

## BAIL BOND BOARD MEETING

FEBRUARY 21, 2019

4 | THOSE PRESENT:

Judge Clint Woods

Judge Raquel West

Judge Ken Dollinger

Judge Craig Lively

Becky Garcia

Charlie Hallmark

Quintin Price

Tina Benoit

Rhonda Brode

Tom Roebuck

Dustin Galmor

Tonja Voorhies

Joleen Fregia

Charles Ford

Tamika Martin

1 JUDGE DOLLINGER: All right. We're going  
2 to call the February meeting of the Jefferson County  
3 Bail Bond Meeting to order. We've got a quorum. We  
4 don't have to worry about that. Have the minutes from  
5 last month been posted yet, do we know.

6 MS. BENOIT: They were not emailed yet.  
7 Brandy has had several -- trial after trial this past  
8 month, and now she's on vacation. She said she would  
9 do it as soon as she got back, and we would have it for  
10 the March meeting.

11 JUDGE DOLLINGER: Okay. So, we'll review  
12 both sets next month?

13 MS. BENOIT: Absolutely.

14 JUDGE DOLLINGER: We have, from the  
15 District Attorney's office, a report on collections  
16 that's been passed out. If anybody needs one, there is  
17 roughly around \$300 roughly, give or take, collected by  
18 the county and district clerks. Any -- any comments or  
19 questions about the report from the District Attorney's  
20 office?

21 (NO RESPONSE)

22 JUDGE DOLLINGER: Okay. And just by  
23 matter of housekeeping, we have a new reporter working  
24 with us today; and she's not familiar with all of us.  
25 So, if you would, if you have comments to make, before

1 you do that, would you just state your name so she can  
2 get that and transcribe it for the minutes.

3 Next is consideration of approval of  
4 applications to become bondsmen, agents or renewals for  
5 the same.

6 MS. GARCIA: We do have one, Judge. It's  
7 just for, basically, an employee of the surety. The  
8 name is Holly Best Schmidtke. This application was  
9 emailed out to all the members. Everything is in  
10 order.

11 JUDGE DOLLINGER: Okay. Does anybody  
12 have comments or questions about that application for  
13 the employee?

14 (NO RESPONSE)

15 JUDGE DOLLINGER: Hearing none, I'll  
16 entertain a motion to accept.

17 JUDGE WEST: Raquel West. So moved.

18 JUDGE DOLLINGER: Okay. Second?

19 JUDGE LIVELY: Lively, second. Craig  
20 Lively.

21 JUDGE DOLLINGER: Okay. We have a motion  
22 and a second. All those in favor, I.

23 (RESPONSE)

24 JUDGE DOLLINGER: All those opposed?

25 (NO RESPONSE)

1 JUDGE DOLLINGER: Motion carries.

4 MS. BENOIT: Yes. Tina Benoit. And  
5 there was one filed yesterday, but Mary is out. And  
6 so, I wish to table it until I can give it over to Mary  
7 to check it out.

15 (NO RESPONSE)

16 JUDGE DOLLINGER: None. Okay. The next  
17 item is auditor's office report, which has also been  
18 passed out. Are there any comments of note?

19 MS. BRODE: I have just --

20 JUDGE DOLLINGER: Name.

21 MS. BRODE: Rhonda Brode. I'm sorry.  
22 Ronnie LeBlanc's bond limit is 180,000 less than the  
23 calculated. Can we get together afterwards just to  
24 maybe discuss -- I think, maybe, something happened to  
25 his collateral and we just don't have it updated yet.

1                   MS. BENOIT: Tina, yes, I -- do we --  
2 I'll get with you right afterwards, yes.

3                   JUDGE DOLLINGER: Any other comments on  
4 the auditor's report?

5                   (No Response)

6                   JUDGE DOLLINGER: All right. The next  
7 item is the release of property CD's, cash, cashier's  
8 checks requested by any of the bonding companies. Do  
9 we have any of those?

10                  (No Response)

11                  JUDGE DOLLINGER: Apparently we do not.

12                  Update on the deed of trust for sureties?

13                  MS. BENOIT: Yes. That would be --

14                  MR. GALMOR: Yeah. Dustin Galmor. I  
15 sent one to Becky. It's a draft, I say, right now; but  
16 it's made for these type of situations, about five  
17 pages. And I want some more time to look at it.  
18 Hopefully anyone else that wants to look at it can take  
19 a look at it, and maybe something needs to be tweaked  
20 before y'all implement that.

21                  JUDGE DOLLINGER: Okay. Anybody that  
22 would like to get a copy of that, if you will either  
23 let Dustin or Becky know, we'll be sure that those  
24 copies are provided so that you can review it; and next  
25 month we'll address any questions, comments or

1 concerns.

2                   Okay. The next one, I suspect there  
3 would be some discussion here: Bond conditions on  
4 subsequent DWIs and drug cases as set out by the  
5 presiding judges.

6                   MS. BENOIT: Okay. I was asked by Judge  
7 Stevens to add this onto the agenda to make sure that  
8 all the bondsmen know because there was probably a  
9 misunderstanding or they're not aware that when they  
10 have subsequent DWIs, they have to bring to court a  
11 copy of the interlock -- you know, that they've  
12 gotten -- that they have the interlock on their car  
13 because they're not getting the interlocks on their  
14 vehicles. So, either they need to get the proof to the  
15 bondsman or get the proof to the court to make sure  
16 that that is done. And also, if they do not have a  
17 vehicle to install it, to make sure that they  
18 understand any vehicle they do drive they do have to  
19 have the interlock on, whether they borrow it from  
20 someone else or what have you. We just want to make  
21 sure that the bondsmen reiterate that because the one  
22 that did not have it on their vehicle said the bondsman  
23 did not tell them they had to. So, we want to -- he  
24 just wanted to make that clear.

25                   JUDGE DOLLINGER: I know in my office,

1 when I do pre-indictment warrants, I always attach an  
2 order to the warrant that we send to the jail ordering  
3 the interlock device, but we also found out -- I guess,  
4 the best way to describe it is -- a glitch in the  
5 system. If somebody gets arrested on a Friday for a  
6 DUI and they bond out Sunday or they bond out Monday,  
7 they are gone and then I do the warrant and the warrant  
8 is sent down to the jail the following week whenever it  
9 comes through the DA's office. They never actually  
10 receive that copy of my order because they're already  
11 gone.

12 Now, if it's somebody who is in jail and  
13 can't get out -- the bond is too high or they don't  
14 have anybody to make bond for them -- then obviously  
15 when they serve the warrant on them, they are going to  
16 have a copy of the order then. But there are those  
17 that sort of fall through the cracks, so to speak, and  
18 get out before that order is served on them. So, if  
19 the bondsmen could all -- maybe at the next meeting of  
20 bondsmen, they could discuss that among all their  
21 contemporaries that it is necessary.

22 And my understanding -- and the judges  
23 can correct me -- if there is a child passenger  
24 involved or if it's a subsequent DWI -- not a DWI first  
25 but a second or a felony third -- then the interlock

1 device is mandated by the Code of Criminal Procedure, I  
2 believe.

3 JUDGE WEST: Correct.

4 MS. BENOIT: Also, I know on County  
5 Court 2 website, we do have a copy of the bond  
6 conditions that the bondsmen should be giving out to  
7 everyone anyway when they do bond them out. And I  
8 received one from felony district courts, as well.  
9 I'm -- are these on line, do you know, Judge?

10 And I notice there is no bondsman  
11 representative here. So, I will contact them and let  
12 them know what we have --

13 MR. ROMANO: Are they not giving them the  
14 conditions when they arraign them, the magistrates?  
15 Because everywhere else we do business in, we bond them  
16 out. The magistrate are handing them an order and the  
17 bondmen a copy of the order when they set the bond.

18 MS. BENOIT: I'm not sure what they give  
19 them and what they don't give them. But if you could  
20 state your name for us.

21 MR. ROMANO: Chris Romano.

22 JUDGE WEST: I don't think Mary gives --  
23 I don't think they do.

24 MS. BENOIT: I don't think they do  
25 either.

1 JUDGE DOLLINGER: What we might do, since  
2 we have representatives of the sheriff's office here,  
3 may let them have a copy of each of those. They can  
4 take them back to the jail and photocopy as needed and  
5 be sure that they get passed out to anybody who comes  
6 in booked on a DWI second or third or booked on a DWI  
7 with child passenger. And that way just make it a  
8 habit that they get those. Or let the magistrates know  
9 that they're there and let the magistrate have the  
10 option of passing them out.

11 JUDGE WEST: You can get it to Mary when  
12 she gets back and she can talk to the magistrates about  
13 it and get them those copies. Probably the better way  
14 to make sure it gets taken care of.

15 JUDGE DOLLINGER: Any other discussion,  
16 comments or questions about the bond conditions on  
17 subsequent DWIs?

18 (NO RESPONSE)

19 JUDGE DOLLINGER: Okay. Wording change  
20 on AFRSs?

21 MS. GARCIA: So, just recently I've kind  
22 of stumbled across this. I don't know, really, how it  
23 got past us. But the wording on a true surrender for  
24 the issuance of an AFRS warrant, in the order portion  
25 of it it says, "A writ of capias is hereby ordered for the

1 defendant's arrest providing the defendant is in  
2 custody outside of Jefferson County, Texas." So -- but  
3 now that we're issuing an AFRS warrant on all  
4 surrenders, I think that language needs to be changed,  
5 just "a warrant is to be issued."

6 JUDGE DOLLINGER: Are you saying, Becky,  
7 just to remove the "in custody in Jefferson County"  
8 portion?

9 MS. GARCIA: Right. "Is in custody  
10 outside of Jefferson County, Texas," right.

11 JUDGE DOLLINGER: Okay.

12 MS. GARCIA: If the judges want to look  
13 at this to see what it says.

14 JUDGE DOLLINGER: So, you want to take  
15 out both the "is in custody" part and "the outside of  
16 Jefferson County" part?

17 MS. GARCIA: Right. The order just needs  
18 to reflect that a warrant would be issued.

19 JUDGE DOLLINGER: And is that different?  
20 What has changed?

21 MS. GARCIA: Well, the old way of doing a  
22 true surrender was, if they were in custody in our  
23 county, we wouldn't issue a warrant on them. The  
24 charge would just be placed back on them. The warrant  
25 would only be issued if they weren't in our custody,

1 which is what that verification part of it was.

2                   But now the sheriff's department wants,  
3 even if they are in our custody, to place the hold back  
4 on them, we have to issue a warrant for their arrest.  
5 But that states only if they're outside.

6                   JUDGE WOODS: Outside.

7                   MS. GARCIA: Yes. So, I think the order  
8 needs to interpret, if you sign it, we are still going  
9 to issue a warrant regardless if they are in or out so  
10 that the sheriff's office can place a hold on the  
11 defendant.

12                  JUDGE WOODS: So, we just take out  
13 "outside Jefferson County, Texas?"

14                  MS. GARCIA: Right.

15                  JUDGE WEST: That's fine.

16                  MS. GARCIA: Thank you.

17                  JUDGE DOLLINGER: Did you want to make  
18 those changes to the form, Becky?

19                  MS. GARCIA: I can make the changes once  
20 the board votes on it. And I will also notify the  
21 surety. Since this is an approved form, the sureties  
22 must use our licensed sureties --

23                  JUDGE DOLLINGER: Okay.

24                  MS. GARCIA: -- and get it out to them so  
25 that they can make the proper changes on their forms.

1                   JUDGE DOLLINGER: Do we have a motion to  
2 amend the language as discussed?

3                   JUDGE WOODS: I'll make the motion.

4                   JUDGE DOLLINGER: Okay.

5                   JUDGE WEST: Second.

6                   JUDGE DOLLINGER: I have a motion and a  
7 second that we amend the language on the surrender  
8 forms to delete that portion that we just discussed.

9 All those in favor, I.

10                  (RESPONSE)

11                  JUDGE DOLLINGER: All those opposed?

12                  (NO RESPONSE)

13                  JUDGE DOLLINGER: Hearing none, the  
14 motion carries.

15                  I think the last item on the published  
16 agenda is release of lien on property to Michael  
17 Barborek. What is that, Becky?

18                  MR. PRICE: Your Honor, Quintin Price.  
19 Let me bring everybody up to speed. I'm sure most  
20 everyone is familiar with the Michael Barborek -- had  
21 two 50,000-dollar bonds out on one gentleman that fled,  
22 ended up with two \$50,000 judgments. He had put up, as  
23 collateral, two rent houses down in Port Arthur that  
24 the Bail Bond Board has a lien on, was not paying the  
25 property taxes on those two rent houses. Now Jefferson

1 County has moved forward with foreclosure on those two  
2 pieces of property.

3                   Of course, because the Bail Bond Board  
4 lien is secondary to the taxes, all I do is wait until  
5 they get done with their tax foreclosure; and we just  
6 ride their coattails. And if there is anything left  
7 over, we get that. But when you are in a secondary  
8 lien position, there is no real reason to file a  
9 lawsuit to foreclose because nobody is going to buy the  
10 property because the primary lien position is still  
11 there. So, anyway, that's why it's worked out the way  
12 that it is.

13                   Mr. Barborek has gone to the attorney's  
14 for the County and said, "Look, I can get a much better  
15 price selling this property in a private sale than what  
16 you can get on the auction block at the tax foreclosure  
17 sale."

18                   And they said, "Fine. Go out, find  
19 somebody that can buy it." And they will work with him  
20 on the tax part of it.

21                   His question to me was: Will the Bail  
22 Bond Board work with him to get rid of the lien that  
23 the Bail Bond Board has; and will I work with him to  
24 get rid of the judgment lien that the State of Texas  
25 has because I'm the one that handles those?

1                   And so, I told his attorney, yes, I see  
2 no problem -- if it's going to end up that the County  
3 will end up with the excess money above the taxes that  
4 are owed, then the Bail Bond Board has gotten all the  
5 good that it can get out of having a lien on that piece  
6 of property. In fact, it's done better than it would  
7 at a tax foreclosure sale.

8                   So, that's why we put that on the agenda  
9 today, was for the Bail Bond Board to authorize the  
10 execution of a release of lien upon the sale of the  
11 property for purposes of -- when the payments are going  
12 to the State of Texas -- well, Jefferson County,  
13 actually. So, that's -- that's what the purpose of  
14 that is, your Honor.

15                  JUDGE DOLLINGER: Okay. Just for  
16 clarification, we release our lien. The tax people  
17 release their lien. He goes ahead and finds a private  
18 buyer. How do we -- how do we guarantee that anything  
19 above the tax lien amount is going to come to us  
20 instead of him?

21                  MR. PRICE: And there's actually two  
22 things. No. 1, the State of Texas still has a lien on  
23 the property. We've abstracted the judgment. So, that  
24 liens has to be taken care of, as well.

25                  So, there is a secondary lien that I can

1 sign off on to -- saying that the State of Texas is  
2 satisfied. We'll release -- we'll do a partial release  
3 of lien on the property so that it can be sold free and  
4 clear and they can issue title insurance.

5 The second part of that is that the Bail  
6 Bond Board would just authorize the execution of a  
7 partial -- or a release of lien by the Bail Bond Board,  
8 only upon the sale so that this is just the approval.  
9 Then whenever all the paperwork goes through, at that  
10 point in time, someone would send a release of lien.  
11 Then you would sign or Judge West would sign the  
12 release at that juncture. But at that point you would  
13 be authorized to do it.

14 JUDGE DOLLINGER: Okay.

15 MR. PRICE: So, that's what I'm seeking  
16 today, is authorization for the execution. Not  
17 actually it being signed and filed today.

18 JUDGE DOLLINGER: Okay. That clears that  
19 up for me.

20 MR. GERTZ: Excuse me, Judge.

21 JUDGE DOLLINGER: Yes, sir?

22 MR. GERTZ: If I could add one more  
23 thing. My name is Andrew Gertz. I'm counsel for  
24 Mr. Barborek. I would add to Mr. Price -- he said it  
25 very well, but I would add that he's got one contract

1 for one of these parcels already for a good price.  
2 Much better than a foreclosure. The closing is going  
3 to be going through Stewart Title and escrow and all  
4 that. We would not release any funds without all the  
5 t's being crossed and i's being dotted. He's not  
6 getting any money out of this deal other than getting  
7 the property out of his name and being done with it.  
8 So, it going through escrow is another assurance that  
9 he's not going to get money and run off with it. So...

10 JUDGE DOLLINGER: Okay. Thank you,  
11 Mr. Gertz.

12 MR. GERTZ: Thank you.

13 JUDGE DOLLINGER: All right.

14 MS. BRODE: I'm sorry. Since we're  
15 talking about him, I see that he's in default and it's  
16 the silliest thing but I try to bring it up every time  
17 I can. The likelihood is he's in default because he  
18 owes a very tiny amount to the sheriff's department.

19 MR. PRICE: What, now?

20 MS. BRODE: \$15 for a bail bond  
21 assessment.

22 MR. PRICE: Who is that?

23 MS. BRODE: Michael Barborek.

24 MR. BARBOREK: Your Honor, Michael  
25 Barborek. Let me go on with this. This has been going

1 on for nine years. I've been out of the bail bonding  
2 business for almost nine years. I've been dealing with  
3 this. I've had five sales on the houses. I've gone  
4 through all the proper channels. I've seen Judge  
5 Branick. I've seen Tom Roebuck. I've hired numerous  
6 attorneys. This has got to be done. And if -- and  
7 \$15, I'll give you. I mean, this is ridiculous. This  
8 is nine years later. Come on.

9 MS. BRODE: And the only reason I mention  
10 that -- absolutely. I understand this needs to be  
11 handled -- is because the County cannot legally pay or  
12 give anyone money that owes us money. So --

13 MR. PRICE: He's not getting any money.  
14 And if I wasn't clear --

15 MS. BRODE: I mean, I understand that.

16 MR. PRICE: During the sale process and  
17 when the title company goes through, there will be  
18 checks cut for various people. One will be to  
19 Jefferson County for its tax lien. The second one will  
20 be cut to Jefferson County District Clerk's office for  
21 its bond lien that it has on the property. There's no  
22 other cut.

23 MS. BRODE: Can you add the bail  
24 assessment fee to the sheriff's office? That's what  
25 I'm asking.

1                   MR. PRICE: So, you want 15 bucks to go  
2 to --

3                   MS. BRODE: I'm pretty sure -- I didn't  
4 bring my list. I should have.

5                   MR. PRICE: So, you've got a \$15 --

6                   MS. BRODE: I'm also positive that -- and  
7 if you are collecting money, that's --

8                   MR. PRICE: We can get that worked out --

9                   MS. BRODE: I don't think there's going  
10 to be any money left but --

11                  MR. BARBOREK: I do have something else  
12 to say. I read one of the minutes in the past, and I  
13 think Becky said she put me in default just because  
14 there wasn't any other way to do it since I owe those  
15 forfeitures.

16                  MS. BRODE: Okay.

17                  MR. BARBOREK: And I've got it somewhere  
18 else, and it was done for that reason in the bail bond  
19 minutes here. But I will go down and pay the \$15 if --

20                  MS. BRODE: I will get your number, and I  
21 will get with you.

22                  MR. BARBOREK: I would rather just take  
23 care of it today so I don't have to come back over  
24 here.

25                  MS. BRODE: You and I can walk over there

1 together. Perfect.

2 JUDGE DOLLINGER: Any other discussion,  
3 questions or comments?

4 (NO RESPONSE)

5 JUDGE DOLLINGER: If hearing none, we'll  
6 vote on authorizing the --

7 JUDGE WEST: I make a motion to authorize  
8 that when the sale goes through the proper way, that we  
9 have the authorization to sign the releasing of the  
10 lien.

11 JUDGE DOLLINGER: Mr. Roebuck?

12 MR. ROEBUCK: Tom Roebuck. What is  
13 the -- who is going to authorize -- the title companies  
14 are going to want somebody to authorize what it's going  
15 to take to release the partial release of the AJ,  
16 abstract judgment, and the full release of the deed of  
17 trust. Who is going to authorize that?

18 MR. PRICE: Either judge -- either one of  
19 the two judges can authorize from the Bail Bond Board.  
20 I can authorize from the State of Texas. I mean, I'm  
21 the attorney for the State of Texas.

22 MR. ROEBUCK: Yeah, you can do that.

23 MR. PRICE: Right.

24 MR. ROEBUCK: Because they're going to  
25 want something --

1 MR. PRICE: And they'll probably just go  
2 to me, frankly, because I will tell them the Bail Bond  
3 Board will agree to this because the money is actually  
4 going to -- I mean, through my part of the lien, not  
5 through y'all's part of the lien. Do you see what I'm  
6 saying? We've got the judgment -- and then we've got  
7 the lien. There is really no money owed on the lien,  
8 per se. It's owed on the judgment. That was just  
9 collateral. Do you see -- am I making sense? In my  
10 mind, anyway.

11 MS. GARCIA: So, I think what he's trying  
12 to get at is the chairman, who does the release of  
13 liens, if it was deed of trust, the chairman of the  
14 board would issue the release for the deed of trust.  
15 And then Quintin, as the ADA, would do the partial  
16 release of the abstract, if there is any remaining.

17 MR. ROEBUCK: A lot of these things are  
18 time sensitive. Mr. Barborek has been through this for  
19 a long time. But how can we -- they're okay with  
20 something from you saying we'll release the partial  
21 release from the AJ. But they are going to want a  
22 release in hand when this happens.

23 MR. PRICE: Right.

24 JUDGE WEST: And when all that happens  
25 and it goes through, they can get -- they can release

1 either to Judge Dollinger; or if he's not here, one of  
2 us are around to be able to sign off what we need to, I  
3 would think, within a short matter of time.

4 MR. PRICE: What I suspect will probably  
5 happen is we'll have one of the judges sign the release  
6 of Lien subject to the sale going through and the  
7 funds -- any excess funds being paid to the County.  
8 And then I would sign the same thing on behalf of the  
9 State. I would think that that should work for the --  
10 I mean, for the title company.

11 MR. ROEBUCK: Why don't you and I get  
12 together and draft a letter that authorizes it all to  
13 be done.

14 MR. PRICE: I would appreciate that. I  
15 would welcome that. Thank you.

16 JUDGE DOLLINGER: Okay. I think we have  
17 a motion on the floor that we authorize Mr. Price to  
18 take care of that. Any other discussion, questions or  
19 comments?

20 (NO RESPONSE)

21 JUDGE DOLLINGER: Hearing none, we'll  
22 call for a vote. All those in favor, I.

23 (RESPONSE)

24 JUDGE DOLLINGER: All those opposed?

25 (NO RESPONSE)

1 JUDGE DOLLINGER: None. Motion carries.  
2 Is there any business, Becky or Tina, that you know of  
3 that was not on the agenda that needs to be taken up  
4 that may have been held over from a previous board  
5 meeting?

6 MS. BENOIT: No, sir.

7 MS. GARCIA: No, sir.

8 JUDGE DOLLINGER: Okay. Then there's  
9 only one motion left. Judge Woods?

10 MR. WOOD: I make a motion to adjourn.

11 JUDGE DOLLINGER: Okay.

12 JUDGE LIVELY: Second that. Lively.

13 JUDGE DOLLINGER: We're not hearing any  
14 objections.

15 (HEARING ADJOURNED)

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