselves where we have to go and do that?

24 MS. LANDRY: I actually don't think it would
25 happen that often that it would create a, you know, like maybe

1 once in a blue moon. I mean, we only have one right now that we
2 know of; and before that, I don't know of any. So it's not like
3 something -- it wouldn't be a problem to do it.

4 MR. DAY: It would be the bondsman's
5 responsibility. If he's the one or she's the one being put in
6 suspension or possibility of being put out of business, I would
7 think they would take it upon themselves to get the proper
8 paperwork to Becky or whoever that this has been resolved.

9 JUDGE WEST: That they've done it?

10 MR. DAY: Basically the only thing the county
11 would be doing would be notifying them, you know, "Hey, we
12 received this. You need to have it taken care of within 10 days."

13 And if the bondsmen don't, then they're -- after
14 10 days, it is shut off.

15 MS. GARCIA: Well, my only thought process would
16 be is if -- if myself or any other administrator on the board is
17 contacted with this information, we put it on as an agenda item
18 at the next meeting so it can be discussed and to have that
19 bondsmen come in with his information to contradict otherwise. I
20 mean --

21 JUDGE WEST: Yeah, I mean, that wouldn't work as
22 far as what you're trying to say is the 10 days and 20 days and
23 all of that. I would think we would want to put it on the agenda
24 and deal with it that way, too, maybe.

25 MR. DAY: Well, I would think that once you

1 notify that bondsman you're about to be shut out here, that 10
2 times out of the 10, they're going to take care of it.

3 JUDGE WEST: Right. By the time they get to the
4 meeting, they will be showing us what we need to see.

5 MR. DAY: It will be taken care of then there is
6 one off chance once every five years that you may have, you know,
7 have to have -- but I don't -- I don't want to get into suspending
8 a license just off of -- because if you put a bondsmen in
9 suspension, it causes a whole, you know, slew of other problems on
10 their ratios and what-not over something that could have been --
11 there may be underlying because not every county is like this
12 county. Trust me.

13 JUDGE WEST: Maybe it needs to say something
14 about if they're notified and it's put on the agenda for the next
15 board meeting.

16 MS. GARCIA: That's what I would be getting at is
17 that no action would be taken until at the time of the meeting,
18 whether suspension or whatever comes into play.

19 JUDGE WEST: Whatever it is.

20 MS. GOODNESS: Can't we just have that as one of
21 the static, you know, agenda items to always review it? That way,
22 you know, it's always going to be on there if there is any, just
23 like we do reviewing or, you know, making any -- complaints
24 against bondsmen, we always consider those at every meeting.
25 Couldn't that be just another agenda item? That way if anything

1 happens, it is going to be on there and no one will forget to put
2 it on the agenda.

3 MS. LANDRY: Would it fall under complaints of
4 bondsmen? It's actually a complaint from a different county but
5 not actually a complaint form but --

6 JUDGE WEST: I think it would need to be called
7 it's own thing. Not a complaint since it's not a complaint form
8 since it has to do with the fees but I don't know.

9 MS. GARCIA: Unpaid judgments?

10 JUDGE WEST: Yeah, something like that because
11 that particular bondsmen, just because it's on the agenda and
12 they're on notice. We would still have to give them notice that
13 they're going to be talked about at that meeting.

14 MR. DAY: If you did that, if you put them on
15 notice that it's going to be heard, then that's their time to take
16 care of it.

17 JUDGE WEST: Right.

18 MR. DAY: I wasn't necessarily saying my way but
19 just to keep from going through the --

20 JUDGE WEST: -- the suspension process
21 automatically, yeah.

22 MR. DAY: There are a lot of counties out there,
23 like I said, I've gotten final judgments before from counties and
24 never even had a hearing so it's just some counties so you have to
25 go through the whole process of teaching them how they're supposed

1 to do it, you know.

2 JUDGE WEST: So we need to for sure put it on the
3 agenda for the next meeting to change our rules to say that.
4 Anything else about that?

5 Okay. We took care of that.

6 Let's see. Approval of the new surety bond form.

7 MS. GARCIA: Oh. Previously, we had approved a
8 surety bond form that was legal size format. It required the
9 sureties to sign in two places and the notary to notarize in two
10 places. After getting with Mr. Roebuck, we were able to
11 consolidate everything back to a letter size form. The bondsmen
12 sign in one place and notarize in one place so it wasn't as
13 encumberson to get everything done on it so we -- I have that --
14 the new form that the board just needs to approve.

15 MS. GOODNESS: You want to pass it out to
16 everyone?

17 MS. GARCIA: Yes. I had done that previously. I
18 only have one copy.

19 MR. DAY: I've already seen it. We're already
20 using them.

21 JUDGE WEST: I need a motion.

22 JUDGE LIVELY: Move to approve.

23 MS. GOODNESS: Second.

24 JUDGE WEST: Motion and a second. All those in
25 favor?

1 (RESPONSES MADE)

2 JUDGE WEST: Any opposed?

3 (NO RESPONSE)

4 JUDGE WEST: That passes.

5 Any other business anybody needs to bring up, old
6 or new?

7 MS. GODINA: I was just going to say we had one
8 surrender done at the jail. I think it worked --

9 MS. FERGUSON: Everything went fine.

10 MS. GODINA: -- great. Judge Giblin approved it,
11 gave the original to Cindy, kept a copy. Everything got sent back
12 to the bondsmen, so we've only had one filed so far on a case that
13 has not been filed.

14 JUDGE WOODS: That's good.

15 JUDGE WEST: And we had one awhile back where
16 there was something I got a call and it was taken care of easily,
17 too, where the bondsmen had gotten off or was going to. I can't
18 remember now what it was. Just with a phone call, they got back
19 on.

20 MS. FERGUSON: Well, that's what it was. It's
21 actually where we're running in to where the charges are picked up
22 before we send the bonds back to the bondsmen. Well, within a
23 certain time frame, I'll call the bondsman and ask if he wants to
24 reinstate that bond because of the new rule and that's what that
25 situation was and all was taken care of.

JUDGE WEST: No problems. Okay. That's it.

2 Then meeting adjourned. That was easy.

(MEETING CONCLUDED)