

BAIL BOND BOARD MEETING

AUGUST 15, 2019

THOSE PRESENT:

Judge Clint Woods

Judge Ken Dollinger

Judge Craig Lively

Betty Limbrick

Becky Garcia

Theresa Goodness

Charlie Hallmark

Mary Godina

Glenda Segura

Rhonda Brode

Tonja Voorhies

Joleen Fregia

John Shauberger

Al Reed

Tamika Martin

Quentin Price

Lt. Kelly

1 JUDGE DOLLINGER: We are going to call the
2 meeting to order.

5 MS. GARCIA: It won't be until we approve it.

6 JUDGE DOLLINGER: Until we approve it. Okay.
7 We need to approve last month's. Are there copies of it if
8 somebody wants to see it?

9 MS. GARCIA: It was emailed out.

10 JUDGE DOLLINGER: E-mailed out. Okay. Does
11 anybody have any questions or comments about the minutes from
12 last month's meeting?

13 JUDGE WOOD: I make a motion to approve.

14 MS. GOODNESS: Second.

15 JUDGE DOLLINGER: I have a motion to approve
16 and a second. Any discussion? All of those in favor of the
17 approval of last month's minutes signify by saying aye.

18 (RESPONSES MADE)

19 JUDGE DOLLINGER: All those opposed same sign.
20 Motion carries.

21 Next item is the review of -- I mean, I'm
22 sorry -- is the receiving of the report from the district
23 attorney's office. That's been passed out showing almost
24 \$30,000 collected in the month of July which is pretty stout.
25 Any comments on the district attorney's collection report?

1 Okay. Next item of business is complaints
2 against -- I'm sorry -- applications to become bondsmen or
3 renewals. We have some?

4 MS. GARCIA: We did have one. I emailed it out
5 to all the members to review. It's for a renewal application
6 for a bail bond representative for Rashanda Alexander. She's an
7 employee of Allied Bail Bonds, Stan Stanley, and everything is
8 in order.

9 JUDGE DOLLINGER: Do we have a motion to
10 approve her?

11 MS. GOODNESS: So moved.

12 JUDGE WOODS: Second.

13 JUDGE DOLLINGER: Motion and second to approve
14 the renewal. Any discussion? Hearing none we will call for a
15 vote. All those in favor of approving it say aye.

16 (RESPONSES MADE)

17 JUDGE DOLLINGER: Opposed same sign. Motion is
18 approved.

19 Complaints against bondsmen.

20 MS. GODINA: I don't have any at this time.

21 JUDGE DOLLINGER: All right. Reports from the
22 treasurer's office, we have that. It's also been passed out.
23 Are there any items of note, Mr. Treasurer, that we need to be
24 aware of?

25 MR. HALLMARK: None at this time.

1 MR. PRICE: If I may, I would like to point out
2 that we have gotten rid of all of the attorneys that have passed
3 away or elderly that are no longer writing bonds. The group
4 that's been a thorn in our side for quite some time, they are
5 all officially off the treasurer's report.

6 JUDGE DOLLINGER: Well, good job to the
7 treasurer and the auditor and the county clerk for getting all
8 of those taken care of. I know that was something of a chore.

9 Next is the release of property, CDs, cash,
10 checks, cashier's checks. Any that we have for this meeting?
11 No. All right.

12 Report from the auditor's office has also been
13 passed out. Are there any items of note on the auditor's report
14 that we need to be aware of?

15 MS. BRODE: Yes, sir. On the bondsmen's
16 report, I spoke with two of the three administrators. I'm
17 sorry, Becky. I left you out.

18 Michael Barborek's collateral was returned to
19 him so I had requested his bonding limit go down zero just
20 because he has no collateral out.

21 JUDGE DOLLINGER: Okay. And then on the
22 attorneys Phillip Dowden's \$3,000 was returned to him so his
23 bonding limit I requested it to go down to 20.

24 JUDGE DOLLINGER: All right. And have those
25 items been taken --

1 MS. BRODE: I just talked to them before the
2 meeting so --

3 JUDGE DOLLINGER: Any discussion about the
4 items that the auditor has brought up? All right.

5 Number 8, determine how surrenders are going to
6 be signed off on and proceed with the same.

7 MS. GARCIA: This was an issue that we tabled
8 from the previous month only because I think the sheriff's
9 department has changed the way they're -- they had previously
10 done it which has caused confusion for the courts as well as the
11 bondsmen so I think we had tabled it to look at the statute to
12 allow all the departments to look at it and I think that's what
13 we need to discuss today.

14 JUDGE DOLLINGER: Okay. And have the
15 modifications -- you're talking about to our local rules; is
16 that correct?

17 MS. GARCIA: Not necessarily to the local rules
18 yet. We need to discuss the procedure for how these are going
19 to be turned in, where they're going to be turned in, who is
20 going to get the information and so on because the last I
21 remember from last month and in kind of reviewing the notes from
22 the meeting last month, it was discussed that information if a
23 defendant's in custody outside Jefferson County, that
24 information or verification would be attached to the surrender
25 and be submitted directly to the court foregoing the approval

1 from the sheriff's department or verification from the sheriff's
2 department and going directly to the court for the court's
3 approval of signing the order to issue the warrant.

4 JUDGE DOLLINGER: Okay. And when you mention
5 verification of the fact that they're in custody outside the
6 county, do we have something in place to say what exactly that
7 verification is supposed to be?

8 MS. GARCIA: We don't. And here is the
9 problem, and it's come up recently in the last week or so where
10 I've had sureties come turn it in to me and they tell me,
11 LaSalle Unit right here does not issue anything in writing to
12 verify they have something in their custody. They absolutely do
13 not. There are other counties that do not give out anything in
14 writing. They'll tell you over the phone but they will not put
15 it in writing so that's a problem when these sureties are
16 submitting these forms to the judges if they're not in our
17 custody, they can't get anything in written form to prove up to
18 the judge, "Hey, this is where this person is," without that
19 court having to verify, calling to verify that facility. As
20 opposed to the way it used to be, the sheriff's department would
21 verify, "Yes, hey, this person is in that custody," and they
22 would sign off on the verification part and then the form would
23 be turned over to the court that the case is filed in.

24 JUDGE DOLLINGER: Okay. This is just one
25 suggestion, and certainly there can be dozens more, but if the

1 communications division of the sheriff's office, the
2 dispatchers, were to make that call and verify, we would have it
3 on tape that they in fact verified it so if there was some
4 question to come up later that, "No, we didn't say that," well,
5 we would have some way of going back and saying but you did say
6 that and, here, I'll let you listen to it if you think I'm
7 clowning you but that might be one solution of among -- there
8 could be many, I guess. But we certainly can't force some other
9 entity such as LaSalle or another county to give us something in
10 writing unless one of y'all know of some way we can force them
11 to do it. I don't know how we force them to do it. But if the
12 sheriff's dispatch would be willing to make a call once the
13 bondsmen becomes aware or the agency that was looking for them
14 becomes aware that they're taken into custody in Smith County up
15 in Tyler and, you know, the dispatch calls and says, "Do you
16 have Mary Smith or Joe Blow in your custody?"

17 "Yes, we do. We picked them on local warrants
18 or we picked them up on your warrants."

19 Now, we've got -- they can just write a note,
20 verified with Smith County, person in custody this date. And if
21 they come back and try to say, no, that's not right. We never
22 claimed that, then we've at least got some documentation that
23 somebody up there claimed it.

24 MR. PRICE: Judge, may I ask a question? Are
25 y'all asking them to provide some form of documentation pursuant

1 to the Texas Public Information Act.

2 MR. REED: Yes. Well, I don't know about the
3 Texas Information Act but for our voluntary surrender. Like in
4 one case, the guy was in the Jefferson County jail, they send
5 him from the Jefferson County jail over here to private
6 security. Well, they won't give us a verification over there.
7 Sheriff's department already have that information so why don't
8 they just give it to us?

9 CHIEF SHAUBERGER: For the sheriff's office,
10 Judge, one of the issues that we have come up with is the same
11 issue that the judges have, is there's no way that we can verify
12 somebody in custody in another agency unless they do it in some
13 form of formal transaction through teletype. And I don't think
14 whenever we have talked to them about that, the way I think the
15 surrenders are supposed to be done, the bondsman is responsible
16 for verifying where they're in custody.

17 JUDGE DOLLINGER: And he can but he can only do
18 it orally if they're refusing.

19 CHIEF SHAUBERGER: And if they do it orally,
20 then, I mean -- because that's all we are doing is the same
21 thing is orally, the sheriff's office. And, you know, we are --
22 they're wanting us to swear to this or verify this.

23 JUDGE DOLLINGER: Not asking you to swear to
24 it. Just asking you to verify it orally with a tape back up
25 where if they come back later and say, "No, we didn't say that

1 or nobody in our agency told you that," then we would have some
2 way of coming back and saying, "Well, excuse me for not agreeing
3 with you but we have got it on tape where our dispatcher talked
4 to your dispatcher or your corrections facility and they said
5 yes. And here is the date and here is the time."

6 CHIEF SHAUBERGER: And if the bondsmen do the
7 same?

8 MS. RITENOUR: Hi. I'm Tamara. I'm with
9 Professional. Sometimes when we can't find somebody in a --
10 like, if we can't get verification, we get on VINELink and we
11 will print that and that's what we give to the court. Would
12 that be something that would be acceptable to print out? It
13 usually will state what jail they're in at that time.

14 MS. GARCIA: Can I interject before that's
15 answered?

16 Article 17.16 says: On receipt of an affidavit
17 described by Subsection a(2), which is what we are talking
18 about, a surrender, the sheriff of the county in which the
19 prosecution is pending shall verify whether the accused is
20 incarcerated as stated in the affidavit. If the sheriff
21 verifies the statement in the affidavit, the sheriff shall
22 notify the magistrate before which the prosecution is pending on
23 the verification. Of course, that is if the case has been filed
24 before a court. But it says very specifically the sheriff shall
25 verify.

1 JUDGE DOLLINGER: Well, if it hasn't been filed
2 with one of the courts up here, it certainly would have been
3 filed with one of the JP courts and a preindictment warrant
4 would have been issued. Otherwise, they wouldn't be out on
5 bond. Am I right?

6 MS. GARCIA: Correct.

7 MR. REED: And I think at one time that was
8 already on the surrender, or it used to be anyway.

9 JUDGE DOLLINGER: Okay. Would you mind taking
10 a look at that? That's CCP, correct?

11 MS. GARCIA: Yes.

12 JUDGE DOLLINGER: 17.16 sub b and sub c and
13 take a look at it and then talk to the folks at your
14 organization and see if that would be something that they would
15 be willing to entertain so that we can let the courts have it
16 formally the way the code says they're supposed to?

17 CHIEF SHAUBERGER: Yes, we will take a look at
18 it.

19 JUDGE DOLLINGER: Okay. Great. Any other
20 discussion on that particular topic that we need to get in to?
21 Okay.

22 The last thing is the possible amending and/or
23 changing of local rules. I don't know what that means.

24 MS. GARCIA: Mary, I'm sorry I don't have any
25 other copies with me.

1 MS. GODINA: It's right here. So what we did,
2 Becky, Glenda and I got together and we -- Glenda emailed out to
3 the voting members some proposed changes that we wanted to try
4 to put into our local rules. If you're a nonvoting member, here
5 is copies up here if y'all want to look through them or
6 whatever.

7 Just talking about putting that disclosure
8 statement in our local rules, that the bonding companies need to
9 use that.

10 Also, just I guess it's more wording of how
11 things are worded in our local rules and also the power of
12 attorney part. I don't know if we want to go over each item or
13 how you want to do it. Like I said, the voting members got
14 copies of everything.

15 JUDGE DOLLINGER: Is there anybody -- any
16 voting member present who has not received their copy by e-mail
17 or received it and hasn't had a chance to study it and want it
18 put off for another meeting? If not, well, we can have
19 discussion on the changes that have been proposed now.

20 Any discussion on the proposed changes? And
21 these, if I understand correctly, Becky, these are to bring our
22 rules into compliance with other --

23 MS. GARCIA: Well, it's to bring our local
24 rules in compliance with what we are already doing --

25 JUDGE DOLLINGER: Okay.

1 MS. GARCIA: -- for the most part.

2 The second part of it is to clarify the
3 language in some of our locals rules to be more specific as to
4 what we are asking.

5 JUDGE DOLLINGER: Okay. Do you know -- Al,
6 have there been any discussion from any of your fellow bondsmen
7 yay or nay, for or against the amendments?

8 MR. REED: (Shakes head)

9 JUDGE DOLLINGER: No?

10 MR. REED: No discussions that I know of, no.

11 MS. GOODNESS: I have a question, Judge.

12 JUDGE DOLLINGER: Yes, ma'am.

13 MS. GOODNESS: The disclosure statement, do we
14 have that in our rules of what this disclosure statement is that
15 they're supposed to use, the actual adopted form?

16 MS. GARCIA: That's something that we have
17 never formally approved but at some point this board must have
18 discussed it because the majority of the sureties are currently
19 using that form. So when inspections are done, it's already in
20 their files. But do we have a form --

21 MS. GOODNESS: It would seem to me that before
22 we can say you must use this statement and must be found in your
23 your files, we must adopt a form.

24 MS. GARCIA: Right. So that's what I'm saying.
25 Do you have a copy of the form?

1 MS. GODINA: Yeah, it's here. And it went
2 out -- that's what I say, it went out to all the voting members.
3 That's what we're trying to do is to put into our local rules to
4 start using this form.

5 JUDGE DOLLINGER: Can I see it?

6 MS. GARCIA: And this is basically a list of
7 what is required in -- what is required in the code.

8 JUDGE DOLLINGER: I'll go it over real quick
9 for anybody --

10 MS. GARCIA: It's just in a checklist form.

11 JUDGE DOLLINGER: -- who didn't have a chance
12 to look it before coming up. It's Chapter 17.04 subchapter e,
13 17.04.202 in the Occupations Code. And the disclosure statement
14 says (a) a licenseholder shall maintain, number one, a record of
15 each bond executed by that license holder and, number two, a
16 separate set of records for each county in which they're
17 licensed; (b) the records required to be maintained must include
18 for each bond executed and enforced, one, the style and number
19 of the case and the court in which the bond is executed; two,
20 the name of the defendant released on bond; three, the amount of
21 bail set in that case; four, the amount and type of security
22 held by the license holder and, five, a statement of (a) whether
23 the security held by the licenseholder is, number one, for the
24 payment of the bail bond or (b) to assure the principle's
25 appearance in court and (b) the conditions under which the

1 security will be returned.

2 Sub c says, the licenseholder shall before
3 renewing a license submit for inspection to the board or a
4 person designated by the board the records required under this
5 section. And that would also, I assume, though it doesn't say
6 it, that would also apply to unannounced inspections that are
7 carried out from time to time. Would be that be right?

8 MR. GALMOR: That's D. That's the next.

9 JUDGE DOLLINGER: Okay. My bad. I didn't go
10 far enough. Like dad told me, there is no end to how far I'll
11 get in life if only I learn to read.

12 The records required under the section shall be
13 made available for inspection on demand by the board or
14 authorized representative.

15 And, finally, make sure all property taxes are
16 up-to-date, show proof of payment to each entity.

17 So that's the disclosure statement and the
18 change to the local rules would add d.2, the disclosure
19 statement shall be found at each file the surety has made a
20 bonds on, the form shall be initialed by the defendant next to
21 each line item indicating the information was explained to the
22 defendant by the surety.

23 JUDGE LIVELY: If we are wanting to incorporate
24 that specific form, then we need to reference that in that rule
25 and include a copy in the rules. That way it's --

1 JUDGE DOLLINGER: I thin that would be a good
2 idea. And you said that many of the bonding companies are using
3 it now. So if we could adopt or copy one that's in use and make
4 that a part of ours and everybody would basically be singing out
5 of the same hymnal.

6 MS. GARCIA: Right. And it would also be, once
7 the board approves it, if the board approves it, it would also
8 be made available in our forms category on the Bail Bond Board
9 page.

10 JUDGE DOLLINGER: Okay. That would be even
11 better. So what if we were to table this until you have an
12 opportunity to get the exact language that's being used and we
13 will bring it up --

14 MS. GOODNESS: They actually have the form, the
15 third page of what they passed out, Judge. I believe this is
16 what y'all are proposing that the board adopt, correct?

17 MS. GARCIA: Correct.

18 MS. GOODNESS: The third page.

19 JUDGE DOLLINGER: Oh, okay. I'm sorry. I
20 didn't go back there either.

21 JUDGE LIVELY: What is it that your daddy told
22 you before, Judge?

23 JUDGE DOLLINGER: I'm sure he's looking up
24 there looking down saying, (pointing finger).

25 Yeah, the form is the last of the three pages.

1 So if we -- if we vote to adopt the disclosure statement as
2 passed out and to amend the language, that should cover us?

3 MR. GALMOR: I have a comment.

4 JUDGE DOLLINGER: Yes, sir.

5 MR. GALMOR: On there where it says surety
6 notify the defendant of the court date --

7 JUDGE DOLLINGER: Yes, sir.

8 MR. GALMOR: -- I mean, personally when I read
9 that rule, I believe it causes more confusion if you're going to
10 have it contingent in there that they have to notify them in
11 writing if they don't have a lawyer and I don't know that they
12 always know who has a lawyer and if there is going to be a rule
13 to notify them about their court dates, I don't know what having
14 a lawyer really affects that. So, I mean, if there is going to
15 be a rule about notifying court dates, I don't know why having a
16 lawyer would affect it.

17 JUDGE DOLLINGER: Well, I can see the point of
18 your argument; but I guess their thing was that it would be
19 their lawyer would be notifying them of their court date if, in
20 fact, they have one but --

21 MR. GALMOR: If they have a decent one.

22 JUDGE DOLLINGER: But I would think -- don't
23 the bondsmen have a requirement that you retain counsel or seek
24 appointed counsel or no?

25 MR. REED: We do on our contracts. It says

1 that, but I don't think that's -- I don't think that's a statute
2 law.

3 JUDGE DOLLINGER: And I would wonder if it
4 enforceable so the pre-established case law in Texas is every
5 defendant has a right to represent themselves if they so choose
6 and I don't know if exercising that right would cause them to
7 lose their right to be out on bail. I wouldn't think so, but I
8 don't know that for a fact. I haven't researched it, but it
9 wouldn't seem logical that if somebody said, "Hey, I'm going to
10 represent myself and I don't need to hire an attorney and I
11 don't want the State to pay for one because I've got resources
12 if I wanted to," but I don't know that that would necessarily
13 prohibit them from being out on bond.

14 JUDGE WOODS: Right.

15 JUDGE DOLLINGER: Would it -- Dustin, is it
16 your contention that maybe just deleting all the words from "if"
17 to the end of that sentence?

18 MR. GALMOR: Yeah. I mean, if you're going to
19 have a rule that says notify clients in writing, I think it
20 should just say notify them in writing.

21 JUDGE DOLLINGER: With or without an attorney?

22 MR. GALMOR: Yeah. I mean, if you're going to
23 have the rule at all.

24 JUDGE DOLLINGER: Those of you here
25 representing bondsmen and bonding companies, do you have any

1 heartburn with that, taking out the word if represented by
2 attorney, just taking that statement out so the bonding company
3 will let them know that they have a court date and when the
4 court date is? Okay. Then we will strike that language then.

5 All right. With those -- with those
6 modifications to D2, the paragraph will read: Surety to notify
7 defendant of court date. The surety shall notify the defendant
8 of any court dates, period.

9 Any other discussion on the proposed changes or
10 the adoption of the disclosure statement as passed out? Okay.
11 Call for a question.

12 MS. GOODNESS: Judge, I make a motion that we
13 adopt the prescribed disclosure statement as handed out and we
14 adopt the language requiring the disclosure statement to be
15 found in each file the surety has made a bond and also they
16 notify the defendant of any court dates.

17 JUDGE DOLLINGER: Okay.

18 JUDGE WOODS: Second.

19 JUDGE DOLLINGER: We have a motion and a
20 second. Is there any further discussion on the proposal?
21 Hearing none, we will call for a vote.

22 All those in favor of the adoption signify by
23 saying aye.

24 (RESPONSES MADE)

25 JUDGE DOLLINGER: All those opposed same sign.

1 Hearing none, the motion carries.

2 And that is the last thing I have on there. Is
3 there -- is there any business that needs to come before the
4 board that didn't make it on the agenda? I mean, obviously we
5 can't act on it; but if somebody needs to bring something up
6 for --

7 MS. GOODNESS: Judge, there was -- if I could
8 interject real quick, on the proposed local rules, they also
9 wanted to add another rule E2, a surety is to turn in a bond
10 within 24 hours of the defendant being released from custody or
11 the indemnitors agreeing to terms and conditions of bond. And
12 also to change the application for the surety insurance license
13 form to include adding a checklist -- to add to the checklist
14 that they submitted a recorded power of attorney pursuant to CCP
15 17.07. So we probably need to talk about those two things,
16 also.

17 JUDGE DOLLINGER: Is it not being turned in
18 within 24 hours presently or?

19 MS. GARCIA: Well, there was an instance that
20 came up where a bond was taken back. It was not turned in. The
21 person was making payments that she thought she was on bond but
22 it was -- it happened. I reached out because I could not find
23 in any of the statutes what time is allowed to turn a bond in.
24 I reached out to Roger Moore and he actually e-mailed me back
25 that I forwarded to the other ladies and he said there is no

1 time. Technically there is no time so it would be up to your
2 local board to set a time limit on when those bonds are to be
3 turned in. So that's why we are suggesting that we get, you
4 know, turn everything in within 24 hours for -- in the instance
5 that the family members go down to a bondsman, they sign papers,
6 they agree to post a bond, that that bond is turned in within 24
7 hours.

8 JUDGE DOLLINGER: To the board?

9 MS. GARCIA: No. The surety bond out to the
10 jail.

11 JUDGE DOLLINGER: Okay. All right. I see. I
12 was misreading what it said. I got you. And that's the way
13 it's currently being handled? Is there anybody not handling it
14 that way? Okay.

15 MS. GARCIA: I think it just happened to be
16 something that came up, but we don't have any rules in place to
17 handle it to say this is the time you need to turn it in.

18 JUDGE DOLLINGER: Okay. All right. Any other
19 discussion on the adoption of the last two items on that page,
20 E2 and change to the application about the power of attorney?

21 Okay. Do I hear a motion to adopt those two
22 items?

23 JUDGE WOODS: I make a motion.

24 MR. REED: I make the motion. I second.

25 JUDGE DOLLINGER: Motion and a second that we

1 adopt those two items. Any additional discussion?

2 Hearing now, we will call for it. All those in
3 favor of adopting those two items, signify by saying aye.

4 (RESPONSES MADE)

5 JUDGE DOLLINGER: All those opposed, same sign.
6 Hearing none, they are adopted.

7 Okay. Any other item that needed to come up
8 before the board not to be voted on but to be discussed or
9 possibly placed on the coming agenda?

10 Hearing none, we will stand adjourned.

11 (MEETING ADJOURNED)

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