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BAIL BOND BOARD MEETING

On the 21st day of June, 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 Jeff Branick
Judge Tom Maness
Judge Ken Dollinger
Tom Roebuck
C. H. Cribbs
Kevin Cribbs
Cathy Presley
Becky Garcia
Tim Funchess
Keith Day
Mary Godina
Tina Gillespie
Rhonda Brode
Lieutenant Kelly
Sergeant C. Jackson

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

00:00 3 The first order of business is to review
00:00 4 the minutes from the last meeting. Anybody have any
00:00 5 comments, additions, corrections to the minutes?

6 (No response).

00:00 7 JUDGE FLORES: Hearing none, we will go to
00:00 8 the second item on the agenda, the report from the
00:00 9 District Attorney's Office. Judge Maness?

00:00 10 JUDGE MANESS: Yes. We promise to catch
00:00 11 up.

00:00 12 MR. ROEBUCK: I was going to make that
00:00 13 observation, Judge. Total money collected on final
14 judgments, 125.

00:00 15 JUDGE FLORES: Any other comments or
00:00 16 discussion on the District Attorney's report?

00:00 17 MR. DAY: I think it's one of the best
00:00 18 reports we've had in a long time, actually.

00:01 19 JUDGE FLORES: Okay. If there is nothing
00:01 20 further on the DA's report, let's go to Ms. Presley.
00:01 21 Any applications?

00:01 22 MS. PRESLEY: Yes, sir.

00:01 23 JUDGE FLORES: Which is the first one we
00:01 24 need to consider?

00:01 25 MS. PRESLEY: Ronnie LeBlanc. It's a

00:01 1 renewal for a three-year application, A-1-A Bail Bonds.

00:01 2 JUDGE FLORES: Let the record reflect that
00:01 3 I think all members of the Bail Bond Board received a
00:01 4 copy of the application. Are there any questions or
00:01 5 comments on the application?

00:01 6 MS. GARCIA: I notice there are some
00:01 7 questions that haven't been answered. I'm going to
00:01 8 assume that since we've approved his license before in
00:01 9 the past, these questions have been answered. So ...

00:01 10 JUDGE FLORES: Okay.

00:01 11 MS. PRESLEY: She's talking about No. 5.

00:01 12 MS. GARCIA: And then No. 7.

00:01 13 MS. PRESLEY: He's gained experience. He's
00:01 14 been in business for 20, 30 years. He doesn't have a
00:02 15 license anywhere else.

00:02 16 JUDGE FLORES: Is there anything further on
00:02 17 Mr. LeBlanc's application?

00:02 18 (No response).

00:02 19 JUDGE FLORES: If there is nothing further
00:02 20 on Mr. LeBlanc's application, that will be approved.

00:02 21 Which is the second one, Ms. Presley?

00:02 22 MS. PRESLEY: Jamie Yarubrough. And that's
00:02 23 a new application as an agent for Stan Stanley, Allied
00:02 24 Bail Bonds.

00:02 25 JUDGE FLORES: Ms. Presley, does everything

00:02 1 appear to be in order on the application?

00:02 2 MS. PRESLEY: Yes, sir.

00:02 3 JUDGE FLORES: Any questions or comments on
00:02 4 this application?

00:02 5 (No response).

00:02 6 JUDGE FLORES: Okay. Hearing none, that
00:02 7 will be approved.

00:02 8 The next one is --

00:02 9 MS. PRESLEY: An agent application, new
00:02 10 application, for Tiffany Guillory-Collins, working for
00:03 11 Stan Stanley, Allied Bail Bonds. Everything is in
00:03 12 order.

00:03 13 JUDGE FLORES: Any questions or comments or
00:03 14 discussion on this application?

15 (No response).

00:03 16 JUDGE FLORES: Hearing none, that will be
00:03 17 approved.

00:03 18 Are there any other applications?

00:03 19 MS. PRESLEY: No, sir.

00:03 20 JUDGE FLORES: Ms. Godina, any complaints
00:03 21 against bondsmen?

00:03 22 MS. GODINA: No, sir.

00:03 23 JUDGE FLORES: Report from the Treasurer's
00:03 24 Office. Everybody gotten Mr. Funchess' report?
00:03 25 Mr. Funchess, any comments you wish to make on the

00:03 1 report?

00:03 2 MR. FUNCHESS: No, sir.

00:03 3 JUDGE FLORES: Any other comments or
00:03 4 discussion from any other member of the Bail Bond Board?

00:03 5 MS. BRODE: I do have a question.

00:03 6 JUDGE FLORES: Yes, ma'am.

00:03 7 MS. BRODE: There are three people that we
00:03 8 have property collateral with. I'm going to pronounce
00:03 9 -- it's Michael Barborek, Brett Wagoner and Robert
00:04 10 Stone. I know that Michael and Brett are no longer in
00:04 11 business. But we still have -- if I'm accurate, we
00:04 12 still have property pledged out there and we're not
00:04 13 getting tax or insurance information on them. Michael
00:04 14 is actually refusing to give it. I don't know about
00:04 15 Brett. And Robert Stone, there is only \$4,000 out
00:04 16 there. I wasn't sure if he had any --

00:04 17 MS. GARCIA: It's a piece of property in
00:04 18 Galveston that got damaged by the storm. As far as I
00:04 19 know, he's vacated it. He's not -- it's going to
00:04 20 eventually go to foreclosure.

00:04 21 JUDGE FLORES: And he doesn't have any
00:04 22 liability to the county?

00:04 23 MS. GARCIA: As far as I know, he doesn't.

00:04 24 JUDGE MANESS: Can he come in and make
00:04 25 bonds?

00:04 1 MS. GARCIA: No.

00:04 2 JUDGE MANESS: So, he's shut down anyway.

00:04 3 JUDGE DOLLINGER: Are we still holding the
00:05 4 deed of trust?

5 JUDGE MANESS: Yeah.

00:05 6 MS. GARCIA: There is still bonds out. I
00:05 7 think he -- Stone still owes me some money. But the
00:05 8 property isn't valued enough for me to go seize it
00:05 9 because it's not worth anything.

00:05 10 JUDGE BRANICK: Wait. Whose property?

00:05 11 MS. GARCIA: This piece of property in
00:05 12 Galveston.

00:05 13 JUDGE FLORES: Well, how much money does he
00:05 14 owe the county, Ms. Garcia?

00:05 15 MS. GARCIA: I'd have to go back and run
00:05 16 that report.

17 JUDGE MANESS: About.

00:05 18 JUDGE FLORES: Do you have a guess?

00:05 19 MS. GARCIA: Probably about 3,000.

00:05 20 MS. BRODE: Well, there is 4,000-dollars
00:05 21 worth of property. We'd get some.

00:05 22 MS. GARCIA: But you won't get 4,000.

00:05 23 You're going to get maybe a thousand for it, if that.

00:05 24 And what's going to take place is once the sale takes
00:05 25 place, if there are any back taxes on the property,

00:05 1 taxes are paid first, which we may not get anything.

00:05 2 MS. BRODE: That one was small. So, I
00:05 3 wasn't really worried about that one. It was more
00:05 4 Michael and Brett.

00:05 5 JUDGE FLORES: Well, Barborek is not making
00:05 6 any more bonds, right?

7 MS. GARCIA: No.

00:05 8 JUDGE FLORES: And he's got that property
00:06 9 as collateral because he still has outstanding bonds; is
10 that right?

00:06 11 MS. GARCIA: I haven't ran a report to know
00:06 12 what bonds he still has out or not. I want to say -- I
00:06 13 haven't even looked at that report in a long time to see
00:06 14 if he even owes any money. Just because he doesn't owe
00:06 15 me money doesn't mean he doesn't owe the District
00:06 16 Clerk's Office any money.

17 JUDGE FLORES: I understand.
00:06 18 Are you checking that, Ms. Gillespie?

19 MS. GILLESPIE: Yes, sir.

00:06 20 JUDGE FLORES: What was the other one that
00:06 21 we needed to look at?

00:06 22 MS. GARCIA: Brett Wagoner.

00:06 23 JUDGE FLORES: Same thing there, you don't
00:06 24 know what he owes the county?

00:06 25 MS. GARCIA: As far as I know, he's current

00:06 1 with me, Brett Wagoner is.

00:06 2 JUDGE FLORES: Okay. All right. In a
00:06 3 minute, hopefully, Ms. Gillespie will be able to let us
00:06 4 know on those two.

00:06 5 Any other questions of Mr. Funchess on the
00:06 6 treasurer's report?

00:06 7 MS. BRODE: I actually did an audit of his
00:06 8 report today, a sampling audit. And he did great. It
00:07 9 was -- the files were accurate. The taxes were in the
00:07 10 files. The insurance was there. So, he passed with
00:07 11 flying colors.

00:07 12 JUDGE FLORES: Just excellent work as
00:07 13 usual.

00:07 14 JUDGE DOLLINGER: We're going to buy your
00:07 15 lunch next time.

00:07 16 MS. GARCIA: But I do know on the property
00:07 17 issue, that is public information. We can contact the
00:07 18 appraisal districts of those counties where the property
00:07 19 is at to see if they are current. At least we would
00:07 20 have a standing to know if the taxes are current or not,
00:07 21 because that is public information.

00:07 22 MR. DAY: But if they're not, can you -- I
00:07 23 mean -- it would only --

00:07 24 MS. GARCIA: It would be an issue if he has
00:07 25 bonds out with us.

00:07 1 MR. DAY: Or if he had a license, put that
00:07 2 on the license. Aren't both of their licenses expired?

3 MS. GARCIA: Uh-huh.

00:07 4 MR. FUNCHESS: When you say he's current,
00:07 5 does that mean he doesn't have any bonds outstanding?

00:07 6 MS. GARCIA: I won't know until Tina prints
00:07 7 that report up and shows me.

00:08 8 MR. FUNCHESS: This is not the first time I
00:08 9 raised this question. If he doesn't owe us anything and
00:08 10 wants to release it, fine. If he does, we can pursue
00:08 11 it.

00:08 12 MS. GARCIA: He may not owe us anything,
00:08 13 but he still may have bonds out on cases that are still
00:08 14 active. That's the issue. That's why we haven't
00:08 15 released that collateral. There may be some active
00:08 16 criminal cases that they're still on the bond for.

00:08 17 MR. DAY: He must have because he would
00:08 18 have gotten his property.

00:08 19 JUDGE FLORES: If he didn't have any
00:08 20 liability out, I'm sure he'd cashed it in and get the
00:08 21 money.

00:08 22 JUDGE DOLLINGER: Roebuck, what's the
00:08 23 Board's option if he refuses to provide copies of taxes
00:08 24 paid?

00:08 25 MR. ROEBUCK: I'll have to look at that

00:08 1 particular deed of trust.

00:08 2 JUDGE FLORES: Not let him write bonds.

00:08 3 But he's not writing bonds now. That's our leverage.

00:08 4 Okay. We can't let him do business. But if he's not

00:08 5 doing business, then -- go ahead, sir.

00:08 6 MR. ROEBUCK: Our leverage is that that's a

00:08 7 violation of the deed of trust. We can call -- you

00:09 8 know, we can call his bond and foreclose.

00:09 9 MR. FUNCHESS: I don't think it's a

00:09 10 violation of the deed of trust. This is just something

00:09 11 we've added to our bylaws this year.

00:09 12 MR. ROEBUCK: You know, I'd have to look at

00:09 13 that particular deed of trust to see if refusal to

00:09 14 provide that information triggers the deed of trust for

00:09 15 foreclosure or not. I just don't know.

00:09 16 MS. BRODE: Of course, my question with all

00:09 17 this was is this good collateral so that we can collect

00:09 18 on it in the case.

00:09 19 JUDGE FLORES: We need to find out what the

00:09 20 liability is. Once we know what the liability is, then

00:09 21 we'll have a better idea.

00:09 22 Report from the Auditor's Office.

00:09 23 MS. BRODE: I gave everyone expenses and

00:09 24 revenues. They're all in line. Looks great. The

00:09 25 bondsmen listing that Tina and I were supposed to work

00:09 1 on last month got pushed back. We'll work on it in July
00:10 2 when you're on vacation, Judge.

00:10 3 JUDGE FLORES: I'll be at school, not
00:10 4 vacation.

00:10 5 MS. GARCIA: Judge, the report that Tina
00:10 6 just ran on Michael Barborek, he has three big felony
00:10 7 forfeitures, two for 15,000; one for 10,000. And he has
00:10 8 one that just got forfeited in misdemeanor court.

00:10 9 MS. GILLESPIE: No. In felony court.
00:10 10 50,000 is felony court.

00:10 11 JUDGE MANESS: Well, that means we need to
00:10 12 get Mr. Roebuck working.

00:10 13 JUDGE FLORES: Well, he has property value
00:10 14 of 127,000 up. So, I mean, it's collateralized, at
00:10 15 least.

00:10 16 MS. GARCIA: If you got judgments on the
00:11 17 NICIs, all you got to do is do your writ of execution.
00:11 18 After that we can do the order of sale. But that's not
00:11 19 me.

00:11 20 JUDGE FLORES: I understand. It's through
00:11 21 the DA's office.

00:11 22 JUDGE MANESS: Not us. District Clerk's
00:11 23 Office.

00:11 24 JUDGE FLORES: I understand.

00:11 25 Mr. Day --

00:11 1 MR. ROEBUCK: Hold on just a second. I
00:11 2 don't want us to run into some sort of getting the cart
00:11 3 before the horse. We'd have to -- under the deed of
00:11 4 trust, we'd have to trigger that and give him the chance
00:11 5 to get current, which obviously he's not going to do.
00:11 6 And then we have the notice of foreclosure. Then after
00:11 7 that, if the property is not sufficient to satisfy the
00:12 8 obligation --

00:12 9 JUDGE FLORES: Do we even have a NICI yet,
10 Ms. Garcia?

00:12 11 MS. GARCIA: Well, those are felony cases.
00:12 12 I can't look them up.

00:12 13 MS. GILLESPIE: It looks like on three of
00:12 14 them there might be. And on one -- the 50,000, no. It
00:12 15 looks like it was just forfeited.

16 MS. GARCIA: That just got done.

00:12 17 JUDGE FLORES: We still have to go through
00:12 18 the regular procedure of doing the judgment NICIs and
19 everything.

00:12 20 MR. ROEBUCK: Right. When you said
00:12 21 "execution," that's never a good term for me no matter
00:12 22 what.

00:12 23 JUDGE FLORES: Well, that makes sense.

00:12 24 MR. DAY: Judge, I get the -- in listening
00:12 25 to everybody, I get the feeling we're assuming he's not

00:12 1 current with his taxes. But we don't know if he's just
00:12 2 being a horse's behind and not providing the statements.
00:12 3 He could be current.

4 MS. GARCIA: The property is not in
00:12 5 Jefferson County. The property is in Orange County.
00:12 6 You can go to Orange County.

7 MR. DAY: I wouldn't put that past him
00:12 8 either, that it may be he's just not wanting to be
00:13 9 cooperative.

10 JUDGE FLORES: Well, I'm sure once the
00:13 11 NICIs are done the DA's office will follow up on it.
00:13 12 And the thing is -- just as an observation, I'm sure
00:13 13 that he doesn't really care, since he's not writing
00:13 14 bonds here anymore and he's got collateral up to cover
00:13 15 it. I don't think he's going to comply with anything
00:13 16 that we ask him to do because he doesn't want to do
00:13 17 business here. He just needs to -- once these are taken
00:13 18 care of by any way that they're done, either he pays or
00:13 19 we have to file on the property, but at least there is
00:13 20 property available.

21 Mr. Day, you're supposed to report on
00:13 22 dormant licenses, tabled from the last meeting.

23 MR. DAY: I spoke with Scott Walstead who
00:13 24 is the president for our state association who's also
00:13 25 licensed in Dallas County. I talked to him about that.

00:13 1 He said I was misinformed at that state meeting, that
00:13 2 education meeting, that Randy Adler and Rick Moore spoke
00:13 3 at. He said that they do have a dormant license in
00:13 4 Dallas County; but he told me that it's not written into
00:14 5 their local rules, that it's more of a handshake deal
00:14 6 that they have with Dallas County. So, he told me he
00:14 7 doesn't have anything in writing showing they have it.
00:14 8 So, I spoke with Tom before the meeting and was hoping
00:14 9 that maybe --

00:14 10 JUDGE FLORES: Just to make sure that
00:14 11 everybody on the Bail Bond Board understands, could you
12 kind of give a little background as to what you were
13 looking into?

00:14 14 MR. DAY: A dormant license is basically
00:14 15 where you can get someone licensed -- and to use me as
00:14 16 an example, if I wanted to get my wife licensed and have
00:14 17 her have a dormant license in case anything ever
00:14 18 happened to me, whether it be an illness or an accident
00:14 19 or anything to where she could immediately take over the
00:14 20 business, activate her license and immediately take over
00:14 21 the business, where we don't get backed into a situation
00:14 22 where we had -- with Marsha when she passed and all the
00:14 23 hoops that Stan had to kind of jump through to get his
00:14 24 license. We're trying to eliminate the whole process
00:15 25 and just do something to where someone would already be

00:15 1 licensed. You know, in her case, her son, and in my
00:15 2 case, my wife, or if it were a child -- we're not
00:15 3 talking about, like, a best friend or anything like
00:15 4 that. Someone that can immediately take the business
00:15 5 over to where you don't have a stoppage of your business
00:15 6 with your employees and everything.

00:15 7 So, I was going to get with Tom over the
00:15 8 next month and get something written up to bring back to
00:15 9 the Board to see if the Board would approve something
00:15 10 that we could have or at least if we could work on
00:15 11 getting something like that.

00:15 12 JUDGE FLORES: Do any other bail bond
00:15 13 boards have that anywhere else in Texas?

00:15 14 MR. DAY: Well, the only one that I know of
00:15 15 right now is Dallas County. Stan was supposed to be
00:15 16 checking on Harris County for me. But I'm not sure if
00:15 17 he did or not. I haven't spoken with him. But Dallas
00:15 18 County has it, but it's just not in writing.

00:15 19 JUDGE FLORES: It's not part of the bylaws.

00:15 20 MR. DAY: It's not a part of their bylaws,
00:15 21 according to Scott. But they do have it. They've
00:16 22 utilized it.

00:16 23 JUDGE FLORES: Mr. Roebuck, what do you
00:16 24 think about that?

00:16 25 MR. ROEBUCK: It kind of scares me. You

00:16 1 know, Travis County seems to generally be on the cutting
00:16 2 edge of this kind of stuff. Does anybody know anyone
00:16 3 from Travis County?

00:16 4 MR. DAY: I don't even know any bondsmen in
00:16 5 Travis County, to be honest with you.

00:16 6 MR. ROEBUCK: I just -- you know, I'm not
00:16 7 sure -- I'm not sure we can do it.

00:16 8 JUDGE FLORES: Judge Maness, what are your
00:16 9 comments?

00:16 10 JUDGE MANESS: I wasn't here last week. Is
00:16 11 there somebody wanting to do it?

00:16 12 MR. DAY: Well, there is a bondsman right
00:16 13 now that is wanting to do it. After I mentioned it to
00:16 14 him after the meeting, he's wanting to do it. But I
00:17 15 would want to do it as well because, you know, this is
00:17 16 how I provide for my family.

00:17 17 JUDGE MANESS: I think if anybody wants to
00:17 18 do it and it's not illustrated that you can do it in the
00:17 19 Bail Bond Act, then we will make it incumbent upon them
00:17 20 and their lawyer to convince us that it can be done,
00:17 21 rather than have Mr. Roebuck do the research and pay.
00:17 22 If you'll get your lawyer to do the research and come
00:17 23 make a presentation to the committee or to the Board,
00:17 24 then we'll look at it.

00:17 25 It's not in the Bail Bond Act anywhere, is

00:17 1 it, Tommy?

00:17 2 MR. ROEBUCK: Not that I know of. Of
00:17 3 course, I stumble all the time, everything I do. But
00:17 4 I'm kind of looking at it from the standpoint of kind of
00:17 5 a survivorship deal. And, you know, maybe if we've got
00:17 6 corporate entities, we might be able to massage that
00:17 7 somehow. But I'm just concerned that you've got
00:18 8 somebody that their license is on the bond and then
00:18 9 somebody else who's not on the bond secedes. I just
10 don't think --

00:18 11 MR. DAY: No. Well, then maybe I need to
00:18 12 clarify a little bit then. The person who gets licensed
00:18 13 -- we'll use my wife as an example -- she's going to go
00:18 14 through the whole application process. She's going to
00:18 15 do everything that every bondsman has to do. But when
00:18 16 she goes -- I think -- is it 60 or 90 days you have once
00:18 17 your license is approved by the Board to fund that
00:18 18 license? Am I right? Is it 60 or 90 days to fund?
00:18 19 Basically, she wouldn't fund that license. That license
00:18 20 would be active for, in her case, the first two years --
00:18 21 it would be active for two years. She would not be on
00:18 22 the list, this list (indicating). She would not be able
00:18 23 to post bonds. She wouldn't be able to do anything.
00:18 24 That license would -- she would have to pay the fees to
00:19 25 get licensed, everything. She would just not fund that

00:19 1 license; and that license would sit dormant. It
00:19 2 wouldn't be on the list. She couldn't post bonds,
00:19 3 anything.

00:19 4 JUDGE FLORES: What makes that different
00:19 5 from an agent?

00:19 6 MR. DAY: An agent can't post bonds. They
00:19 7 don't have -- you're talking about, like, an agent for
00:19 8 one of our bonds?

9 JUDGE FLORES: Yes, sir.

00:19 10 MR. DAY: An agent can't post bonds. They
00:19 11 don't put up the collateral.

00:19 12 JUDGE MANESS: You're saying that it's just
00:19 13 they're all ready to go and if something happens to you,
00:19 14 she brings up the money and becomes a bondsman because
00:19 15 the bonding license is good for two years. She's met
00:19 16 all the requirements. We just don't act on it.

17 MR. DAY: Right.

00:19 18 JUDGE MANESS: So, I'm not so sure, Tommy,
00:19 19 that there needs -- that that's not sufficient. Just
00:19 20 sitting in a drawer.

00:19 21 MR. DAY: And she wouldn't take over my --
00:19 22 anything that I have that's out right now. She would
00:19 23 just come in and basically have a license set up to
00:20 24 where when people continue to call my office, I can
00:20 25 continue to operate -- the business can continue to

00:20 1 operate, you know. I can -- she can continue to make an
00:20 2 income. My employees continue to have a job. Because
00:20 3 if something were to happen to me right now, it would
00:20 4 -- just everything would basically just shut down, you
00:20 5 know.

00:20 6 JUDGE MANESS: She saves 90 days if you
00:20 7 pass away, is what happens. She saves that time limit.
00:20 8 She can start making bonds the next day by bringing the
00:20 9 money because she filed early. But if she doesn't do
00:20 10 anything and then does that, which she can do after you
00:20 11 pass, then she has to go through those time limits.

12 MR. DAY: Right.

00:20 13 JUDGE MANESS: I think I see what he's
00:20 14 talking about.

00:20 15 JUDGE FLORES: Judge, it's not necessarily
00:20 16 bringing the money. Let's say if Keith dies and he
00:20 17 leaves it in a will all the property to her, can she
00:20 18 then bring that as a letter of testamentary to us?

19 JUDGE MANESS: Well, that is a good
20 question.

00:20 21 MR. DAY: That would be over a time period
00:20 22 there that you would have to wait.

00:20 23 JUDGE DOLLINGER: That would be later.

24 MR. DAY: Yes.

00:20 25 But she could immediately get the license

00:21 1 activated if she were to bring the collateral.

00:21 2 JUDGE BRANICK: Ten days.

3 JUDGE FLORES: I was about to ask the
4 probate judge.

5 JUDGE BRANICK: Letter of testamentary on
00:21 6 file for ten days, we can have a hearing.

00:21 7 MR. DAY: The only problem with that is my
00:21 8 property would be pledged to the other -- on the other
00:21 9 license, though, right? So, would it still transfer?

00:21 10 MR. ROEBUCK: See, that's my concern. That
00:21 11 would be the problem.

00:21 12 MR. DAY: That would be a problem. But our
00:21 13 concern was to be able to get that \$50,000 CD or
00:21 14 whatever and get it down here so the business could
00:21 15 continue on while we go through that process.

00:21 16 JUDGE BRANICK: I guess your wife signs on
00:21 17 the pledge of your collateral for your bond, right? She
00:21 18 has a community property interest in it.

19 MR. DAY: Well, yeah.

00:21 20 MR. ROEBUCK: Judge, would this work?
00:21 21 Let's assume we've got, for argument's sake, community
00:22 22 title. Seems to me when she activates her license, she
00:22 23 can just sign off on a new deed of trust maybe.

00:22 24 MS. GARCIA: But she's already on the deed
00:22 25 of trust.

00:22 1 JUDGE BRANICK: It seems to me that if the
00:22 2 amount of property that is there covers the amount of
00:22 3 bonds he has and there is an additional left over, the
00:22 4 additional value would cover her on her application.

00:22 5 MR. ROEBUCK: Except for writing. See --

00:22 6 MS. CRIBBS: Can I ask a question? I'm
00:22 7 just curious. Does his estate become responsible for
00:22 8 his bonds if he were to die? And then who would manage
00:22 9 those if there were court revocations and all that on
00:22 10 the bond? How does that work when a bondsman dies and
00:22 11 he has bonds?

00:22 12 JUDGE BRANICK: What if there is no -- you
00:22 13 know, it may be six months after his death and you've
00:22 14 got four months to present a claim if you're sent a
00:23 15 letter saying, hey, and then maybe six months before one
00:23 16 of them forfeits. So, the claim doesn't even rise.

00:23 17 JUDGE MANESS: We've never moved against an
00:23 18 estate, I don't think, because you have the collateral
00:23 19 and you move on that.

00:23 20 JUDGE BRANICK: You've got the deed of
00:23 21 trust.

00:23 22 MS. GARCIA: Well, the only time that we
00:23 23 had a bondsman pass away is Bob Ogden. He had very few
00:23 24 cases even done. We still did the forfeiture process,
00:23 25 but we didn't do the NICI. At least in misdemeanors it

00:23 1 was so, like, barely just court costs.

00:23 2 MR. DAY: Also in his case his business
00:23 3 didn't continue. Once his -- once he passed away, the
00:23 4 wife didn't continue it on. So, that wouldn't even be a
00:23 5 comparison here because I think we had mentioned that
00:23 6 last month. But in the case of when Marsha passed, it
00:23 7 was a perfect example of what we're trying to do.

00:23 8 JUDGE MANESS: Let me ask you. Let's
00:23 9 assume that we do that. You know, next -- let's assume
00:24 10 that you didn't even bring this up about dormancy and we
00:24 11 get all confused. Just next week you file an
00:24 12 application for your wife to be a bondsman, just file
00:24 13 it. And we go through the process and approve it. We
00:24 14 would never even have this conversation. She'd be
00:24 15 approved, and you would keep it dormant. She would just
00:24 16 never make bonds.

00:24 17 JUDGE DOLLINGER: I think there is a rule
00:24 18 that he was talking about where if she didn't bring up
00:24 19 some money to fund it, it basically lapses.

00:24 20 JUDGE MANESS: So, basically he wants to
00:24 21 waive that 90-day rule, is what he's asking?

00:24 22 MS. PRESLEY: The funding rule.

00:24 23 What about the name of the company, would
00:24 24 she use yours?

00:24 25 MR. DAY: I don't know. That would have to

00:24 1 -- on that -- it's just basically getting on that list
00:24 2 as -- getting on that list under --

00:25 3 MS. GARCIA: One of the problems that I
00:25 4 know I experienced on the clerk end of it is when Stan
00:25 5 and Marsha's issues came up, I think we -- Tina, did we
00:25 6 keep them the same number; or they got a new number?

00:25 7 MS. GILLESPIE: Uh-huh.

00:25 8 MS. PRESLEY: It's different from Marsha.
00:25 9 Totally different.

00:25 10 MR. DAY: I think each license has a
00:25 11 different number.

00:25 12 MS. PRESLEY: It didn't go to Marsha's.

00:25 13 MS. GARCIA: There was a problem here
00:25 14 recently -- I didn't research it -- something with the
00:25 15 number.

00:25 16 MR. ROEBUCK: Can I kind of say what my
00:25 17 concern is? This obviously is an area that is new and
00:25 18 may be an area of first impression. And what we as
00:25 19 lawyers like to do, especially if we're doing papers, as
00:25 20 we say, is we want to hedge our bets and try to avoid
00:25 21 anything that might be a future problem. And I can
00:26 22 foresee something where we have a replacement or a
00:26 23 dormant or substitute bonding company and somebody comes
00:26 24 in, if there is a default and there is a judgment NICI
00:26 25 and an effort to foreclose, that, you know, if I'm the

00:26 1 lawyer that is representing the bonding company, first
00:26 2 thing I'm going to do is throw up, "she wasn't licensed
00:26 3 so you can't do it."

00:26 4 What I'm thinking is, you know, we can
00:26 5 probably do it; but what I would suggest is that if that
00:26 6 all comes to pass that there be a deed of trust renewing
00:26 7 and extending the obligation so that it would probably
00:26 8 avoid that one issue, if I make any sense, so that we
00:26 9 now have a new deed of trust that might not be
00:26 10 necessary, but certainly it wouldn't hurt anything.

00:27 11 MR. DAY: Well, and you-all went a little
00:27 12 farther than what I was taking with the deed of trust.
00:27 13 When I have my property up here, basically I was
00:27 14 stopping it at her license remains dormant, something
00:27 15 happens to me, she pledges \$50,000 and can start
00:27 16 business immediately right then and then what happens
00:27 17 with the property as time goes on, you know, she would
00:27 18 get the property back as my liability would dwindle and
00:27 19 then take that property and put it on her liability once
00:27 20 my -- because it would take -- I mean, if I stopped
00:27 21 writing bonds today, it would take years and years for
00:27 22 all my cases to get resolved, for all that -- my
00:27 23 liability or my properties that I have pledged to go
00:27 24 back.

00:27 25 I mean, you can see Robert Stone hasn't --

00:27 1 I mean, when is the last bond that he had?

00:27 2 MS. GARCIA: Oh, it was about ten years,
00:27 3 I'd say.

00:27 4 MR. DAY: And Robert didn't write very much
00:27 5 at all. So, it would take a long time.

00:27 6 What I was just getting at was just
00:28 7 pledging that initial 50,000 just to continue the
00:28 8 operation of the business for the most part.

00:28 9 JUDGE DOLLINGER: The requirement that the
00:28 10 license be funded within either 60 or 90 days, is a
00:28 11 local rule of ours, not part of the Bail Bond Act,
00:28 12 correct?

00:28 13 MS. PRESLEY: I think it's in Chapter 1704.

00:28 14 JUDGE DOLLINGER: Well, if it's in 1704,
00:28 15 then I don't know how we can alter the requirement. If
00:28 16 it was a local rule, certainly we would have the ability
00:28 17 to waive the requirement. But if it's part of the state
00:28 18 law in the State Bail Bond Board Act, I don't know that
00:28 19 we would even have the authority to waive funding a
00:28 20 license.

00:28 21 MR. DAY: I'm just not sure what it says in
00:28 22 Chapter 17 what happens to that license if you don't
00:28 23 fund it. That's the only thing.

24 JUDGE DOLLINGER: That would be ground zero
00:28 25 for me to find out.

00:29 1 MR. DAY: Obviously, if it's against the
00:29 2 Act, we can't do anything. But, obviously, there is
00:29 3 something that can be done. Like I said, Dallas County
00:29 4 is doing it. They just don't have it -- and I can't
00:29 5 imagine a county of that size would go against --

00:29 6 MR. ROEBUCK: Well, why don't we just
00:29 7 require it to be funded? I mean, what is it, 500 bucks?

00:29 8 JUDGE MANESS: Yeah. How much would it
00:29 9 cost you to just fund her? How much would it cost you?

10 MR. DAY: \$50,000.

11 JUDGE MANESS: That's a drop in the bucket
00:29 12 for a man of your means.

00:29 13 MR. DAY: But if that were the case, then
00:29 14 -- well, I think another thing that Dallas County has is
00:29 15 a local rule that you can't run two bonding companies
00:29 16 out of the same office. And that was another reason why
00:29 17 rather than having to fund the license and do it the way
00:30 18 you're talking about, Dallas County made the license
00:30 19 dormant so that way they wouldn't be required to open up
00:30 20 another office in order to --

00:30 21 MS. GARCIA: That would be a local rule of
00:30 22 theirs.

00:30 23 MR. DAY: The running two bonding companies
00:30 24 out of one office, yes. And I don't know if you want to
00:30 25 get into --

00:30 1 JUDGE FLORES: Don't we have that situation
00:30 2 right now?

00:30 3 MS. PRESLEY: Yeah.

00:30 4 JUDGE MANESS: We have bonding companies do
00:30 5 that now?

00:30 6 JUDGE FLORES: We've got at least -- yes,
00:30 7 sir. We've got a couple that are in the same building.
00:30 8 Supposedly they have different numbers and whatever.
00:30 9 And I think they do have different numbers.

00:30 10 JUDGE MANESS: Why do they prevent that,
00:30 11 Keith? Why not have it run out of the same office?
00:30 12 What difference does it make?

00:30 13 MR. DAY: My only guess would be is that
00:30 14 you would have two -- I don't know how they do it. In
00:31 15 our case you have two different numbers on the list, two
00:31 16 different spots on the list and everything going through
00:31 17 the same office. So, basically, I think what they try
00:31 18 to do is get out of the situation where if I go out and
00:31 19 I get four people licensed and they run them all out of
00:31 20 my company, now, boom, I have four spots on this list
00:31 21 now. So, every time some inmate goes to call me, I'm
00:31 22 going to get, you know, four stabs at somebody calling.
00:31 23 And just answering, I think that's probably why they do
00:31 24 that.

00:31 25 MS. GARCIA: If one -- it appears

00:31 1 everything is separate, but really it's all being funded
00:31 2 to the same. So, if one went to default, you'd still
00:31 3 have money coming in from the other company.

4 JUDGE FLORES: Judge Maness, at one time we
00:31 5 also had the question that some people had put up
00:31 6 collateral for their business, but they wanted to open
00:31 7 up another business with an insurance company doing the
00:31 8 collateral and having two shots at it that way. I think
00:32 9 -- you recall that?

00:32 10 MR. DAY: Yeah. I don't think -- I don't
00:32 11 know if that is -- I would prefer not to --

00:32 12 JUDGE MANESS: I make a motion that we
00:32 13 table it until the next time. Keith, if you'll come
00:32 14 back and tell us what some other counties do and maybe
00:32 15 have your counsel with you to explain why he feels like
00:32 16 it's legal and it does not conflict with the Bail Bond
00:32 17 Board Act. And we'll all think on it for a month. This
00:32 18 has gotten -- it's kind of convoluted. It seems simple,
00:32 19 but it's not.

00:32 20 JUDGE FLORES: Yes, sir.

00:32 21 Any second to Judge Maness' motion to table
00:32 22 this?

00:32 23 MS. GARCIA: Second.

00:32 24 JUDGE FLORES: All those in favor of
00:32 25 tabling this to the next time so that Mr. Day can bring

00:32 1 in the proper information?

00:32 2 (All respond "I").

00:32 3 JUDGE FLORES: Okay.

00:32 4 MR. ROEBUCK: In case I get really
00:32 5 diligent, we're talking about dormant licenses, whether
00:33 6 or not -- for lack of a better term, whether we can do
00:33 7 something like that and multiple companies in the same
00:33 8 building.

00:33 9 JUDGE MANESS: Well, it may evolve to that
00:33 10 if in fact she goes ahead and gets licensed, like we
00:33 11 talked about and not be dormant, that they'll both be in
00:33 12 the same building. But right now that's not the issue.

00:33 13 MR. ROEBUCK: It will be if -- I think, if
00:33 14 we decide that option number one can be done, then we're
00:33 15 going to have to address it anyway.

00:33 16 JUDGE FLORES: Is there anything in the
00:33 17 code that prohibits two bonding companies from being in
00:33 18 the same building?

00:33 19 MR. DAY: Not that I'm aware of.

00:33 20 JUDGE FLORES: I didn't think so.

00:33 21 So, unless we can show that it's basically
00:33 22 just a sham so somebody can get on the list twice, but I
00:33 23 have no problem with people officing all in the same
00:34 24 place as long as they remain separate. It's just like
00:34 25 two lawyers practicing law sharing expenses, two

00:34 1 different businesses.

00:34 2 MR. DAY: Tom, what you're talking about,
00:34 3 though, having -- like, if something were to happen to
00:34 4 me and her license become active at that point, my
00:34 5 license could become inactive at that point, couldn't
00:34 6 it, if something were to happen to me? Nothing could be
00:34 7 done with my license. So, at that point that license
00:34 8 would be inactive anyway. So, really you would only
00:34 9 have one active license running out of that.

00:34 10 MR. ROEBUCK: That's a scenario. But I'm
00:34 11 wondering what we're going to end up with with this
00:34 12 other. It may be that it has to be some kind of funding
00:34 13 or active or whatever you want to call it. And here
00:34 14 again, I'm going with -- I'm looking down the road.
00:34 15 Somebody else might say, wait a minute; you know, you
00:34 16 can call it what you want to, but Keith is running two
00:35 17 bail bond companies; that's not fair; that's not right.

00:35 18 So, I'm not saying -- I don't think there
00:35 19 is anything wrong with it personally. I'm just like
00:35 20 Judge. That's the reason we have big law firms, so they
00:35 21 can pool all their stuff and make a lot of money.

00:35 22 So, my thoughts are that I'm not really
00:35 23 concerned about it; but I think we need to look at it
00:35 24 and see if it's prohibited, if there is any case law or
00:35 25 something.

00:35 1 MR. DAY: I'm not by any means going to
00:35 2 speak for all the other bondsmen. I'll just speak for
00:35 3 myself on the fact that I don't like the idea of more
00:35 4 than one bonding company running out of the same office.
00:35 5 I think it just -- I think there is issues with that
00:35 6 and then having the same -- two different licenses going
00:35 7 through the same company. But that's just my personal
00:35 8 opinion.

00:35 9 JUDGE FLORES: My main concern is being
00:35 10 able to trace it back to who is going to be liable if
00:36 11 there is a bond forfeiture and who's going to be
00:36 12 responsible. I think the whole thing is on
00:36 13 responsibility. The fact that two people are officing
00:36 14 together, I mean, everybody is responsible for their own
00:36 15 actions. But if they're using the bonding companies as
00:36 16 a sham to shift it from one to the other or disclaim and
00:36 17 say, well, that's not me; it's the other guy or
00:36 18 whatever, then you got a problem. As long as you can
00:36 19 trace it back to somebody being liable, that's I think
00:36 20 -- maybe I'm wrong, Mr. Roebuck, but I think that's our
00:36 21 main concern.

00:36 22 MR. ROEBUCK: And that kind of gets me back
00:36 23 to my first concern, is to make sure that the real
00:36 24 estate security is properly in place. That's why my
00:36 25 first thought is maybe we ought to renew and extend the

00:36 1 deed of trust. And if that license gets -- well, that
00:36 2 gets back to whether or not it's dormant or whether or
00:36 3 not that is an active license and whether it would do
00:36 4 any good to do it.

00:36 5 JUDGE FLORES: Well, it's already been
00:36 6 moved that we table this. Mr. Day, if you get some more
00:36 7 information on this and you want to present it, bring us
00:37 8 the information. If there is nothing further, then this
00:37 9 issue has been tabled.

00:37 10 Now we're going to discuss voluntary
00:37 11 surrenders at the jail. And I think that, Lieutenant,
00:37 12 you were going to look into that and kind of give us a
00:37 13 brief summary as to what was going on and the reason for
00:37 14 that, unless someone else cares to speak on it on behalf
00:37 15 of the Sheriff's Department.

00:37 16 MR. DAY: Well, can I say something?

17 JUDGE FLORES: Go ahead.

00:37 18 MR. DAY: Can you kind of remind us?
00:37 19 Because the story I heard before it was brought up in
00:37 20 the meeting about what happened was different than what
00:37 21 I heard at the meeting. The bondsman that came in with
00:37 22 the defendant saying that she wanted to turn herself in
00:37 23 voluntarily had her in handcuffs, right? Is that right?

00:37 24 MR. KELLY: Uh-huh.

00:37 25 MR. DAY: So, he brought her up there in

00:37 1 handcuffs, which we all agreed that there is nothing
00:37 2 voluntary about that.

3 MR. KELLY: Correct.

00:38 4 MR. DAY: But also was the bondsman that
00:38 5 did that licensed to even apprehend and bring someone
00:38 6 in? Well, first off, I guess he couldn't have if the
00:38 7 defendant didn't have a warrant, right?

00:38 8 MR. KELLY: Exactly.

00:38 9 MR. DAY: Because the defendant didn't have
00:38 10 a warrant. So, he can't -- even if he was licensed --

00:38 11 MR. KELLY: Couldn't bring him to the jail.

00:38 12 MR. DAY: -- he's still not supposed to
00:38 13 bring somebody to jail without a warrant. So, that is
00:38 14 what happened. The bondsman brought the defendant in --
00:38 15 well, she wouldn't really be a defendant -- but brought
00:38 16 the person in cuffs to the jail without a warrant,
00:38 17 right?

00:38 18 MR. KELLY: Correct.

00:38 19 JUDGE FLORES: I think where the Lieutenant
00:38 20 is coming from is this -- if I remember correctly, he
00:38 21 just wants to make sure they don't take somebody else --
00:38 22 don't take anybody in the jail unless there is a warrant
00:38 23 signed by a judge authorizing them to arrest somebody
00:38 24 because that's -- instead of a bondsman just showing up
00:38 25 there and dropping somebody off without a warrant

00:38 1 because there is not an AFRS on file. If there is an
00:39 2 AFRS on file already and the judge has already signed
00:39 3 it, then you got a different deal.

00:39 4 JUDGE MANESS: You have a warrant emanating
00:39 5 from that.

00:39 6 MR. DAY: Yeah, I agree.

00:39 7 But the reason I brought up the other is
00:39 8 the last thing I want is -- the bondsmen are having a
00:39 9 hard enough time with our reputation; but to have a
00:39 10 bondsman come in there breaking the law, it looks bad on
00:39 11 all of us. And if he is coming in there with somebody
00:39 12 in cuffs and he's not a licensed peace officer, then
00:39 13 it's going to reflect on all of us. That's the bigger
00:39 14 picture.

15 JUDGE FLORES: The only problem is that the
00:39 16 sheriff is not going to take him.

00:39 17 MR. DAY: Well, I'm talking about the
00:39 18 legality of what the bondsman did.

00:39 19 JUDGE FLORES: Any other comments?
00:39 20 Mr. Segura?

00:39 21 MR. SEGURA: If a bondsman has someone on
00:39 22 bond and the defendant themselves volunteers themselves
00:39 23 into, because they cannot pay or whatever, you don't
00:40 24 need a warrant for that person to volunteer himself back
00:40 25 into jail.

00:40 1 MR. ROEBUCK: You're not going to take him,
00:40 2 are you?

00:40 3 MR. KELLY: They're not going to take him
00:40 4 without a warrant.

00:40 5 JUDGE MANESS: Isn't the remedy to go to
00:40 6 the Court and file an Affidavit for Release of Surety
00:40 7 and the reason you're doing it is the defendant can't
00:40 8 pay and wants to go to jail and then you get a warrant?
00:40 9 That's the protection of you. In other words, if you at
00:40 10 midnight drag this person back to jail on your own hook,
00:40 11 unless there is something in the constitution or case
00:40 12 law -- I know there is some weird law there -- I don't
00:40 13 think you --

00:40 14 MR. SEGURA: But what I'm saying is that
00:40 15 you're not looking for this person. This person is
00:40 16 volunteering himself in themself. You're not bringing
00:40 17 them in cuffs. They're bringing themself back.

00:40 18 MR. DAY: But what does the jail hold them
00:40 19 on?

00:40 20 MR. SEGURA: On the same charge that you
00:40 21 bonded them out on.

00:40 22 JUDGE FLORES: But If you've already got a
00:40 23 valid bond on it, Mr. Segura, you cannot do that unless
00:40 24 the bond is then set aside; you do an affidavit for
00:41 25 surety and then there is a warrant. If there is no

00: 41 1 warrant on that person, the jail is not going to take
00: 41 2 them into custody. That's why we have the Affidavit for
00: 41 3 Release of Surety. And once a judge signs it, then you
00: 41 4 got a warrant.

00: 41 5 MS. GARCIA: So, the only time a voluntary
00: 41 6 surrender comes into place is if the person is already
00: 41 7 in custody, whether it's that charge, another charge,
00: 41 8 whatever, because they're in custody.

00: 41 9 MR. SEGURA: If they're in custody, they're
00: 41 10 not voluntary.

00: 41 11 MS. GARCIA: They may be in custody on not
00: 41 12 your charge. They may be in Orange County. You find
00: 41 13 out. You want to get off the bond.

00: 41 14 MR. SEGURA: That's a warrant. That's not
00: 41 15 voluntary.

00: 41 16 MS. GARCIA: That's what triggers it. If
00: 41 17 you file a voluntary surrender in, we have to submit it
00: 41 18 up to the Court, Judge signs it, we issue an AFRS
00: 41 19 warrant to put the hold in the other county.

20 MR. SEGURA: That is an AFRS. That's not a
21 voluntary.

22 MS. GARCIA: No. It's a voluntary
00: 41 23 surrender. It's not on that form. We have to go
00: 41 24 manually type it in there at the bottom and get Judge to
00: 41 25 sign it.

1 JUDGE MANESS: We shouldn't be talking
00:42 2 about this. This is the sheriff.

00:42 3 JUDGE FLORES: Mr. Segura, this is the
00:42 4 problem, is that this is a policy decision by the
00:42 5 Sheriff's Department and it's not -- and that's not
00:42 6 anything for the Bail Bond Board to decide. I think we
00:42 7 came to the same conclusion last time when Lieutenant
00:42 8 Kelly said that they're not going to take them unless
00:42 9 there is a warrant.

00:42 10 MR. KELLY: This is what everybody is
00:42 11 missing the point on. Well, I'm not saying "everybody."
00:42 12 But they're missing a point. That AFRS, all that does
00:42 13 is for the jail to verify whether that person is in
00:42 14 custody or not.

00:42 15 MR. SEGURA: That's an AFRS. That's
00:42 16 getting a warrant.

00:42 17 MR. DAY: You mean it's a voluntary
00:42 18 surrender.

00:42 19 MR. KELLY: Right. But what you guys don't
00:42 20 understand, we can't place a hold on anybody or put
00:42 21 anybody in jail without the documentation that tells us
00:42 22 to do that.

00:42 23 JUDGE FLORES: Without authorization from a
00:42 24 judge, normally. Okay. Just because the person wants
00:42 25 to check themselves in and there is not a warrant for

00:42 1 their arrest, where are they going to go? There is not
00:42 2 going to be a warrant unless you get off the bond.

00:42 3 JUDGE MANESS: Judge, I don't think this
00:43 4 Board ought to even be discussing this. Even giving --
00:43 5 we can't give directions to the duly-elected sheriff on
00:43 6 when he can take --

00:43 7 JUDGE FLORES: The reason is they were
00:43 8 having a problem and Lieutenant Kelly came to us asking
00:43 9 for some advice and we kind of told him last time it's
00:43 10 up to them.

00:43 11 JUDGE MANESS: Yeah. If you need a legal
00:43 12 opinion, then holler at us. We'll do that, not the
00:43 13 Board.

00:43 14 JUDGE FLORES: Yes, sir.
00:43 15 Any other new business? Any further old
00:43 16 business?

00:43 17 (No response).

00:43 18 JUDGE FLORES: Judge Dollinger?

00:43 19 JUDGE DOLLINGER: Move to adjourn.

00:43 20 JUDGE FLORES: Judge Maness?

00:43 21 JUDGE MANESS: I second, Your Honor.

00:43 22 JUDGE FLORES: All those in favor of
00:43 23 adjournment signify by saying "I."

24 (All respond "I").

25 (Conclusion of meeting).

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REPORTER'S CERTIFICATE

THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

I, ALISA E. RAUMAKER, Official Court Reporter in and for the County Court at Law 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.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted by the respective parties.

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