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BAIL BOND BOARD MEETING

On the 17th day of May, 2012, the following proceedings came on to be heard with the Honorable Judge Lupe Flores presiding, held in Beaumont, Jefferson County, Texas;

Proceedings reported by machine shorthand.

A P P E A R A N C E S

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Judge Lupe Flores
Judge Layne Walker
Judge Ken Dollinger
Judge Craig Lively
Tom Roebuck
Kevin Cribbs
Cathy Presley
Becky Garcia
Tim Funchess
Keith Day
Mary Godina
Tina Gillespie
Rhonda Brode
Lieutenant Kelly

1 JUDGE FLORES: I am going to call this
2 meeting of the Jefferson County Bail Bond Board to
00:00 3 order.

00:00 4 First item on the top of the agenda is to
00:00 5 review the minutes from the last meeting. Everybody got
00:00 6 a copy or saw them on the website? Are there any
00:00 7 comments on the minutes from the last meeting?

00:00 8 (No response).

00:00 9 JUDGE FLORES: Hearing none, moving on to
00:00 10 the next item.

00:00 11 Do we have the report from the District
00:00 12 Attorney's Office? I don't see a representative here
00:00 13 from the DA's office today.

00:00 14 MS. GILLESPIE: They sent their report.

00:00 15 JUDGE FLORES: Ms. Garcia, did the DA's
00:00 16 office do a report this month?

00:00 17 MS. GARCIA: I did pass it out already.
00:00 18 You should have yours.

00:00 19 JUDGE FLORES: Okay. I didn't have mine.

00:00 20 Any comments or questions on the DA's
00:01 21 office report?

22 (No response).

00:01 23 JUDGE FLORES: Okay. Moving on to the next
00:01 24 item, the consideration, approval of applications.

00:01 25 Ms. Presley?

00:01 1 MS. PRESLEY: Yes, sir. We have a renewal
00:01 2 application for Stan Stanley doing business as Allied
00:01 3 Bail Bonds.

00:01 4 JUDGE FLORES: Okay. Everybody have a copy
00:01 5 of the application? Are there any questions on the
00:01 6 application, any comments?

00:01 7 (No response).

00:01 8 JUDGE FLORES: Ms. Presley, is everything
00:01 9 in order?

00:01 10 MS. PRESLEY: Yes, sir.

00:01 11 JUDGE FLORES: It will be approved.
00:01 12 Any other applications? Is that the only
00:01 13 one?

00:01 14 MS. PRESLEY: Yes, sir.

00:02 15 JUDGE FLORES: Thank you, ma'am.
00:02 16 Ms. Godina, any complaints against
00:02 17 bondsmen?

00:02 18 MS. GODINA: No, sir, not at this time.

00:02 19 JUDGE FLORES: Thank you ma'am.
00:02 20 Has everybody gotten a copy of the report
00:02 21 from the treasurer? Mr. Funchess, any comments you'd
00:02 22 like to make on the report?

00:02 23 MR. FUNCHESS: No, sir.

00:02 24 JUDGE FLORES: Any other questions or
00:02 25 discussion on the treasurer's report?

00:02 1 (No response).

00:02 2 JUDGE FLORES: We were supposed to get a
00:02 3 report from Marianne Petry. Ms. Godina, I believe you
00:02 4 said you have something on that?

00:02 5 MS. GODINA: Yes, sir. She just -- I
00:02 6 called her this morning. She said she was unable to
00:02 7 attend the meeting. But she completed the request
00:02 8 changes and forwarded it to the sheriff for approval.
00:02 9 Once he gives her the okay, she will then enable the
00:02 10 access codes to the system. And she also said that the
00:02 11 inquiry program will work just as the previous one did,
00:02 12 with the exception of the hold notes being removed.
00:02 13 This should solve the problem of bondsmen having access
00:02 14 to privileged, in house information.

00:03 15 JUDGE FLORES: Lieutenant Kelly, any
00:03 16 comments from the sheriff's department on that?

00:03 17 MR. KELLY: No. I haven't seen it yet. I
00:03 18 can't --

00:03 19 JUDGE FLORES: You haven't seen the report?

00:03 20 MR. KELLY: No. I haven't seen the screen
00:03 21 that she put up yet. If she takes the hold notes out
00:03 22 and some of the other things, that will be okay.

00:03 23 JUDGE FLORES: Ms. Presley, any comments
00:03 24 from your point?

00:03 25 MS. PRESLEY: I think the Social Security

00:03 1 numbers should be removed for their access.

00:03 2 JUDGE FLORES: What information is on there
00:03 3 that's probably privileged and we shouldn't be putting
00:03 4 it out?

00:03 5 JUDGE WALKER: What are we talking about?
00:03 6 What did you read, Mary?

00:03 7 JUDGE FLORES: Ms. Godina, go ahead and
00:03 8 tell -- for all the members of the Bail Bond Board, I
00:03 9 believe Judge Walker was not here last time. What was
00:03 10 the request to Ms. Petry and what --

00:03 11 MS. GODINA: From what I understand, the
00:03 12 bondsmen would get information from what we call the
00:04 13 jail screen at the jail. It has all the information --
00:04 14 well, some information about the defendant. And
00:04 15 evidently somehow if someone, like, has a protective
00:04 16 order or information like that, somehow that information
00:04 17 got to a bondsman and it got relayed on to someone that
00:04 18 shouldn't have gotten it. As far as --

00:04 19 JUDGE WALKER: How are they getting that
00:04 20 information?

00:04 21 MR. DAY: It's in the hold notes. On the
00:04 22 jail screen it lists out --

00:04 23 JUDGE WALKER: But how were you getting
00:04 24 that information? Are you looking on the computer?

00:04 25 MR. DAY: Yeah. It's through a hyper

00:04 1 terminal.

00:04 2 JUDGE WALKER: So, the bondsman is or the
00:04 3 jail is?

00:04 4 MR. DAY: Bondsmen are.

00:04 5 JUDGE FLORES: Lieutenant Kelly, kind of
00:04 6 explain the system as of right now for everybody on the
00:04 7 Board.

00:04 8 MR. KELLY: What it is, it's the regular
00:04 9 jail screen that we have for everybody that's booked
00:04 10 into the jail. We use that screen to put in our hold
00:04 11 notes as protective orders, when people is being
00:04 12 transported out, the whole nine yards. The bondsmen had
00:04 13 access to that screen.

00:05 14 JUDGE WALKER: Why?

00:05 15 MR. KELLY: We have no idea why. We didn't
00:05 16 know why.

00:05 17 So, I came in and asked them to have that
00:05 18 screen removed because we had a bondsman gave a victim's
00:05 19 sister's husband, should I say, the hold information on
00:05 20 the protective order that was against him. And that
00:05 21 puts us in liability. When this individual is notified
00:05 22 that this person is getting out of jail at a certain
00:05 23 time and to be notified about certain information.

00:05 24 JUDGE WALKER: I just don't think they
00:05 25 should have access to our computers, period. I don't

00:05 1 think that's right.

00:05 2 JUDGE FLORES: Well, for discussion, I
00:05 3 think they probably need some information; but I think
00:05 4 that's the reason we got Ms. Petry to look at it. She's
00:05 5 making some recommendations on what should be withheld.

00:05 6 JUDGE WALKER: I think they're entitled to
00:05 7 information. They shouldn't be able to access our
00:05 8 computers. They should have to go through an employee
00:05 9 if there is some information that is pertinent. They
00:05 10 should have to go through some employee instead of just
00:06 11 accessing the computer.

00:06 12 JUDGE FLORES: Lieutenant Kelly and
00:06 13 Ms. Presley, how do they do it in other counties? Do
00:06 14 they have the same access that we do here?

00:06 15 MR. KELLY: No.

00:06 16 MR. DAY: Well, there are some counties.

00:06 17 MR. KELLY: We give more than actually
00:06 18 other counties. We probably give three times more than
00:06 19 what the other counties give.

00:06 20 JUDGE FLORES: Well, what is the sheriff
00:06 21 department's position on this, Lieutenant? I mean,
00:06 22 you-all would be the custodians of the records. I think
00:06 23 -- I'd like to find out what your recommendation is.

00:06 24 MR. KELLY: We actually had it removed.
00:06 25 They can no longer see the jail screen. Marianne is

00:06 1 revamping the system where they can go in and get the
00:06 2 subject's address and that type of information. But --

00:06 3 MR. DAY: The reason this all started, I
00:06 4 think, was probably about ten years, eight or ten years
00:06 5 ago, and what basically was happening, Judge, was
00:06 6 someone would say, for instance, call my office about a
00:06 7 bond. I would call over -- have to call over to the
00:07 8 jail, get the inmate's information and bond them out,
00:07 9 charges and everything on the person. Then they would
00:07 10 call another bondsman. Then that bondsman would call
00:07 11 the jail on the same person. This was just a cycle
00:07 12 going through and through.

00:07 13 So, I think -- I'm not sure exactly who
00:07 14 come up with the idea for allowing us the jail screen.
00:07 15 We go through MIS, is who we go through to get access to
00:07 16 that. And I think his name is Tim, is the one we
00:07 17 usually have to call to get it set up. But when this
00:07 18 happened, the only -- when I spoke with some of the
00:07 19 bondsmen, we all agreed that the only thing that we
00:07 20 needed are the defendant's name, the charge, the bond
00:07 21 amount, the case number, if there is a case number. And
00:07 22 the only other information, I think, that we have on our
00:07 23 bonds are the driver's license number and address.

00:07 24 But probably over and beyond that, the only
00:08 25 other thing that we'd really like to be able to see is

00:08 1 the last time -- the last time that person had been in
00:08 2 custody in Jefferson County so we could kind of see --

00:08 3 JUDGE WALKER: But lawyers are not even
00:08 4 entitled to that information. That's the problem I have
00:08 5 with it. Why would you let a bondsman do that if you
00:08 6 don't let an attorney do that?

00:08 7 MR. DAY: I don't know who else has access
8 to that.

00:08 9 JUDGE WALKER: I just don't think it's
00:08 10 right.

11 JUDGE FLORES: Ms. Sekaly, you had a
12 question?

00:08 13 MS. CRIBBS: I go to the jail; and my
00:08 14 understanding everywhere I'm allowed to go, there are no
00:08 15 computers. I'm not sure where the bondsmen are going if
00:08 16 they're getting access to the computers. We're not
00:08 17 allowed in the back anymore. I thought no one was
00:08 18 allowed in the back any more.

00:08 19 MR. DAY: We get it through our office. We
00:08 20 contacted -- MIS is the one that set us up on it.

00:08 21 MS. CRIBBS: So, you access the jail
00:08 22 records at your office?

00:08 23 MR. DAY: Yes.

00:08 24 MS. CRIBBS: And the second thing is, I
00:08 25 make bonds and I'm qualified to make bonds. I just

00:08 1 don't go through a bonding company. And all the lawyers
00:08 2 in the county have \$20,000, at least, to make bonds.
00:08 3 We're not having -- if we wanted to make a bond, I mean,
00:08 4 I think we'd all like to have the access to be able to
00:09 5 dial up from the house or the office or whatever. We
00:09 6 don't have access to anything.

00:09 7 JUDGE WALKER: That's the problem I have.
00:09 8 It's not fair. I don't think that they should have that
00:09 9 access. I don't think the bondsmen should.

00:09 10 MR. KELLY: Well, the biggest problem is --
00:09 11 Keith said that they ask for certain information.
00:09 12 They're asking for more than information.

00:09 13 JUDGE WALKER: That's information they can
00:09 14 get from their client.

00:09 15 MR. KELLY: That's information that we
00:09 16 can't even give a law enforcement officer. We had one
00:09 17 bondsman last week call and wanted the actual DA's file,
00:09 18 cases that the DA called them, for a subject. We can't
00:09 19 give that information.

00:09 20 MR. DAY: Well, I don't know what all the
00:09 21 bondsmen are calling up there and asking for. I mean, I
00:09 22 obviously don't have any control on what they're
00:09 23 calling. But the only thing that -- we never really
00:09 24 asked for it. It was just there. All the sudden we had
00:09 25 access to it, and we could use it. But the only reason

00:09 1 we asked for it is so we don't have to continue --
00:09 2 because it becomes an issue at the jail as well.
00:10 3 Because, I mean, their deputies are answering the phones
00:10 4 from 15 different bondsmen and giving the same
00:10 5 information to 15 different bondsmen about one person.
00:10 6 I mean, this goes on and on all day. We're taking up
00:10 7 their time. The only thing we ask for is the name, the
00:10 8 bond amount and the charge. I mean --

00:10 9 JUDGE WALKER: That seems like that is
00:10 10 something that can be dealt with by a phone call or the
00:10 11 jail can post that information. But as far as having
00:10 12 access, I'm just opposed to that. I don't think it's
00:10 13 right.

00:10 14 JUDGE FLORES: Lieutenant Kelly, obviously
00:10 15 this is a jail decision because you-all are the ones
00:10 16 controlling the records. I'm glad they brought it out
00:10 17 to us because I think it's informational. What do
00:10 18 you-all suggest? I know that you-all are going to
00:10 19 review the report by Ms. Petry. I assume she's from
00:10 20 MIS.

00:10 21 MR. KELLY: Right.

00:10 22 Like I said, we have already taken that
00:10 23 screen off, I mean, from them seeing that screen.
00:10 24 Hopefully they'll be satisfied with the screen that we
00:10 25 came up with. I mean, that's the only basic information

00:10 1 we can possibly give.

00:11 2 JUDGE FLORES: Okay. Well, I think that's
00:11 3 you-all's call. I think we can make, you know,
00:11 4 suggestions and whatever. I think that since that is a
00:11 5 record of the sheriff's department and you-all are the
00:11 6 custodians of the record, I think that ought to be your
00:11 7 call. I appreciate you looking into it. I share the
00:11 8 same sentiments of everybody, but I also understand that
00:11 9 the bondsmen have to have information to be able to
00:11 10 write a bond.

00:11 11 MR. KELLY: And we understand that. It
00:11 12 gets to liability of safety and legalities when you
00:11 13 got --

00:11 14 JUDGE FLORES: I'm with you. I don't think
00:11 15 that privileged information needs to be disseminated
00:11 16 whether it's to a bondsman, attorney, whoever. I mean,
00:11 17 I agree with that. And whatever you come up with, I
00:11 18 don't think -- maybe at the next meeting we can. But I
00:11 19 think the decision you have right now -- and that's
00:11 20 something if the bondsman have to call you-all to get
00:11 21 the information, that's just something your office is
00:11 22 going to have to deal with until we come up with another
00:11 23 plan. And I assume you-all are ready to do that?

00:11 24 MS. GODINA: What if the attorneys start
00:11 25 asking for that, too?

00:12 1 JUDGE FLORES: They can call the jail and
00:12 2 ask for the same information a bondsman does.

00:12 3 MS. GODINA: I mean, if they go do it back
00:12 4 on line.

00:12 5 JUDGE FLORES: They can access it. Is it a
00:12 6 special thing that only bondsmen --

00:12 7 MR. DAY: No. As long as they can write
00:12 8 bonds, all they have to do is call Tim at MIS. Is that
00:12 9 the guy?

00:12 10 JUDGE FLORES: Yes.

00:12 11 MR. DAY: He's the one that sets everybody
00:12 12 up and gives them the codes to set it up. I mean, I can
00:12 13 imagine the attorneys --

00:12 14 JUDGE FLORES: If that's going to be public
00:12 15 information for the bondsmen, it needs to be public
00:12 16 information for the attorneys and whoever. They can
00:12 17 just do what the bondsmen do, go to find out where it
00:12 18 is.

00:12 19 MR. STANLEY: Can I make a comment?

00:12 20 JUDGE FLORES: Yes, sir.

00:12 21 MR. STANLEY: I think some of the larger
00:12 22 counties do use the computer, on-line computers. I'd be
00:12 23 happy to research that and find out what kind of systems
00:12 24 they use, if that would help you guys at all.

00:12 25 JUDGE FLORES: If you could do that and get

00:12 1 with Lieutenant Kelly. But I think they've got somebody
00:12 2 working on it now. And if you've got some suggestions
00:12 3 that you can make, I'm sure we'll take suggestions.

00:13 4 Basically, if I have a consensus from the Board, I think
00:13 5 this is a decision the sheriff's department needs to
00:13 6 make as to what they do. And if I can have some kind of
00:13 7 consensus on that from Lieutenant Kelly -- well, before
00:13 8 I do that, what is our attorney weighing in on?

00:13 9 MR. ROEBUCK: I don't think it's any of our
00:13 10 business.

00:13 11 JUDGE FLORES: I think it's the sheriff's
00:13 12 department. Having said all that, I agree.

00:13 13 JUDGE DOLLINGER: It's not a Bail Bond
00:13 14 Board matter.

00:13 15 JUDGE FLORES: I think it's good
00:13 16 information for us to have and know because I didn't
00:13 17 know. Like I said, I think it's up to the sheriff's
00:13 18 department, Lieutenant Kelly and them. You agree with
00:13 19 that, Mr. Roebuck?

00:13 20 MR. ROEBUCK: Yes, sir.

00:13 21 JUDGE FLORES: All right. Next item on the
00:13 22 agenda is Mr. Day's report on dormant licenses.

00:13 23 MR. DAY: Judge, I want to go ahead and
00:13 24 throw it out there for discussion. But I e-mailed the
00:13 25 president of our association who's up in Dallas County

00:14 1 where this local rule is, and he hasn't gotten back with
00:14 2 me yet about that rule and how it's written up. But I
00:14 3 wanted to throw it out there for discussion. We can
00:14 4 table it until I get that information.

00:14 5 I'm actually glad Stan is here today
00:14 6 because the reason that I was going to bring this up is
00:14 7 because of the situation that Stan was in when he did
00:14 8 his original license. Basically, from my understanding,
00:14 9 what Dallas County does, they have a local rule that
00:14 10 states the -- I guess that -- like, I guess in Stan's
00:14 11 instance when his mother passed, he took over the
00:14 12 business. And basically what he would have been able to
00:14 13 do before any of that happened was to get what they call
00:14 14 in Dallas County as a dormant license. The person is
00:14 15 not on the list at the jail when they get the license.
00:14 16 They have to fill out the application, do everything
00:14 17 that they would normally do when you're filling out a
00:14 18 new application to become a licensed agent. The only
00:14 19 difference is that license is not funded. You know how
00:15 20 we have to now -- I think it's either 60 or 90 days we
00:15 21 have to fund that account in order to write bonds.
00:15 22 Well, it's not funded. It's just a dormant license that
00:15 23 sits there for two years; and then once the two years is
00:15 24 up, they have to reapply. And basically why that
00:15 25 license is there, in case something happens like in the

00:15 1 case of Stan, that license can immediately be made
00:15 2 active and he can carry on his -- they can carry on the
00:15 3 business.

00:15 4 JUDGE FLORES: But he had collateral up in
00:15 5 the business already. See, that was different than the
00:15 6 place you're talking about funding. I know their
00:15 7 business already had collateral.

00:15 8 MR. DAY: But he did it ahead of time
00:15 9 because of that situation. Okay. But, for instance, if
00:15 10 I'm licensed and I decide that I want to get my wife
00:15 11 licensed and we have this dormant, then I -- something
00:15 12 happens to me in a freak accident or something, all the
00:15 13 sudden, well, if she's not prepared ahead of time, then
00:16 14 basically what is going to happen is my business is just
00:16 15 going to sit there and my employees and everything.
00:16 16 It's going to sit there and nothing will be able to be
00:16 17 done until my wife goes out and, you know, qualifies for
00:16 18 a license and everything.

00:16 19 So, basically what this dormant license
00:16 20 does for -- that they do in Dallas County -- like I
00:16 21 said, I'll get the wording of the law that they wrote
00:16 22 into their local rules and everything. It allows that
00:16 23 dormant license to sit there in situations like that.

00:16 24 JUDGE FLORES: We've had situations like
00:16 25 that come up. I remember the case when Bob Ogden passed

00:16 1 away. We had a big problem as far as who was going to
00:16 2 pick up the bonds and who was going to take care of the
00:16 3 business and that kind of stuff. We've had bondsmen
00:16 4 that came forward.

00:16 5 MR. DAY: There were some bondsmen that
00:16 6 came forward. But if I -- Bob Ogden didn't continue his
00:16 7 business. That business was not continued. My
00:16 8 business, if something were to happen to me when I leave
00:16 9 the court house today, it has to continue on for my
00:16 10 family to survive. And that's basically -- I don't know
00:17 11 in my time that we've ever had an issue like that. Like
00:17 12 I said, Stan was in a situation where we didn't have
00:17 13 this rule. So, he started preparing ahead of time.

00:17 14 Bob's case, he didn't -- the business
00:17 15 wasn't carried on. So, it didn't matter. I'm talking
00:17 16 about an incident to where if a family member were sick
00:17 17 or if they come, you know, -- a freak accident or
00:17 18 anything, that that person who is going to take over the
00:17 19 business, like in my case, my wife, or in Marsha's case
00:17 20 it was Stan, that they could take over immediately
00:17 21 rather than going through the entire process. Like I
00:17 22 said, I'll get the rule, how they have it written up.
00:17 23 He just hadn't replied to my e-mail yet that I can get
00:17 24 that rule. Their rules are not on line like ours are in
00:17 25 Dallas County.

00:17 1 JUDGE FLORES: Any questions on that?

00:17 2 JUDGE WALKER: No.

00:17 3 JUDGE FLORES: Any other questions from any
00:18 4 member of the Board on that?

00:18 5 (No response).

00:18 6 JUDGE FLORES: I mean, that sounds like a
00:18 7 good idea. I have no problem with it. If anybody has
00:18 8 any discussion, we'll certainly hear it.

9 MR. KELLY: The only thing we've got,
00:18 10 Judge, is the AFRSs. We are running into some major
00:18 11 problems with those.

12 JUDGE FLORES: How?

00:18 13 MR. KELLY: We had an instance where we had
00:18 14 a bondsman bring in a female handcuffed and tried to do
00:18 15 a AFRS on her. And that's not going to work with us.

00:18 16 JUDGE FLORES: Well, that's not quite a
00:18 17 voluntary surrender if they bring them in in handcuffs.

00:18 18 MR. KELLY: Exactly.

00:18 19 JUDGE FLORES: Because you can have a
00:18 20 voluntary surrender. Somebody can show up with a
00:18 21 bondsman, and you can do that. You can accept a
00:18 22 voluntary surrender, can't you?

00:18 23 MR. KELLY: We're not because on that
00:18 24 instance because we're not going to take the liability
00:18 25 in case something happened to her or anything when she

00:18 1 comes in the jail. Just like if Beaumont PD brings
00:19 2 someone in, we'll refuse them if they was in a wreck or
00:19 3 anything like that.

00:19 4 JUDGE FLORES: You make them go get a
00:19 5 medical clearance. I understand that.

6 MR. KELLY: Right.

00:19 7 If a female comes in and is not coming in
00:19 8 through the sally port, coming in through the front
00:19 9 door --

00:19 10 JUDGE FLORES: Through the book in.

00:19 11 MR. KELLY: Through the book in with other
00:19 12 people around, handcuffed, that's a major, major
00:19 13 liability.

00:19 14 JUDGE WALKER: Was the AFRS signed?

00:19 15 MR. KELLY: No.

00:19 16 JUDGE WALKER: By the judge?

17 MR. KELLY: Not by the judge.

00:19 18 MS. GARCIA: But the jail signed off saying
00:19 19 that they accepted the surrender, but they didn't take
00:19 20 the person into custody. But by signing this it
00:19 21 relieves the bondsman of his duty to come off the bond
00:19 22 immediately.

00:19 23 JUDGE WALKER: But it wasn't signed by a
00:19 24 judge?

00:19 25 MS. GARCIA: Surrenders aren't signed by a

1 judge.

00:19 2 MR. DAY: It's a voluntary surrender. It's
3 not a release of -- an AFRS. But --

00:19 4 JUDGE WALKER: If they're in handcuffs,
5 it's a voluntary surrender?

00:19 6 MR. DAY: Yeah, that's what I was about to
00:19 7 say. That's not a voluntary surrender if they come in
00:19 8 in handcuffs. Usually what those voluntary surrenders
00:19 9 are used for is for people who are already in custody
00:19 10 and we may have a charge and we bring the voluntary
00:19 11 surrender down and it releases us from bonds since
00:20 12 they're already in custody. And -- now, I haven't done
00:20 13 one in a very long time. I've had issues -- I had an
00:20 14 issue in the past where someone had traffic tickets --
00:20 15 traffic ticket warrants out and they wanted to go sit
00:20 16 their traffic tickets out and they wanted us to get off
00:20 17 the bond because they wanted to get credit for the time
00:20 18 they were sitting in jail and they've taken a voluntary
00:20 19 surrender like voluntarily, not handcuffed. I didn't
00:20 20 bring them down there. I mean, they walked down there
00:20 21 and were a voluntary surrender. And it's been so long
00:20 22 that I don't remember if they took it. I just remember
00:20 23 the situation. But as far as coming in in handcuffs, I
00:20 24 mean, the person is brought in. Are they even licensed
00:20 25 to put somebody in handcuffs?

00:20 1 MR. KELLY: That's the major point that we
00:20 2 were trying to make. We don't know what these guys
00:20 3 have. We don't know their credentials. We don't know
00:20 4 anything. And we're not going to accept them. They got
00:20 5 terribly upset when we refused them. That's what it's
00:20 6 going to be. We can't take that liability.

00:20 7 MR. DAY: You've got to be licensed anyway
00:20 8 to put somebody in cuffs.

00:20 9 JUDGE FLORES: Lieutenant Kelly, for
00:20 10 everybody on the Bail Bond Board -- I know Mr. Roebuck
00:21 11 may have a comment on this -- what is the procedure now
00:21 12 or do you have any procedures for voluntary surrenders
00:21 13 or -- I know what happens on an AFRS. You know, we put
00:21 14 it out. We get a warrant out.

00:21 15 MR. KELLY: And that's the way that we're
00:21 16 doing it as -- that's how I'm doing it. If that person
00:21 17 doesn't have a warrant, we're not going to accept that
00:21 18 person.

00:21 19 MR. ROEBUCK: That's exactly right. How do
00:21 20 you put somebody in custody without a warrant? You
00:21 21 can't.

00:21 22 JUDGE WALKER: Cannot.

00:21 23 MR. KELLY: That's what these guys don't
00:21 24 understand.

00:21 25 JUDGE FLORES: In the issue that you had

00:21 1 where somebody had traffic tickets already, they got a
00:21 2 warrant. And then once they're in there, they can do
00:21 3 that AFRS and get off.

00:21 4 MR. KELLY: The AFRS, only thing that we're
00:21 5 supposed to do with an AFRS is to verify that that
00:21 6 person is in custody.

00:21 7 JUDGE DOLLINGER: And on bond.

00:21 8 MR. KELLY: And on bond. That's it. We're
00:21 9 not taking them in as that's being a warrant for their
00:21 10 arrest.

11 JUDGE FLORES: Just for a little levity,
12 Lieutenant, if Dog the Bounty Hunter brings you somebody
00:21 13 in handcuffs, you're not going to take him, right?

00:22 14 MR. KELLY: No.

15 JUDGE DOLLINGER: Depends on how many
16 cameras are out there.

00:22 17 JUDGE FLORES: Mr. Roebuck, you're okay
00:22 18 with what Lieutenant is saying, right?

00:22 19 MR. ROEBUCK: I'm perfectly okay. Smarter
00:22 20 than all of us, I think.

00:22 21 MR. DAY: Can I ask -- I mean, is this a --
00:22 22 did this just happen one time, or has it happened a
00:22 23 number of times recently?

00:22 24 MR. KELLY: It's happened several times.
00:22 25 And not the handcuffs part, but people try to bring

00:22 1 somebody in like that. We -- if we don't have a warrant
00:22 2 in hand --

00:22 3 MR. DAY: So, on the rare case that
00:22 4 somebody just up and calls their bondsman and says I
00:22 5 don't want to be on bond anymore; I want to go turn
00:22 6 myself in and they don't have a warrant for anything
00:22 7 else, bringing that voluntary surrender down there is
00:22 8 not going to hold them?

00:22 9 JUDGE FLORES: You're going to have to do
00:22 10 an AFRS.

00:22 11 MR. KELLY: It's got to come through the
00:22 12 system, and you have to have a warrant number.

00:22 13 MR. DAY: I can't imagine -- I don't know
00:22 14 about the other bondsmen. I've never had someone call
00:22 15 and say, hey, I don't want to be on bond anymore; put me
00:22 16 back in jail. I guess --

00:22 17 MS. GARCIA: I remember of an instance
00:22 18 where the person could not afford to make his payments
00:23 19 to the bondsman. The bondsman gave him the option, look
00:23 20 -- I think he lost his job or whatever -- to get off the
00:23 21 bond, surrender him.

00:23 22 MR. DAY: Okay. Well, since we're on the
00:23 23 issue -- because I know it's going to come up, and I
00:23 24 know it's come up in the past as well -- this law that's
00:23 25 written for this voluntary surrender, there has been

00:23 1 more confusion on that law than I think any other one
00:23 2 that we've had. But what if someone is in custody in
00:23 3 another county and they want to file that voluntary
00:23 4 surrender at the jail?

00:23 5 MR. KELLY: You can't file it at the jail.

6 MS. PRESLEY: Goes through me.

00:23 7 MR. DAY: Do you file an AFRS, or do you
00:23 8 bring the voluntary surrender to you?

00:23 9 MS. PRESLEY: You bring the surrender to me
00:23 10 and you bring the surrender to the Court to get the
00:23 11 warrant issued.

00:23 12 MS. GARCIA: No. It comes to me. I get
00:23 13 the typewriter and type on there if it's --

00:23 14 MS. PRESLEY: If it's a felony, you bring
00:23 15 it to the court.

00:23 16 MS. GARCIA: Yeah. Then we issue the AFRS
00:24 17 because that's the warrant that puts the hold on them in
00:24 18 the other county.

00:24 19 MS. PRESLEY: You're not off of it until
00:24 20 the warrant is issued.

00:24 21 JUDGE FLORES: A judge doesn't have to sign
00:24 22 an AFRS?

00:24 23 MR. KELLY: Yes.

00:24 24 JUDGE FLORES: Yeah. That's what I
00:24 25 thought.

00:24 1 MR. KELLY: That's the whole deal. It's
00:24 2 not legal until the judge signs it.

3 JUDGE FLORES: Becky was saying that she --

4 MS. GARCIA: It's a rare, rare thing. I
00:24 5 haven't done it in a long, long time.

00:24 6 THE COURT: Okay. Any AFRS we do has to go
00:24 7 through a judge to get a warrant.

00:24 8 MR. KELLY: We tell them they have to come
00:24 9 up here and turn it in up here. We can't do it at the
00:24 10 jail.

00:24 11 JUDGE FLORES: I'm with you.

00:24 12 Any other questions on that topic,
00:24 13 comments?

14 (No response).

00:24 15 JUDGE FLORES: Okay. All right. Any other
00:24 16 new business?

00:24 17 MS. GILLESPIE: I had a bondsman call and
00:24 18 ask me a question. They wanted to know if they could
00:25 19 advertise, like, in Orange County as being a bondsman.

00:25 20 JUDGE FLORES: To do bonds in Jefferson
21 County?

00:25 22 MS. GILLESPIE: I'm assuming. I don't
00:25 23 know. They just wanted to know if they can advertise in
00:25 24 Orange County because they don't have a license in
00:25 25 Orange County. Can they advertise in Orange County?

00:25 1 Can they put something in the Orange County phone book
00:25 2 or whatever? I don't know. Just advertise, billboard,
00:25 3 anything without a license number?

00:25 4 MR. DAY: Yeah. They're wanting -- they're
00:25 5 a Jefferson County bondsman wanting to advertise in
00:25 6 Orange County, but they're not licensed in Orange
00:25 7 County.

00:25 8 MS. GILLESPIE: Correct.

00:25 9 JUDGE FLORES: I don't know what the rules
00:25 10 are in Orange County.

00:25 11 MR. DAY: My understanding is as long as
00:25 12 they advertise in Orange County, that they're only
00:25 13 licensed in Jefferson County, but that would be an issue
00:25 14 for the Orange County Bail Bond Board.

00:25 15 JUDGE DOLLINGER: That's the answer.

00:25 16 MR. DAY: They would have to have a local
00:25 17 rule. I would think as long as that bondman is
00:26 18 advertising that he only does bonds in Jefferson County
00:26 19 that he should be able to do it.

00:26 20 JUDGE FLORES: Mr. Roebuck?

00:26 21 MR. ROEBUCK: You know, obviously that's
00:26 22 kind of a unique question. I mean, I'll go look at the
00:26 23 statute. But seems to me that if you try to prohibit
00:26 24 somebody from advertising in another county, that's --
00:26 25 we've got all kinds of problems.

00:26 1 JUDGE FLORES: I don't think we can. I
00:26 2 think you can advertise whatever.

00:26 3 JUDGE DOLLINGER: I don't think the issue
00:26 4 was "prohibit" them, Tom. I think the issue was tell
00:26 5 them it's not our decision to make whether they can
00:26 6 advertise over there. That's between them and Orange
00:26 7 County.

00:26 8 MS. CRIBBS: If it's on the internet, it
00:26 9 would be in every county.

10 MR. DAY: And same with the phone book. I
00:26 11 mean, if you advertise in the Golden Triangle -- or
00:26 12 whatever it's called -- it goes to every resident in
00:26 13 Orange County. So, it's the same thing. Unless Orange
00:27 14 County has a specific rule that says you can't, I don't
00:27 15 see how they could restrict --

00:27 16 JUDGE FLORES: I don't think this Bail Bond
00:27 17 Board can prohibit anybody from doing any type of
00:27 18 advertising as long as it conforms with state law.

00:27 19 Any other comments, Mr. Roebuck?

00:27 20 MR. ROEBUCK: No.

00:27 21 JUDGE FLORES: Nothing further?

00:27 22 MR. DAY: This has been a few months back.
00:27 23 I don't remember if Tom was able to look at the
00:27 24 financial statement form for us, the bondsmen having
25 a --

00:27 1 JUDGE FLORES: He's looking at them right
00:27 2 now.

00:27 3 MS. GARCIA: That's something different.

00:27 4 JUDGE FLORES: That's not the form you gave
00:27 5 me?

00:27 6 MS. PRESLEY: That's not an actual
00:27 7 financial statement that they would need to fill out.
00:27 8 That's just swearing that everything is true.

00:27 9 MR. DAY: Yeah, what Kathy has. I'm
00:27 10 talking about an actual standard financial statement
00:27 11 form that every bondsmen would have to fill out that is
00:27 12 the same.

00:27 13 JUDGE FLORES: We talked about that three
00:27 14 or four meetings ago.

00:27 15 MR. ROEBUCK: I looked at it. I don't
00:27 16 remember what I decided.

00:28 17 MS. GARCIA: I think what Cathy wants to do
00:28 18 is put this in the form for the application.

00:28 19 JUDGE FLORES: Go ahead, Mr. Roebuck.
00:28 20 These are on the forms that Ms. Presley just passed out.

00:28 21 MR. ROEBUCK: The one that says the
00:28 22 financial statement is true and correct, I think it's
00:28 23 fine; but I think it ought to be attached to the
00:28 24 financial statement.

00:28 25 MS. PRESLEY: It is. That's what I've got

00:28 1 them signing to go with their financial statement.

00:28 2 Because some of them are just handwritten financial
00:28 3 statements.

00:28 4 MR. ROEBUCK: Now, the other two --

5 JUDGE FLORES: Which ones, Mr. Roebuck?

00:28 6 MR. ROEBUCK: The ones that say "I will" do
00:28 7 something.

00:28 8 JUDGE LIVELY: Insurance.

00:28 9 MR. ROEBUCK: That's not going to be
00:28 10 enforceable, I mean, by perjury.

00:29 11 JUDGE FLORES: On keeping insurance?

00:29 12 MR. ROEBUCK: Yeah. I mean, that's, you
00:29 13 know, a perjury is a false statement. This is promising
00:29 14 to do something in the future. You can't do that.

15 JUDGE DOLLINGER: You can probably change
00:29 16 the wording to something like "I understand" my
00:29 17 obligation as to each of those things.

00:29 18 MR. ROEBUCK: I don't think it needs to be
00:29 19 -- it doesn't need to be an affidavit. I mean, that's
00:29 20 one of the requirements, is the application.

00:29 21 MS. PRESLEY: It's from Chapter 1704 that
00:29 22 you have an affidavit stating that you will comply with
00:29 23 all this. So, maybe he can come up with something.

00:29 24 JUDGE FLORES: I think she got this
00:29 25 straight from the statute.

00:29 1 MS. PRESLEY: It is.

00:29 2 MS. GARCIA: It's something we haven't had
00:29 3 in our applications.

00:29 4 MR. DAY: But didn't -- didn't we discuss
00:29 5 this before? Is there -- do you have to sign an
00:29 6 affidavit saying you'll keep insurance on the -- or --
00:30 7 remember, we went through that application. I thought
00:30 8 we looked at that. There is nowhere in the statute that
00:30 9 says that, I thought.

00:30 10 JUDGE FLORES: Ms. Garcia, the bylaws,
00:30 11 don't they have that now? The bylaws state they have to
00:30 12 keep insurance.

00:30 13 MR. DAY: Yeah, in the bylaws. I thought
00:30 14 she was talking about in the state statute, what I
00:30 15 thought she was talking about.

00:30 16 MS. CRIBBS: Does the statute say that they
00:30 17 swear that they will comply or that they are told that
00:30 18 they --

19 MS. PRESLEY: They hereby swear or affirm.

00:30 20 MS. CRIBBS: That I will comply?

00:30 21 MS. PRESLEY: Uh-huh.

00:30 22 MS. CRIBBS: There's a lot of statutes that
00:30 23 are questionable.

00:30 24 MS. PRESLEY: I think we need something in
25 place.

00:30 1 MR. ROEBUCK: Well, if the legislature, or
00:30 2 whoever passed this thing, thinks this is an enforceable
00:30 3 affidavit, then, you know, I've got ocean front property
00:30 4 in Arizona, because it is not.

00:31 5 MS. GARCIA: I think what most of the
00:31 6 problem was is that it wasn't notarized.

00:31 7 JUDGE FLORES: Mr. Roebuck, as the
00:31 8 attorney, what do you suggest on this?

00:31 9 MR. ROEBUCK: Let me look at the statute.

00:31 10 JUDGE FLORES: We'll hold this until the
00:31 11 next meeting for a vote. Mr. Roebuck will then present
00:31 12 his recommendations to us on these documents. And if he
00:31 13 has any suggestions or corrections, we'll certainly
00:31 14 accept them.

00:31 15 Any other new business?

00:31 16 JUDGE DOLLINGER: Move to adjourn.

00:31 17 JUDGE LIVELY: I second that motion.

00:31 18 JUDGE FLORES: All those in favor of
19 adjournment, say "I."

00:31 20 ALL PRESENT: "I."

00:31 21 JUDGE FLORES: Those opposed?

22 (No response).

23 (Conclusion of meeting).

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I, ALISA E. RAUMAKER, Official Court Reporter in and for the County Court at Law No. 2 of Jefferson County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

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