

BAIL BOND BOARD MEETING

JULY 18, 2019

THOSE PRESENT:

Judge Clint Woods

Judge Raquel West

Judge Ken Dollinger

Judge Craig Lively

Jamie Smith

Betty Limbrick

Becky Garcia

Theresa Goodness

Keith Day

Mary Godina

Glenda Segura

Rhonda Brode

Tom Roebuck

Joleen Fregia

Tamika Martin

Lt. Kelly

Quentin Price

JUDGE WEST: Let's call the meeting to order.
Make sure everybody gets signed in.

First thing on the agenda is to review the minutes from last month's meeting. We all got an e-mail, I think. Has everyone had an opportunity to review those?

MS. GOODNESS: I make a motion to approve the minute as written.

MR. SMITH: Second.

JUDGE WEST: I've got a motion and a second.
Any other discussion?

All those in favor?

(RESPONSES MADE)

JUDGE WEST: Any opposed? All right. They're approved.

Report from the district attorney's office
regarding status on collections.

MS. GARCIA: It's been passed out.

JUDGE WEST: Any questions or comments or discussion on that? Okay.

Number three, consideration and approval of applications to become bondsmen or agents and renewals. We got a couple those, right?

MS. GARCIA: We got a couple of those. I have two of them. One is for Patsy Mason. It is a renewal for her. Everything is in order. It was previously emailed out to all

1 members. I don't have any issue with it.

2 JUDGE WEST: Anyone have any issues or
3 questions about that one? Is there a motion to approve it?

4 JUDGE DOLLINGER: So moved.

5 MS. GOODNESS: Second.

6 JUDGE WEST: I've got a motion and a second.
7 Any other discussion? All those in favor say aye.

8 (RESPONSES MADE)

9 JUDGE WEST: Any opposed? All right. That's
10 approved.

11 MS. GARCIA: Okay. I had a second renewal
12 application; however, this is for Derrick Haynes. He was
13 supposed to attend a continuous education course and he has not
14 brought me his certificate from that course that he attended and
15 I don't see him here today and that is a requirement that he has
16 to have upon renewal.

17 JUDGE WEST: So should we just hold that then
18 until the next meeting, or do we need to go ahead and take a
19 vote to -- if we reject it, does he have to do it all again?

20 MS. GARCIA: He doesn't have to do it all
21 again, but he just needs to submit to me that information. That
22 is the only thing I'm missing.

23 JUDGE LIVELY: When does it expire?

24 MS. GARCIA: Next month.

25 MS. BRODE: Before the meeting or after?

1 MS. GARCIA: Before the meeting.

2 MR. DAY: Has he informed you that he's taken
3 the class?

4 MS. GARCIA: He told me he was going to the
5 class and I talked to him last week and told me -- told him to
6 get it to me, I have to have it by this meeting.

7 CHRIS ROMANO: I talked to him yesterday, said
8 he was going to be here.

9 MR. SMITH: I know his mother has been ill.

10 MS. GARCIA: If we can table it to next
11 meeting, he will be out.

12 MR. PRICE: Let's table until later in the
13 meeting to give him a chance -- give somebody a chance to give
14 him a call.

15 MS. GODINA: You want me to try to call him?

16 JUDGE WEST: Mary is going to try to call him
17 and see. I mean, we might can do some type of approval as of
18 the date he gets it in and that way it could be approved if you
19 receive that, maybe or something like that.

20 MR. SMITH: Before the expiration.

21 JUDGE LIVELY: He can e-mail it electronically.

22 JUDGE WEST: Did you have something?

23 JUDGE DOLLINGER: That was going to be my
24 comment. Do a tentative approval based on the fact that he gets
25 the certificate to her and if that certificate gets to her, she

1 could go ahead and issue his license renewal without him going
2 suspended or whatever.

3 JUDGE WEST: Right. Well, let's see if Mary
4 gets in touch with him, and then we can talk about that and see
5 if that's an option.

6 Were there any others or just those two?

7 MS. GARCIA: Just those two.

8 JUDGE WEST: Then number four, consider
9 complaints against bondsmen. Do we have any new issues to deal
10 with or just the previous -- oh, Mary just walked out.

11 MS. BENOIT: I'll go relieve her so she can --

12 JUDGE WEST: Okay. We'll hold that one for a
13 second as well. All right.

14 Report from treasurer about cash and CDs up for
15 collateral. Everyone has a copy of that. Is there any
16 questions or discussions or issues? Okay.

17 Report from the auditor's office.

18 MS. BRODE: I have handed them out. I am going
19 to request -- I don't know if we can do this or not but on
20 future agendas, if we could put me after the release of
21 property, CDs, cash and cashier's check, it would probably
22 answer my questions that I ask.

23 Keith Day's collateral does not match. The
24 calculated bond limit does not much the bond limit so I have to
25 assume that something is happening here today. Does anyone have

1 information about if Keith is -- Keith, are you moving property?

2 MR. DAY: I took property down and put property
3 up over the past two weeks.

4 MS. BRODE: Okay. That was not transmitted to
5 anyone.

6 MS. BENOIT: We sent it to the treasurer's
7 office.

8 MS. FREGIA: I have to have it from Becky and I
9 didn't get it, the collateral, the property.

10 MS. BRODE: And the release. All you got was
11 what he was adding, right?

12 MS. BENOIT: The release is right there. And
13 in the letter for the release it says that it's already been
14 done, that I've already taken the money away.

15 MS. BRODE: Okay. So if we can just, like I
16 said, move me below that, that way I would have a lot less
17 questions.

18 JUDGE WEST: Okay.

19 MS. BRODE: And Phillip Dowden, we gave back
20 \$3,000 of collateral. I don't know if you were told to lower
21 his bonding limit.

22 MS. BENOIT: No. Was not.

23 MS. BRODE: So, I mean, those are the two I had
24 the bonding limit issues.

25 MR. PRICE: I thought we had two of them that

1 we gave back collateral. We gave it back on Dowden and --

2 MS. BRODE: He didn't have any bonds out so it
3 didn't matter. It didn't affect my list.

4 MR. PRICE: Well, you still want to get his
5 account for them.

6 MS. BRODE: It didn't come to my attention so I
7 don't know who would tell Tina/Glenda to take that off.

8 MR. PRICE: Ken Furlow, also. I guess this
9 actually was on the last -- the other report, all the attorneys
10 that we spoke of last month except for two of them, we've gotten
11 those deposits that they had with the treasurer's office
12 distributed back to either the estates or the individuals if
13 they're living.

14 JUDGE WEST: But if something is taken off of
15 someone's, that has to be communicated with the right everyone
16 that needs to be told that.

17 MS. BRODE: And I'm just not sure who in the
18 loop does that.

19 MR. PRICE: I don't know.

20 MS. GARCIA: I don't have access to it.

21 MS. BRODE: Do we want the treasurer's office?
22 Do we want me? I mean, tell me what you want to have.

23 MS. BENOIT: Just so long as somebody knows so
24 she can take it off. Somebody tells her. It doesn't matter
25 who.

1 MS. BRODE: Well, what we can do is submit the
2 letters to you and let you know what was -- Joleen and I will
3 work together and we'll let you know what was lowered.

4 MS. BENOIT: Okay.

5 MS. GODINA: So you're going to send something
6 to Glenda when something changes?

7 MS. BRODE: Yes. Sure.

8 MS. BENOIT: And do you know how soon you can
9 get that so her so I can show her what she needs to do? I'm on
10 vacation next week.

11 JUDGE LIVELY: Rub it in.

12 MR. PRICE: Before she goes on retirement.

13 MS. BENOIT: Then I'm not here.

14 JUDGE WEST: Okay. Anything else on auditor's?

15 MS. BRODE: No, ma'am.

16 JUDGE WEST: Thank you.

17 MS. BRODE: Thank you.

18 JUDGE WEST: All right. Release of any
19 property, CDs, cash, cashier's checks.

20 MS. BENOIT: There is a release of lien for
21 Keith Day, the one we were speaking of earlier. He requested to
22 get that back and so I prepared the release of lien. So it just
23 needs to be approved by the board. I've already taken the money
24 from his amount.

25 JUDGE WEST: Okay. And it doesn't change

1 anything that we need to be concerned about?

2 MS. BENOIT: I've already changed it, and he's
3 in good standing with everything.

4 JUDGE WEST: All right. So we will need -- any
5 other questions or discussion about that? It's a piece of land.
6 It looks like, right? Correct?

7 MS. GARCIA: I mean, the problem with that is I
8 haven't -- I cannot determine if there is any liens on it. I
9 can't -- I don't even know what the value is. I mean, none of
10 that was turned in to me.

11 MS. BENOIT: I never have before, Becky, like I
12 said before.

13 MS. GARCIA: I know.

14 MS. BENOIT: So I don't know who gave it to you
15 before. It was never me.

16 MS. GARCIA: I know typically the surety
17 would --

18 MS. BENOIT: Okay.

19 MS. GARCIA: -- but it didn't happen this time.

20 MR. DAY: Are we talking about the property I'm
21 taking off or the property I put up?

22 MS. BENOIT: The property you put up, Keith.

23 MS. DAY: Okay

24 MS. BRODE: And the release --

25 MS. BENOIT: The release isn't until she signs

1 it.

2 THE COURT REPORTER: Y'all can't all talk at
3 the same time.

4 JUDGE WEST: Okay. So I guess I'm --
5 obviously, some things have been discussed before we were here
6 so we have -- I have before me a release of lien for a piece of
7 property that is in Orange County, Texas. This has already been
8 done.

9 MR. DAY: That's the property I'm taking off so
10 I don't know why -- I mean, I put that up over two years ago so
11 I don't know why they wouldn't have that -- have that
12 information.

13 MS. GARCIA: That's not the one that I'm
14 worried about.

15 MR. DAY: Well, that's -- I thought that was
16 the one we're talking about.

17 MS. GARCIA: No. It's the deed of trust is the
18 one he's now pledging because the amount that was changed in the
19 system, I have no way to tell you what that property value is.
20 I have no recorded information. I have no -- nothing to check
21 to see if he had a general warranty deed versus a warranty deed
22 with a vendor's lien which we cannot use as collateral. So
23 there is certain things I look for when a deed of trust is
24 filed.

25 JUDGE WEST: And in the past has that

1 information -- where does that information go?

2 MS. GARCIA: Usually the bondsman would bring
3 it to me.

4 JUDGE WEST: Okay.

5 MS. GARCIA: And then I look at it and then
6 they go down to the other side of our office to file it in the
7 official public records. That didn't happen this time. And
8 then it got changed in the system and I had -- me and the
9 auditor's office doesn't know anything about it. And that's the
10 problem. Money is getting changed in the system before it comes
11 to the board, and that's why Rhonda has a big problem with it
12 because when she's running her reports, the amounts and values
13 are changing before it's done with the board. Although
14 releases, you know, go to the board with the property being
15 pledged but it's being changed before we say, "Hey, this is
16 going to be done or this is done."

17 JUDGE WEST: So we have to approve a release
18 and sign off on it but do we have to, as a board approve a new
19 piece of property being put up?

20 MS. GARCIA: It should be brought to the
21 board's attention.

22 JUDGE WEST: But if we don't have to approve it
23 and if it's not in our rules that it has to be approved, then
24 maybe that's something that needs to be --

25 MS. GARCIA: Addressed in our locals rules,

1 which will be.

2 JUDGE WEST: Okay.

3 MR. PRICE: Why wouldn't -- why wouldn't the
4 board want to approve the property that's being put up as the
5 collateral?

6 MS. BRODE: We do.

7 JUDGE WEST: I mean, I would think we would
8 need to you but apparently that's --

9 MS. GARCIA: Well, I'm going to go back and
10 look real quick to see if it was --

11 MS. GODINA: Well, what about when they put up
12 money, that needs to be approved?

13 MS. BRODE: Cash is cash. We have to make -- I
14 mean, at least administrative approval or something showing that
15 the property is good property.

16 JUDGE WEST: And in the past we have not done
17 that?

18 MS. BENOIT: No.

19 JUDGE WEST: We just get it and assume it's
20 right or good and all of that.

21 MS. BENOIT: Yes, ma'am.

22 JUDGE WEST: Okay.

23 MS. BRODE: I think this one time just showed
24 us that we have a hole in our system because normally it would
25 come to Becky, she would be able to check it, it was getting

1 updated. I think this just sort of shows we have a little
2 issue.

3 JUDGE WEST: Okay. So first things first, we
4 have the release that needs to be approved. As far as the
5 release itself goes, is there any other issues or discussion
6 about the release?

7 Is there a motion to approve the release of
8 this property?

9 MS. GOODNESS: So moved.

10 MR. SMITH: Second.

11 JUDGE WEST: I've got a motion and a second to
12 release the property. Any other discussion about that specific
13 issue? All those in favor?

14 (RESPONSES MADE)

15 JUDGE WEST: Any opposed? All right. So
16 that's approved.

17 Now, are there any other releases before we
18 move on to determining -- worrying about the policy? Are there
19 any other properties that we need to approve or for release or
20 anything like that, or is that the only one?

21 MS. GARCIA: That's the only one.

22 JUDGE WEST: Okay.

23 MS. GARCIA: And my question is, also, where
24 did the value come from? What -- how did you submit the value
25 of the property?

1 MR. DAY: Tax appraisal.

2 MS. GARCIA: Okay.

3 JUDGE WEST: Okay. So next on the agenda is to
4 determine how surrenders will be signed off on and processed.

5 MS. GARCIA: This is something that we tabled
6 from the previous meeting because there was a question on doing
7 the surrenders and what the process for doing the surrenders
8 were and I think with the discussion with the sheriff's
9 department was they were not going to sign off on a surrender if
10 the defendant was being held in another county outside of
11 Jefferson County. So we had that discussion, but we never
12 firmed up anything past that.

13 MS. GOODNESS: They were going to go back and
14 look at the language of the statute to see if they could certify
15 that somebody was in another jurisdiction's custody and I don't
16 see Chief or the Sheriff here today.

17 LT. KELLY: Chief is out of town; Sheriff had
18 another meeting.

19 JUDGE WEST: Okay. So I guess we'll talk about
20 that at the next meeting. Leave that on the agenda.

21 So let's go back to -- Mary, did you get in
22 touch with --

23 MS. GODINA: I did call Derrick Haynes' office.
24 She was under the understanding he was coming to the meeting
25 because he knew he needed to be here and she was going to call

1 and -- but now if she calls me back back there, then I won't
2 know because I'm not back there.

3 JUDGE WEST: So we can go back to the
4 possibility of approving his -- tentatively approving his
5 renewal upon receipt of his CLE or whatever he has -- not CLE
6 but continuous education. It's not CLE.

7 MS. GARCIA: Exactly.

8 JUDGE WEST: An option -- we can either hold it
9 till the next meeting which puts him in a bind potentially or
10 approve it tentatively or deny it out and out right now.

11 MR. SMITH: I make a motion to approve it
12 tentatively with him turning in his continuing education.

13 MR. DAY: I think as long as he turns it before
14 that date, the expiration date, you know, if we tentatively
15 approve it today --

16 JUDGE WEST: Okay. Was that a motion,
17 Mr. Smith?

18 MR. SMITH: Yes.

19 JUDGE LIVELY: Second that.

20 JUDGE WEST: Got a second. Any other
21 discussion? All those in favor of approving it as long as --
22 tentatively along -- I can't say that word. You said the word.
23 It's your fault.

24 JUDGE LIVELY: Subject to.

25 JUDGE WEST: -- subject to him turning in his

1 paper work for his continuing education. All those in favor say
2 aye?

3 (RESPONSES MADE)

4 JUDGE WEST: Any opposed? That's approved.
5 Okay.

6 Now, let's go back also -- we have the -- to
7 talk about possible amendment or changing the rules and then we
8 also need to go back to the complaints against the bondsmen.
9 Where do y'all -- want to go back and let's talk about the
10 complaint against the bondsmen.

11 MS. GODINA: That's fine.

12 JUDGE WEST: Mary.

13 MS. GODINA: We did go out this past Tuesday to
14 check On Time Bail Bonding again and there was a lot -- a lot of
15 improvement in the files. We know everything wasn't going to be
16 updated because there is tons of bonds that they write. They've
17 worked very hard. You can tell by the paperwork that's in the
18 files. I mean, it's going to be up to the board and the
19 insurance company what they want to do but there was major
20 improvement and I think -- and I told them we'll go out again,
21 maybe a couple of weeks, another month maybe and check them
22 again and hopefully it just a plus from now on as far as getting
23 back on track.

24 JUDGE WEST: Was there an actual audit done?
25 When you were here last month, there was something -- someone

1 was going to come in and --

2 MR. JOHNSON: Yes. Drew Johnson with Bankers'
3 Insurance. For the last month, we've applied administrative
4 stop to his writing ability. And over the course of that month,
5 we conducted an investigation as well as conducted an audit. I
6 spoke with the auditors. She reviewed all the files up until
7 the original board audit and all of -- every file she audited
8 was clear. It didn't have any insufficiencies and so she was
9 using a checklist that I believe was provided for her by Mary
10 and-- or at least discussed it with her what the deficiencies
11 were. And so we haven't seen anything to lead us to believe
12 that he's not in compliance and that -- he's also made a
13 significant improvement on all his files to be in compliance.
14 So we're satisfied.

15 MR. FONT: Since the last board meeting,
16 Mr. Milo and his wife both met with Mary and Becky after the
17 meeting. Mr. Johnson and I and James had a meeting with a
18 number of the administrators to discuss any shortcomings. Those
19 were passed on to the auditors. He's been not writing for the
20 last 30 days. He also brought his staff in to meet with the
21 clerks, issuing any apologies for some -- any offensive acts.
22 He's been monitoring all of his defendants, providing them court
23 dates, which was of concern to you and he's been paying all of
24 his forfeitures in a timely manner.

25 JUDGE WEST: If you'll state your name for the

1 record, please.

2 MR. FONT: Oh, I'm Mark Font with CKR Law,
3 counsel for Mr. Milo.

4 JUDGE WEST: Thank you. Does anyone have any
5 questions or discussion or -- of them or amongst ourselves.

6 Just to remind everyone, last time they agreed
7 to administratively on their own stop writing until now so that
8 we would make -- and that way they wouldn't have that on their
9 record that we suspended them -- so today we need to make some
10 type of decision on whether or not to move on and let them
11 continue writing or where we are.

12 MS. GARCIA: Well, in that meeting there was a
13 lot of talk that was done with the parties. From the attorneys'
14 perspective, there was an issue regarding -- Mary, how did they
15 say it? How they were relating it. How they viewed it. I'm
16 sorry. How did you say that it was translation or --

17 MR. FONT: How you interpreted the statute.

18 MS. GARCIA: How we interpreted the statute
19 which has now caused us -- later on, we will be discussing
20 specifying in our local rules some changes and issues because of
21 interpretation viewed from the outside. So apparently it wasn't
22 made clear in our local rules that when they do a background
23 search, that they need to turn it in. I don't know why else you
24 would do a background search and not turn it in because it
25 doesn't do anyone good. That's one of the issues that we'll

1 need to be addressing.

15 MR. JOHNSON: Well, first I'm hearing about it
16 so --

17 MS. GARCIA: Well, I just found it this
18 morning.

24 MS. GARCIA: But that's the application.

25 MR. JOHNSON: I agree.

1 MS. GARCIA: It says it shall be filed in the
2 county clerk's office.

3 MR. JOHNSON: I agree. I agree. And we'll
4 take care of that immediately.

5 JUDGE WEST: So the one that's with the
6 application is that just somewhere in our records? So we have
7 one somewhere?

8 MS. GODINA: It's in every file.

9 MS. GARCIA: It's Bail Bond Board --

10 JUDGE WEST: Right.

11 MS. GARCIA: -- part of it, but it needs to be
12 filed in the official public records of the county clerk's
13 office.

14 JUDGE WEST: Okay.

15 JUDGE DOLLINGER: Is it possible we could get
16 the one from the Bail Bond Board records, the application
17 designation of power of attorney and bring it downstairs and
18 file it so that --

19 MS. GARCIA: I would have to go back in my file
20 to see if that was even a part of the application. I mean, I
21 did not bring my file with me. I mean, I can have my file
22 brought up to me.

23 MR. FONT: I don't want to speak out of turn
24 for Bankers, but I'm pretty sure they'll rectify this situation
25 within about 24 to 48 hours.

1 JUDGE WEST: I say let them get it.

2 MR. JOHNSON: No. It will be rectified
3 immediately.

4 MR. FONT: That's something that should have
5 been taken care of and we apologize for any oversight. We were
6 totally unaware of it and did not know.

7 MS. GARCIA: No. And I didn't know as well
8 until I started looking at this this morning so we just need to
9 get this taken care.

10 MR. FONT: Absolutely. He will not write a
11 bond until that gets filed.

12 MR. DAY: Mary, did you get all the background
13 checks on all the employees?

14 MS. GODINA: We did get -- last month we got
15 two.

16 MS. GARCIA: Uh-huh.

17 MS. GODINA: And from what the list was, I
18 think we've gotten everybody that they have on their list.

19 MR. FONT: And that was the representation that
20 Mr. Adler made that within 24 hours you would have the list. I
21 think there was some question as to exactly who was an employee.
22 He did supplement the list and supplied those names I think in a
23 timely manner to fulfill Mr. Adler's promise to the board.

24 JUDGE WEST: So as far as we are today, I guess
25 what we have is a complaint that's pending that we held,

1 correct? And for the board, so we need to figure out where to
2 go from here on that complaint.

3 JUDGE LIVELY: So basically, the issues that
4 raised the complaint have been rectified?

5 MS. GODINA: Right. As far as -- I mean, we
6 didn't check every file. What we do is just print a docket of
7 what they have out and then I try to pick like some big bonds,
8 \$100,000 bonds because they have three or four cosigners and
9 make sure all the paperwork is in there for each cosigner. I
10 did six, maybe eight cases, some misdemeanor, some felony, some
11 board forfeitures, just different variety of things and
12 everything that I saw on those that we chose were fine. Big
13 improvement, like I said, I mean, from what it was before.

14 JUDGE LIVELY: So it sounds like there is
15 really no further action needed. As far as the complaint, it's
16 been remedied.

17 MR. SMITH: Correct.

18 JUDGE WEST: Yes, sir.

19 JUDGE DOLLINGER: If it were held, would the
20 proper thing to do would be vote to dismiss the complaint?

21 JUDGE WEST: I feel like there needs to be some
22 action to either dismiss the -- or make a finding one way or the
23 other or dismiss it, yes.

24 MS. GARCIA: The finding is required to be in
25 an order form.

1 JUDGE WEST: So we either make a finding -- I
2 mean, to me it would be -- well, but I guess what we did was we
3 kind of found it but we let them fix it. You know what I mean?
4 Instead of making an order where we made findings of the
5 complaint, last month we allowed them time on their own.

6 MR. FONT: My understanding of the rules is you
7 could make a finding to take no action which is obviously what
8 we would request that you do. We had a self-imposed suspension
9 and he has been punished that way by not being able to write for
10 the last month and he has devoted a substantial amount of
11 resources to making sure that his files are in order and that he
12 complies with all the rules and has a better understanding of
13 how y'all do business here.

14 MR. DAY: Judge, the only one issue I have is
15 that are we setting a precedent? As a private surety, if I run
16 into a situation or Al Reed runs into a situation or Stan
17 Stanley runs into a situation, are we going to be allowed to
18 come to the board and say, "Well, can we do our own in-house
19 suspension on ourselves since we're not an insurance company?"
20 Is this setting a bad precedent for other bondsmen?

21 JUDGE WEST: Well, we already did it. It's too
22 late now. We already did it.

23 MR. DAY: I'm talking about without a board
24 setting, you know, setting a suspension in place is basically
25 what I'm saying, even if it's a short-term suspension.

1 JUDGE WEST: I mean, I think that's a case --
2 my thought would be that would be kind of a case by case basis.

3 MS. GODINA: Case by case.

4 JUDGE WEST: I think, especially for those who
5 have been doing business around so long, the board would
6 probably be more than glad to help if there was some issue and
7 give you time to do something that's not going to hurt your
8 record. So, I mean, I don't think we can say we're going to do
9 that in every case; but if you come and say, "Hey, we know we've
10 got a mistake going on and we're going to self-suspend," then I
11 think that would go a long way.

12 MS. GODINA: Plus we've had other companies
13 before that we had done investigations on, had them brought
14 before the board and they didn't fix the problem and now they're
15 closed. So I think once somebody, when we go in and audit
16 somebody's office and we let them know if they want to keep
17 their business open, I would think it would behoove them to fix
18 whatever the problems are to keep their business open. The ones
19 that chose not to fix it are no longer in business.

20 JUDGE LIVELY: I think it's actually -- I mean,
21 they've proven that it was good to do it the way we did and let
22 them self-suspend because the issues that caused the trouble in
23 the first have been substantially fixed and so you saved the
24 bondsman from potentially losing his livelihood for something
25 that was fixed in a very short time. That was a lot to fix.

1 JUDGE WEST: Not something that we've had to
2 worry about that I can think of in the last few years anyway.

3 MS. GODINA: No. That's what I say, we have
4 had -- I don't know how long -- how far Josh Stewart and that
5 other one --

6 JUDGE WEST: Yeah.

7 MS. GODINA: And we found problems and we let
8 them know, same way like with them. We -- they came in. We let
9 them know the problems and then we rechecked again several times
10 and they never fixed them and so the board shut them down, two
11 different companies that I can remember and they chose not to
12 fix the problem.

13 JUDGE WOODS: What was the lady's name that --

14 MS. GODINA: Barbara Hart.

15 JUDGE WOODS: -- that knew Mr. Kimler?

16 Remember that lady?

17 MS. GODINA: Yeah. Well, she is doing good.
18 Erika Francois.

19 JUDGE WOODS: We went a long ways with her.

20 MS. GODINA: We went month for month for like
21 six months until she got her application right and she did and
22 now she's a -- you know, she's got a bonding business. We've
23 checked her since she's been open two or three times and there
24 were a few things and we let her know. They weren't major
25 things, and it was just a few. We let her know and then we

1 checked again and they were fine.

2 JUDGE LIVELY: Well, with a self-suspension
3 like that, there is no harm or foul. The community is being
4 protected while the problem is being remedied. I think that's a
5 pretty strong remedy.

6 JUDGE WEST: So I think we need to make some
7 type of -- take a final action on it whether it's to take
8 no -- a motion to take no action, a motion to dismiss it,
9 either/or, if we're not going to move forward with anything
10 else. Maybe one of either of those would satisfy the closing it
11 out.

12 JUDGE DOLLINGER: I'll move that we dismiss the
13 complaint.

14 MR. SMITH: Second.

15 JUDGE WEST: Okay. With a motion to dismiss it
16 and a second, any other discussion? All those in favor?

17 (RESPONSES MADE)

18 JUDGE WEST: Any opposed? All right. It's
19 dismissed.

20 Thank you guys for working so hard. We
21 appreciate it.

22 MS. GARCIA: But, Judge, are they going to
23 --when are they going to be able to start writing again upon the
24 filing of the power of attorney that they're required to do?

25 MR. JOHNSON: We are aware of that shortcoming,

1 and we will remedy that. Absolutely.

2 MS. GODINA: So as soon as we get that power of
3 attorney, then we'll put them back in good standing and they
4 will be able to write bonds. So as fast as you can get that to
5 us, as fast as --

6 MR. FONT: I spoke to Mr. Adler and I'm sure
7 he'll be on the phone with Mr. Adler as soon as we leave here.

8 MS. GODINA: -- we put you back in good
9 standing.

10 JUDGE WEST: Okay. Great. Thank y'all.

11 MR. JOHNSON: Thank you.

12 MR. FONT: May we be excused?

13 JUDGE WEST: Thank you.

14 So the final thing then is possible amendment
15 or changes to our local rules.

16 MS. GARCIA: Uh, yes. As Mary brought up, we,
17 you know, we've gone through our locals rules and right now
18 there is two of them that we probably need to address.

19 On page three, second full paragraph, second
20 sentence, it says: The chairman shall also appoint three staff
21 members to conduct the business whereas we didn't kind of do
22 that last time. So either we need to change the local rule or,
23 you know, to where we're going to submit applications? Or is it
24 just the chairman is just going to say, "Hey, I'm going to
25 appoint you"?

1 JUDGE WEST: Oh, you're talking about for the
2 administrators?

3 MS. GARCIA: Yes, for the administrators
4 because this is our local rule right now.

5 JUDGE WEST: Oh. So you could have just
6 picked. We didn't have to go through all that stuff.

7 JUDGE DOLLINGER: Happy you did.

8 JUDGE WEST: I like the idea of going through a
9 process and not just having one person picking and that's the
10 way it says so I mean we could --

11 MS. GARCIA: No, I agree.

12 JUDGE WEST: -- probably would be good to
13 change that language to say --

14 JUDGE WOODS: Elect instead of appoint.

15 JUDGE WEST: Uh-huh.

16 JUDGE LIVELY: The board shall elect.

17 JUDGE WEST: Right. The board shall elect
18 instead of the chairperson shall appoint. Right?

19 MS. GOODNESS: The board shall appoint.
20 Because they're not members of the board.

21 JUDGE WEST: So it's not really an election.
22 We are appointing them.

23 JUDGE DOLLINGER: Selection. Select or
24 appoint.

25 JUDGE WEST: So at a minimum change chairman to

1 board in that second sentence. Is that enough?

2 The board shall appoint. And then we -- do we
3 need to spell out how we did it or are going to do it or can we
4 just --

5 MS. GARCIA: That will be up to y'all.

6 JUDGE WEST: -- as a group, we figured it out.
7 This time we opened it up for a certain amount of time and just
8 do that as it comes?

9 So we would need a motion and a second to
10 change that and a vote on page three, change chairman to board
11 in that second full paragraph.

12 JUDGE LIVELY: I make that motion.

13 MS. GOODNESS: Second.

14 JUDGE WEST: All right. There's a motion and a
15 second. All those in favor?

16 (RESPONSES MADE)

17 JUDGE WEST: Any opposed? All right. So that
18 change is made. What was the next thing?

19 MS. GARCIA: The next thing is on page 11 and
20 this is item d and this is talking about where the sureties do
21 the background searches and again it was the interpretation that
22 all they have to do is do a background search. When we had our
23 discussions, it was pointed out to us, well, the instructions in
24 your local rules didn't say who it needs to be turned in to or
25 who, you know, is it done before we hire this person, is it

1 done, you know, how many days after we hire this person, who do
2 we turn the appli -- you know, the background search in to. So
3 it came down to a little --

4 JUDGE WEST: So this wouldn't be done -- I
5 mean, this is -- they could employ -- we don't want it to say
6 that it's going to be done when they apply because obviously
7 they can employ people throughout. So it just needs to say
8 something to the effect of another sentence that the background
9 investigation is to be turned over to the board or turned over
10 to -- I mean, do y'all have an idea of what you -- have y'all
11 thought about what language you --

12 MS. GARCIA: Well, this is for any of their
13 employees.

14 JUDGE WEST: Right.

15 MS. GARCIA: So I --

16 JUDGE LIVELY: On that sentence where it says
17 each licensee shall obtain, right after that you could put in,
18 and submit to the board administrator.

19 MR. SMITH: Uh-huh.

20 JUDGE LIVELY: And then you could take care of
21 that part.

22 MS. GOODNESS: We need to have a time frame.
23 Within 30 days?

24 JUDGE LIVELY: Within X days.

25 MR. SMITH: 30 days.

1 MS. GOODNESS: Because it takes a little while
2 to get it from DPS.

3 MR. SMITH: 30 days.

4 MS. GOODNESS: Does that seem reasonable that
5 DPS is meeting that now?

6 MS. GARCIA: About 30 days. I mean, they can
7 at least provide the receipt that they paid for it, that it's in
8 the works and I've had that from a lot of bondsmen that said we
9 submitted it but we're waiting on it.

10 MR. SMITH: As long as they get in the receipt
11 that it's in the works within 30 days.

12 MS. GARCIA: Right. I mean, so 30 days is
13 about right when they are getting them out.

14 MR. PRICE: And to report, like give them 30
15 days to submit the receipt, 60 days to submit the report. Does
16 that make --

17 MS. GARCIA: I would say 30 days to submit the
18 report. And if we don't get the report in, they can at least
19 show proof that, hey, we went and got it on this day, we're just
20 waiting for it to come in. Because the problem is you're now
21 going to be training someone for two months and then we may have
22 a problem.

23 JUDGE WEST: And this would just really go for
24 employees that are added after the fact because if they're
25 applying new, that's going to be in their packet --

1 MS. GARCIA: Right. Absolutely.

2 JUDGE WEST: -- and be turned in. And if it's
3 not, we'll know that at the time. So we don't need to make some
4 kind of a difference in this paragraph about if it's the initial
5 application or not. Just obtain and submit --

6 MS. GARCIA: Right.

7 JUDGE WEST: -- within 30 days. Each licensee
8 shall obtain and submit within 30 days --

9 JUDGE LIVELY: Submit to?

10 MS. GODINA: Board administrator.

11 JUDGE WEST: To --

12 JUDGE LIVELY: Tentatively.

13 JUDGE WEST: -- to a bail bond board -- okay.
14 So how does this sound?

15 Each licensee shall obtain and submit to a bail
16 bond board administrator within 30 days a background
17 investigation record and then continue the sentence. Does that
18 cover it? I need --

19 MS. GOODNESS: I make a motion that we adopt
20 that change in the rule d on page 11 as described by Judge West.

21 MR. SMITH: Second.

22 JUDGE WEST: There is a motion and a second.
23 Any other discussion? All those in favor?

24 (RESPONSES MADE)

25 JUDGE WEST: Any opposed? All right. That

1 passes. And I wrote that down if y'all --

2 MS. GARCIA: And the last thing --

3 JUDGE WEST: -- I would like to bring up is
4 when Mary went out and did her inspection with Glenda and Tina,
5 they have list. What do you call it, Mary? Disclosure?

6 MS. GODINA: Disclosure statement.

7 MS. GARCIA: And I know at one time this was
8 done a long time ago because all of our other licensed bondsmen
9 currently has this in their files and they are doing it,
10 however, it did not get in our local rules and I've been going
11 back in the months and the years and I can't see when it was
12 done so I just think we need to go ahead and put it on record
13 again, add it to our local rules that the form that Mary uses to
14 go and do her inspections -- because it's the same one that has
15 all of the -- it's basically a list of all the State
16 requirements that -- Mary, you can probably tell them what it
17 says.

18 MS. GODINA: It's just like a checklist of what
19 they need to go over with their client, the defendant, as to
20 checking in weekly, daily, whatever their requirements are.
21 It's the disclosure statement that's used. I mean, I think
22 everybody -- all bonding companies use it. We -- I was -- for
23 some reason I thought it said that the bond had to be made
24 within 24 hours. On their disclosure statement it says 48
25 hours. We can't find it anywhere in our local rules what the

1 hours are.

2 MS. GARCIA: And/or Chapter 17, you know, the
3 occupations code. I've been going over everything and I cannot
4 see a specific time of when that bond is to be submitted to the
5 jail.

6 JUDGE WEST: Since we don't have a copy of
7 those, just something -- we could go ahead and make those other
8 two changes and then we could put it on the agenda so everyone
9 can look at it and maybe e-mail that out to everyone. That way
10 they can look at that form and if there is any issues, before we
11 make it a part of our policy.

12 MS. GARCIA: Right.

13 JUDGE WEST: Is that fine?

14 MS. GODINA: Sure. I'll bring it and make
15 copies for next month's meeting.

16 MS. GARCIA: And we may have a few more changes
17 by then anyway.

18 JUDGE WEST: Yeah. If there is anything you
19 want to send out ahead of time, too, that would help. That way
20 people can look at it before we show up if we want to.

21 MS. GARCIA: Right.

22 JUDGE WEST: Anything else?

23 MS. GODINA: I do have one other thing real
24 quick. Dustin Galmor called me earlier this week and said that
25 an attorney was going to post a bond at the jail and his

1 secretary notarized the bond for the attorney and it was in --
2 her notary part was in blue ink, her signature, and the jail
3 would not take the bond.

4 Do we know why?

5 MS. MARTIN: Because it was in blue.

6 MS. GODINA: But why? I think that's one of
7 those old things from many moons ago.

8 MS. MARTIN: I got told it has to be in black.

9 MS. GODINA: But why?

10 MS. MARTIN: That's how I was taught.

11 JUDGE WEST: I mean, is there some law or
12 rule --

13 MS. GODINA: No.

14 MS. GARCIA: No.

15 JUDGE WEST: -- that we can't right in blue
16 pen? Because that's all I write in.

17 (SIMULTANEOUS CONVERSATIONS)

18 THE COURT REPORTER: Y'all are all talking.

19 MS. GODINA: Shhh. She can't take the record.
20 So say it again.

21 MR. ROEBUCK: Years ago that was some sort of
22 unwritten rule because fax machines were not very good and they
23 wouldn't -- they wouldn't print out or duplicate blue ink so I
24 think that's why that started.

25 JUDGE WEST: Can you guys check then and make

1 sure because that would -- just because the color of a pen,
2 somebody shouldn't be turned away, I would think, unless there
3 is really something legally that's an issue on that.

4 | Keith.

5 MR. DAY: Since we have Tom here today in our
6 presence, I've gotten probably three or four calls by different
7 bondsmen over the past three months concerned -- and I think
8 what we need to find out in the local rules on the advertising
9 that's in the code. We need to define or we need a definition
10 of difference between advertising and soliciting because I
11 constantly -- I don't know why people think I'm the bondsmen
12 police but I get calls at my office asking me if it's okay to
13 wear shirts to the jail with your company logo on it, if it's
14 okay to wear shirts to the courthouse with your company logo on
15 it. And I just need some, you know, it says in the occupations
16 code there is -- it's in there about soliciting. No soliciting
17 where inmates are housed. The question I guess I have is, is
18 wearing a shirt, a T-shirt with your business name, your phone
19 number -- I used to have them and we used to wear them to the
20 jail but I -- we don't do it anymore. I make my girls cover up,
21 not because I don't think it's right or one way or the other but
22 we just -- just don't walk the line.

23 JUDGE WEST: But that's based on -- but that's
24 based on the code not a local policy, right?

25 MR. DAY: Right. I think there is -- what I'm

1 trying to find is what's the difference, you know, advertising
2 and soliciting. Soliciting, someone might say soliciting is if
3 I go up to somebody in the jail say, hey, I work with
4 Professional Bail Bonding. Do you want to use me as a bondsman?
5 Okay. That's a no-no.

6 But if I'm standing there and I've got a shirt
7 on that says Professional Bail Bonding with my phone number on
8 it, is that considered a nonverbal solicitation?

9 JUDGE WEST: I think that's out of our lane.

10 JUDGE DOLLINGER: That's a first amendment
11 issue.

12 MR. DAY: So that's why I'm asking whether it
13 needs to be -- first off, we need -- you know, I need to know
14 because when bondsmen call me, I don't know what to say.

15 JUDGE WEST: If we start trying to make a rule,
16 though, you're talking about okay, then is a t-shirt? I mean,
17 we could add 10 pages to this on what if you wear a cap and what
18 if you wear a shirt. Well, I didn't wear a shirt. I wore a
19 wristband.

20 MR. DAY: Right.

21 JUDGE WEST: I don't think that's -- I don't
22 know. I mean, lawyers run into the same thing but you --
23 that's a statute or a code issue that you would talk to the
24 professional agencies about not your local --

25 JUDGE LIVELY: Keith, I bet if you want to hire

1 Tommy, bet he would do that research for you.

2 MR. DAY: He would be happy to do that.

3 MR. ROEBUCK: See, he calls me about every
4 little old thing and we get down here today and I'm blindsided.

5 MR. DAY: I had actually forgotten about it but
6 I get these calls regularly from bondsmen asking me if it's okay
7 or not. Personally, as long as you're not walking up to
8 somebody and saying, hey, use me, I don't care. You know,
9 that's my personal opinion. You can wear what you want to wear
10 up here or to the jail, but I just hate telling somebody, no,
11 you can't do it or, yes, you can when I don't even know what the
12 actual definition of solicitation is.

13 JUDGE WEST: But if someone were to file a
14 complaint, for instance, on someone for soliciting, where would
15 that complaint go? Would it come to this board or would it go
16 to your --

17 MR. DAY: It's in the Occupations Code.

18 MS. GARCIA: It would come to us under Chapter
19 17.04.109, solicitation and advertisement. And it actually says
20 the board may by regulating solicitation or advertisements.

21 JUDGE WEST: Does it have it defined in there?
22 I mean, we can read it before -- we can read. We can all look
23 at it maybe before the next meeting and see what the definitions
24 are; but if it's something straight out of the occupational
25 code, then we can't define it. As a board, I wouldn't want to.

1 MS. GARCIA: It just goes on to say that there
2 is a difference between solicitation, advertisement. If you're
3 wearing something that's, you know, it's not soliciting. It's
4 just -- it's advertisement.

5 JUDGE WEST: It does say that?

6 MS. GARCIA: In other parts of it, I can't go
7 back to a specific statute right now but if you're passing out
8 cards in the jail parking lot, that's soliciting.

9 JUDGE LIVELY: One is passive and one is
10 active. Wearing a shirt is passive. Passing out a card is
11 active.

12 JUDGE WEST: Right.

13 MR. ROMANO: Judge, in most counties that we do
14 business in, except for one, all of them have it that anywhere
15 the inmates are housed, you can't have any clothes that state
16 your business on it like in the jail -- courthouse is fine but
17 not -- because what it does is the solicitation complaint will
18 come in and say the bondsmen didn't do anything. The person
19 actually came up to them because of what they had. And you can
20 take that off of there, and they come up to them and we say,
21 "Hey, I'm a bondsmen," you can't say they solicited because they
22 actually initiated the conversation first.

23 JUDGE WEST: Probably better practice but --

24 MR. ROMANO: Well, and that's why even it
25 stated it, I would not allow my people to wear it because you're

1 going to open up a can of worms with solicitation. I mean,
2 that's just always been my opinion.

3 JUDGE WEST: That's a good point. I mean,
4 somebody wants to think about putting it in our -- specifying at
5 least something about at the jail or courthouse, I don't know if
6 we want to get that specific.

7 JUDGE DOLLINGER: I would be real hesitant to
8 start getting into that area, real hesitant.

9 JUDGE WEST: Uh-huh. I feel like use your best
10 judgment and -- I mean, it sounds like most people already are.
11 You've already said that you don't allow it just because it's of
12 the appearance and you don't allow it because of the appearance.
13 So, I mean, everybody uses their best judgment; and if they get
14 a complaint, then they'll have to deal with it and try to
15 explain how it's one or the other.

16 Anything else? Any other business new or old
17 or anything else?

18 All right. Thanks. Meeting is adjourned.

19 (MEETING CONCLUDED)

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