

BAIL BOND BOARD MEETING

MARCH 16, 2017

THOSE PRESENT: Judge Ken Dollinger
Judge Craig Lively
Tom Roebuck
Tim Funchess
Sergeant Steven Morgan
Alisa Raumaker, CSR
Rhonda Brode
Becky Garcia
Mary Godina
Tina Landry
Al Reed
Regan Corbello
Carolyn Guidry
Zena Stephens
Cindy Ferguson

12:46PM 1 JUDGE DOLLINGER: We'll call the March
12:46PM 2 meeting of the Jefferson County Bail Bond Board to
12:46PM 3 order.

12:46PM 4 The first item is to review the minutes
12:46PM 5 from the last two meetings. However, we don't have the
12:46PM 6 minutes in print form. I've just been informed they
12:46PM 7 have not yet made it onto our website. So, we'll have
12:46PM 8 to hold that in abeyance until such time as they get
12:46PM 9 posted and can be reviewed and comments from the members
12:46PM 10 and the public can be made about those.

12:46PM 11 Second is the report from the District
12:46PM 12 Attorney's Office. We have a report from Mr. Wortham's
12:46PM 13 office regarding collections. It looks like a total of
12:47PM 14 right at \$5,600, a few dollars shy, has been collected.

12:47PM 15 Are there any comments or discussion about
12:47PM 16 the District Attorney's collections report?

12:47PM 17 (No response).

12:47PM 18 JUDGE DOLLINGER: Hearing none, we'll move
12:47PM 19 on.

12:47PM 20 Consideration and approval of applications,
12:47PM 21 do we have any?

12:47PM 22 MS. GODINA: No, sir.

12:47PM 23 MS. GARCIA: There are no applications
12:47PM 24 right now.

12:47PM 25 JUDGE DOLLINGER: Okay. Complaints against

12:47PM 1 bondsmen, Mary?

12:47PM 2 MS. GODINA: No, sir. I don't have any.

12:47PM 3 JUDGE DOLLINGER: No complaints against
12:47PM 4 bondsmen.

12:47PM 5 Report from the Treasurer's Office, we've
12:47PM 6 already seen the cash for collateral. That has been
12:47PM 7 distributed by Mr. Funchess.

12:47PM 8 Do we have any comments or discussion on
12:47PM 9 the report from Mr. Funchess's office on collateral
12:47PM 10 balances?

12:47PM 11 (No response).

12:47PM 12 JUDGE DOLLINGER: Hearing none, we'll go
12:47PM 13 on.

12:47PM 14 Next is the amendment -- I'm sorry. Excuse
12:47PM 15 me. I passed up the Auditor's Office, and we also have
12:48PM 16 the license fund and bondsmen report.

12:48PM 17 Are there any things of note that you need
12:48PM 18 to bring to our attention?

12:48PM 19 MS. BRODE: I just have a question just
12:48PM 20 because I missed the last meeting. Was anyone here -- I
12:48PM 21 know Tim discussed this with you, and I just didn't take
12:48PM 22 good notes when we discussed it -- about Ryan Gertz and
12:48PM 23 the fact that he's over his collateral amount?

12:48PM 24 MS. GODINA: Yes.

12:48PM 25 MS. BRODE: I know there was a situation.

12:48PM 1 I just can't remember what it was, but it's still there.

12:48PM 2 So, I didn't know if it needed to be handled still.

12:48PM 3 MS. GODINA: I checked with the Court,
12:48PM 4 and he was allowed to make a couple of bonds on the
12:48PM 5 assumption from the District Attorney's Office they were
12:48PM 6 going to dismiss some cases. Now the District
12:48PM 7 Attorney's Office says they've changed their mind. He's
12:48PM 8 supposed to file paperwork for a motion to substitute
12:48PM 9 the bonds and have a real bondsman bond the guy. I
12:48PM 10 don't know that that's happened yet.

12:49PM 11 JUDGE DOLLINGER: We probably ought to jog
12:49PM 12 that in his memory when the meeting is over with just to
12:49PM 13 be sure it gets taken care of.

12:49PM 14 MS. GODINA: I thought that Judge West had
12:49PM 15 the motions. I don't know if she's ruled on them or
12:49PM 16 not. I mean, it's in the works. I just don't know if
12:49PM 17 it's been done yet or whatever for the motion to
12:49PM 18 substitute.

12:49PM 19 MS. BRODE: I knew something was happening,
12:49PM 20 Mary. I just couldn't remember. Thank you.

12:49PM 21 JUDGE DOLLINGER: Just if you don't mind
12:49PM 22 checking with Judge West to make sure that's done.

12:49PM 23 Any other items on the auditor's report?

12:49PM 24 MS. BRODE: No, sir.

12:49PM 25 JUDGE DOLLINGER: Next is the review of

12:49PM 1 proposed amendments to the Local Rules. I guess the
12:49PM 2 first one would be -- is this L-11?

12:49PM 3 MS. GARCIA: Yes.

12:49PM 4 JUDGE DOLLINGER: Okay. L-11, we have the
12:49PM 5 current wording at the bottom in the small type and the
12:49PM 6 proposed wording at the top in large type; is that
12:49PM 7 accurate?

12:49PM 8 MS. GARCIA: Correct.

12:50PM 9 JUDGE DOLLINGER: I took English as a
12:50PM 10 foreign language. Could you maybe help us out and tell
12:50PM 11 us what the sum and substance of the change actually is?

12:50PM 12 MS. GARCIA: The changes is --

12:50PM 13 JUDGE DOLLINGER: Where we put in the word
12:50PM 14 "corporation"?

12:50PM 15 MS. GARCIA: Well, that, and we just want
12:50PM 16 to be able to identify this local rule also in our
12:50PM 17 application as a question that we'll be asking. The
12:50PM 18 issue is that we have on occasion some bondsmen that
12:50PM 19 actually go to final judgment in another county and then
12:50PM 20 doesn't pay that other county but isn't making that
12:50PM 21 aware to the Board. That -- that information is not
12:50PM 22 being brought to the Board.

12:50PM 23 JUDGE DOLLINGER: Okay. Any comments or
12:50PM 24 discussions on the proposed amendment to L-11?

12:50PM 25 (No response).

12:50PM 1 JUDGE DOLLINGER: Okay. I guess we can
12:50PM 2 take both votes at the same time.

12:51PM 3 The next one is an amendment to G-3
12:51PM 4 regarding investigations. Basically it says the Board,
12:51PM 5 on its own motion, may investigate an action of or a
12:51PM 6 record maintained by a license holder relating to a
12:51PM 7 complaint that the holder violated either a Board rule
12:51PM 8 or this chapter of the Occupation's Code. Then it says
12:51PM 9 the Board shall investigate an action of or a record
12:51PM 10 maintained if the Board receives a sworn complaint on a
12:51PM 11 form approved by the Board and posted on the website
12:51PM 12 providing reasonable cause to believe that a violation
12:51PM 13 of 1704 has occurred or, number two, if a court should
12:51PM 14 request an investigation. And, again, the current
12:51PM 15 wording is at the bottom. So, you can see the
12:51PM 16 differences in those two.

12:51PM 17 Do we have any comments or any discussion
12:51PM 18 on the proposed amendment to G-3 of our Local Rules?

12:51PM 19 (No response).

12:51PM 20 JUDGE DOLLINGER: Hearing none, I guess
12:51PM 21 we'll call for a vote on both proposed amendments, L-11
12:52PM 22 and G-3. All those in favor of adopting these as a part
12:52PM 23 of our Local Rules signify by saying "I."

12:52PM 24 THE BOARD: I.

12:52PM 25 JUDGE DOLLINGER: All those opposed?

12:52PM 1 (No response).

12:52PM 2 JUDGE DOLLINGER: Hearing no opposition, it
12:52PM 3 passes unanimously. Those will be adopted and
12:52PM 4 published.

12:52PM 5 The next thing has to do with the release
12:52PM 6 of property of Mr. Leach. And do you want to kind of
12:52PM 7 fill us in on exactly what it is we're doing?

12:52PM 8 MS. LANDRY: Yes. There is two properties
12:52PM 9 that they have requested released and I have already
12:52PM 10 taken the amount out and checked with Becky and the
12:52PM 11 District Clerk's Office, Casi, which she was there
12:52PM 12 before she left. They are in good standing, and it will
12:52PM 13 not effect anything. Their license has expired any way.
12:52PM 14 They're trying to get out of the business. And
12:52PM 15 everything is clear. So, I just need everybody to agree
12:52PM 16 to have it released.

12:53PM 17 JUDGE DOLLINGER: So -- so, there is no
12:53PM 18 possibility of him owing any judgments to the county
12:53PM 19 based on bonds previously written? Is that what I
12:53PM 20 understand?

12:53PM 21 MS. LANDRY: That is correct. There is
12:53PM 22 still more property up to cover what's out.

12:53PM 23 JUDGE DOLLINGER: Any comments or
12:53PM 24 discussion about the releasing Mr. Leach's property as
12:53PM 25 he has requested?

12:53PM 1 MS. BRODE: There is a chance that he would
12:53PM 2 have forfeitures that would be due to the county?

12:53PM 3 MS. LANDRY: There are chances, but there
12:53PM 4 is still property enough up to cover any chance that may
12:53PM 5 occur.

12:53PM 6 MS. BRODE: Okay. It won't exceed his
12:53PM 7 property value?

12:53PM 8 MS. LANDRY: Correct.

12:53PM 9 JUDGE DOLLINGER: And he's not writing any
12:53PM 10 more. So, it can't increase.

12:53PM 11 MS. LANDRY: Correct.

12:53PM 12 JUDGE DOLLINGER: All those in favor of
12:53PM 13 allowing the release of Mr. Leach's collateral as
12:53PM 14 requested, signify by saying "I."

12:53PM 15 THE BOARD: I.

12:53PM 16 JUDGE DOLLINGER: All those opposed?

12:53PM 17 (No response).

12:53PM 18 JUDGE DOLLINGER: It passes unanimously.
12:53PM 19 It will be ordered released.

12:53PM 20 MS. LANDRY: One other thing. Keith Day is
12:53PM 21 not able to be here today. He did send me a request to
12:54PM 22 release one of his properties valued at \$60,000. I
12:54PM 23 checked with Becky, and she said that everything is
12:54PM 24 clear with the County Clerk's Office. Once I deduct
12:54PM 25 that, he is still in good standing as far as the courts

12:54PM 1 go. And did you check?

12:54PM 2 MS. CORBELLO: Yes, ma'am. She said that
12:54PM 3 he's good.

12:54PM 4 MS. LANDRY: Everything is good. And, so,
12:54PM 5 I just need everybody to approve that one.

12:54PM 6 JUDGE DOLLINGER: So, same circumstances as
12:54PM 7 Mr. Leach. If we release it, it doesn't impair any
12:54PM 8 potential forfeitures that could occur?

12:54PM 9 MS. LANDRY: Correct.

12:54PM 10 JUDGE DOLLINGER: He's more than covered
12:54PM 11 for whatever he's out?

12:54PM 12 MS. LANDRY: Yes, sir.

12:54PM 13 JUDGE DOLLINGER: Okay. All those in favor
12:54PM 14 of releasing Mr. Day's collateral as requested by him
12:54PM 15 signify by saying "I."

12:54PM 16 THE BOARD: I.

12:54PM 17 JUDGE DOLLINGER: All those opposed?
12:54PM 18 (No response).

12:54PM 19 JUDGE DOLLINGER: Okay.

12:54PM 20 MS. BRODE: I do have one request. I have
12:54PM 21 found in the past that we are not sending anything to
12:54PM 22 the Treasurer's Office about the property on the formal
12:55PM 23 stance -- I mean, are you going to be sending anything
12:55PM 24 on the release of lien?

12:55PM 25 MS. LANDRY: Uh-huh, a copy of release of

12:55PM 1 lien.

12:55PM 2 MS. BRODE: Okay. It's just they have
12:55PM 3 missed some properties because they haven't received the
12:55PM 4 release of liens. I just want to make sure.

12:55PM 5 MS. LANDRY: They should get them.

12:55PM 6 JUDGE DOLLINGER: Then you can go ahead and
12:55PM 7 take care of that one as well.

12:55PM 8 Now, I have some documents here related to
12:55PM 9 Mr. Francois' pledge of property and homestead -- prior
12:55PM 10 homestead exemptions. I don't see it on the agenda.
12:55PM 11 So, I guess that would be under old business; is that
12:55PM 12 accurate?

12:55PM 13 MS. GARCIA: Yes. It was tabled from last
12:55PM 14 month's meeting.

12:55PM 15 The collateral -- my notes here say that
12:55PM 16 the collateral was denied because the removal of the
12:55PM 17 homestead exemption. There was an issue -- there was a
12:55PM 18 discussion that said, okay, she can remove it, but it
12:55PM 19 still doesn't remove that it could be declared a
12:55PM 20 homestead. There was also an issue with the notary
12:55PM 21 acknowledgment wasn't correct. She's since supplied a
12:56PM 22 new deed of trust, which you have in your hands there,
12:56PM 23 that it does appear to be in order as far as format is
12:56PM 24 concerned. But the issue now is that -- with the
12:56PM 25 removal of the homestead exemption.

12:56PM 1 JUDGE DOLLINGER: So that I'm clear, it
12:56PM 2 shows on the deed of trust that's been supplied to us
12:56PM 3 from this previous January, a now current address of
12:56PM 4 3751 Oakdale, as opposed to a prior address of 211
12:56PM 5 Avenue D in Nederland. Is that 3751 pledged as
12:56PM 6 collateral?

12:56PM 7 MS. FRANCOIS: No, sir.

12:56PM 8 JUDGE DOLLINGER: Mr. Roebuck, will we
12:56PM 9 still have the same concerns as we had before or were
12:56PM 10 you able to find any case law that would say that the
12:56PM 11 affidavit --

12:56PM 12 MR. ROEBUCK: You've now confused me with
12:56PM 13 the facts. She has another piece of property that is
12:56PM 14 not pledged?

12:56PM 15 MS. GARCIA: She -- she owns two pieces of
12:56PM 16 property. One is currently -- in Nederland. One is
12:57PM 17 currently pledged -- or is it Port Arthur?

12:57PM 18 MS. FRANCOIS: Port Arthur. The one that
12:57PM 19 is pledged is Port Arthur.

12:57PM 20 MS. GARCIA: This one in Nederland, she
12:57PM 21 used to live in and was homesteaded; but now she has
12:57PM 22 since, according to her affidavit, now moved out of that
12:57PM 23 location and into the address listed at the top of that
12:57PM 24 deed of trust. Which is your mom's address?

12:57PM 25 MS. FRANCOIS: Yes.

12:57PM 1 JUDGE DOLLINGER: It is not pledged?

12:57PM 2 MS. GARCIA: It's not pledged. She doesn't
12:57PM 3 own that property.

12:57PM 4 MS. FRANCOIS: I don't own that property.

12:57PM 5 MS. GARCIA: So, the question is on this
12:57PM 6 Avenue D piece of property, you know, there was an
12:57PM 7 original homestead listed on it. But she's since gone
12:57PM 8 to the -- to the appraisal district, had that homestead
12:57PM 9 exemption removed. But now the issue stands that the
12:57PM 10 discussion between Mr. Roebuck and even Mr. Galmour that
12:57PM 11 this could still be considered a homestead because she's
12:57PM 12 not yet listed another piece of property with the
12:57PM 13 homestead exemption.

12:57PM 14 MS. FRANCOIS: And if I may, I did provide
12:57PM 15 you with the letter from the appraisal district stating
12:58PM 16 that it was removed.

12:58PM 17 MS. GARCIA: That was submitted to the
12:58PM 18 Court.

12:58PM 19 JUDGE DOLLINGER: I think what -- so that
12:58PM 20 you're -- and I don't know. You may already be clear,
12:58PM 21 Ms. Francois. But so that you are clear, I think the
12:58PM 22 concern that the Board had earlier -- anybody here who
12:58PM 23 disagrees with what I'm about to say, please jump in and
12:58PM 24 correct me -- there is some concern that even though you
12:58PM 25 don't designate a place as a homestead, there could be

12:58PM 1 circumstances where you could still come forth and say,
12:58PM 2 "it is my homestead," even though it is not with the
12:58PM 3 appraisal district designated as such.

12:58PM 4 Is that reasonably accurate in that
12:58PM 5 description?

12:58PM 6 MR. ROEBUCK: Reasonably accurate, Your
12:58PM 7 Honor.

12:58PM 8 I think -- I was just handed that
12:58PM 9 affidavit, which, as I say, don't confuse me with the
12:58PM 10 facts. And I did a quick look and it appears perhaps
12:58PM 11 that she can -- and I might do a little more looking --
12:59PM 12 waive the homestead designation and for the period of
12:59PM 13 time -- then if we take a valid lien and she then
12:59PM 14 occupies it as her homestead, I think it's waived.

12:59PM 15 JUDGE DOLLINGER: So, we're in a position
12:59PM 16 ahead of her?

12:59PM 17 MR. ROEBUCK: I think so. But that's the
12:59PM 18 first time that's come up. So, I'll have to look it up.

12:59PM 19 JUDGE DOLLINGER: And the concern I have
12:59PM 20 with reading the affidavit -- again, I just received it
12:59PM 21 when you did -- the very last sentence, I think, maybe
12:59PM 22 would be better worded if it said that there wouldn't be
12:59PM 23 any declaration of, nor claim of, homestead as opposed
12:59PM 24 to using it as a residence. In other words, if she
12:59PM 25 said, "I won't ever claim it through the appraisal

12:59PM 1 district, nor claim it in any court action as a
12:59PM 2 homestead property without prior notice to the Board," I
01:00PM 3 think maybe might even put us in a little bit safer
01:00PM 4 situation if that last sentence was in there. Assuming
01:00PM 5 your research that you still need to do --

01:00PM 6 MR. ROEBUCK: If my stellar research is
01:00PM 7 accurate.

01:00PM 8 I certainly would want to put in the deed
01:00PM 9 of trust a homestead disclaimer. But as we stand here
01:00PM 10 today, I want to look a little closer at that.

01:00PM 11 JUDGE DOLLINGER: Okay. All right. Any
01:00PM 12 questions that you have, Ms. Francois?

01:00PM 13 MS. FRANCOIS: No, sir.

01:00PM 14 JUDGE DOLLINGER: Anybody else present that
01:00PM 15 wants to make a comment or ask a question or discuss it
01:00PM 16 any further?

01:00PM 17 (No response).

01:00PM 18 JUDGE DOLLINGER: Hearing none, I guess
01:00PM 19 we'll save it until the April meeting. And by then we
01:00PM 20 ought to have some definite thing we can vote on in that
01:00PM 21 meeting hopefully.

01:00PM 22 Any other old business that the Board needs
01:00PM 23 to take up that does not appear on the agenda?

01:00PM 24 (No response).

01:00PM 25 JUDGE DOLLINGER: Any new business that

01:01PM 1 anybody wants to bring before the Board at this meeting?

01:01PM 2 (No response).

01:01PM 3 JUDGE DOLLINGER: Being none, I guess the

01:01PM 4 next thing to do is make a motion to --

01:01PM 5 MR. LIVELY: Motion to adjourn.

01:01PM 6 MR. FUNCHES: Second.

01:01PM 7 JUDGE DOLLINGER: We have a motion and a

01:01PM 8 second to adjourn. All those in favor, signify by

01:01PM 9 saying "I."

01:01PM 10 THE BOARD: I.

01:01PM 11 (Meeting adjourned).

12

13

14

15

16

17

18

19

20

21

22

23

24

25