

ANGELINA COUNTY



BAIL BOND BOARD LOCAL RULES

ADOPTED

January 8, 2020

ANGELINA COUNTY BAIL BOND BOARD LOCAL RULES

The following rules have been adopted by the Angelina County Bail Bond Board, hereafter called the Board, pursuant to its authority under Chapter 1704 of the Texas Occupations Code. The rules relate to those persons or entities who are licensed as a Bail Bond Surety, as defined in the Bail Bond Act, and who may write a bail bond in Angelina County, Texas. Any rule violation may result in sanctions as the Board may assess pursuant to Texas Law.

1. ROBERTS RULES OF ORDER

All proceedings not governed by specific statutory provision or rule of this Board shall be conducted in accordance with Roberts Rules of Order.

2. MEETINGS

A. The Angelina County Bail Bond Board will hold regular meetings on the Second (2nd) Wednesday of January, April, July and October, at 3:00 p.m. in Courtroom #5, Angelina County Courthouse, 215 E. Lufkin Ave., Lufkin, Texas, 75901, unless otherwise specified by the Chairperson of the Board. Notices of the meeting will be posted on the Angelina County website, and at the Angelina County Courthouse not less than 72 hours in advance of each meeting.

B. Any requests for special or emergency meetings shall be by written request to the Board Chairperson and shall be accompanied by all pertinent data including a statement of why a special or emergency meeting should be called. The request for an emergency meeting must comply with the Texas Open Meetings Act.

3. AGENDA

Items submitted to be placed on the Agenda shall be in writing, to the Board Chairperson, no later than the close of business on the Wednesday of the week before the regular Wednesday Bail Bond Board Meeting. No item will be placed on an agenda until all relevant information is delivered to the Board Chairperson.

4. ELECTED BOARD MEMBERS

A. The following positions on the Bail Bond Board shall be decided by secret ballot:

1. Licensed Bail Bond Surety Representative
2. Criminal Defense Attorney Representative
3. Justice of the Peace Representative

B. The election shall begin on December 1st of each year.

C. The Board shall prepare and mail out ballots. Ballots shall be returned to the Board

Chairperson before December 30th.

D. The ballots will be placed in a sealed envelope and shall be opened and the votes tallied and canvassed by the Board at its first regular meeting after the election is conducted. Ballots where more than one candidate is marked are VOID and shall not be counted.

E. The Licensed Bail Bond Sureties' Representative, Justice of the Peace and Criminal Defense Attorney shall be elected by a simple majority of the votes cast. They shall take office at the regular January meeting and their term shall run through December 31, of that year.

F. The Board shall use a random selection method to resolve any ties for an Elected Board Member Position.

G. In the event that there are no nominations for an Elected Board Member Position, the current member may elect to serve for the next term or vacate the position. If vacated, the position will remain unfilled until the Chairperson receives a nomination for the position. The named nominee shall be submitted for approval by the Board at the next regularly scheduled meeting.

5. ANNUAL ELECTION OF THE BAIL BOND BOARD CHAIRPERSON

The Board shall conduct an annual election of the Board Chairperson at the regular January meeting. The Board Chairperson shall be elected by a simple majority vote of the quorum present. The Board Chairperson may succeed him or herself. In like manner the Board shall choose a Vice-Chairperson who shall act in the temporary absence of the Chairperson. In the event the Chairperson is disqualified for any reason before the end of his/her term the Vice-Chairperson shall automatically become the Chairperson. In such event, or if the Vice-Chairperson becomes disqualified, at the next regular meeting a new Vice-Chairperson shall be chosen.

6. APPLICATION REQUIREMENTS

A. All application forms are available through the Bail Bond Board. All completed application forms must be submitted to the Board, through the Board Chairperson, with all required attachments including a certified copy of the Power of Attorney (for Corporations) filed with the Angelina County Clerk. All applications shall be submitted with either an original and (10) ten copies, or an original and (1) one electronic format. Identifying information (date of birth, social security number and account numbers) may be redacted from the copy. An email address is required on all application forms for notification of any additional information needed.

B. Applications for a "Bail Bond Surety License" shall be on the form adopted by this Board. A completed application form for an original Bail Bond Surety License, along with all required attachments, must be on file with the Board at least thirty (30) days before a license will be considered by the Board.

C. A completed application form for a renewal of an existing Bail Bond Surety License, along with all required attachments, must be on file with the Board at least thirty (30) days prior to the expiration of the license.

D. Each application for a license (original and renewal) must be accompanied by a filing fee of \$500.00. This \$500.00 filing fee is not refundable. Each applicant is hereby placed on notice that once the application is submitted, the \$500.00 filing fee will not be refunded. (Tex. Occ. Code 1704.154 & 1704.162)

E. A Corporation must file a separate application, pay a separate application fee and provide a separate deposit for each agent the Corporation designates.

7. LOCATION OF OFFICE

All licensees must maintain an office in Angelina County and must notify the Board through the Board Chairperson within seven (7) days of opening a new office or moving an existing office to a new location. For purposes of these rules, "office" is defined as any location where a licensee conducts bail bond business, maintains business records, employs, meets with clients, accepts payment of bonds, and installs and maintains an advertised phone number. New applicants will have forty-five (45) days from the date of approval of their application to establish, maintain, and provide the Board with information on their office location.

8. ADDRESS AND PHONE NUMBER CHANGES

If any address or telephone number listed on the most recent application for license should change for any reason, the applicant or licensee shall provide written notice of such changes within 5 business days to the Bail Bond Board Chairperson.

9. SECURITY REQUIREMENTS

A. Cashier's Checks and Certificates of Deposit

Cashier's checks and certificates of deposit intended for use as security for a bail bond license shall be styled "Depositor's name for the benefit of Angelina County Treasurer"

The Board will not accept certificates of deposit or cashier's checks containing, or subject to, set-off provisions. Applicants for a license using cashier's checks or certificates of deposit for security shall execute and have the issuing bank execute a security assignment to the Board. The applicant shall deliver the original to the Angelina County Treasurer. The form for the security assignment will be distributed with applications. Applicants for a license/Licensed Bail Bond Sureties using cashier's checks or certificates of deposit for security shall deliver the original cashier's checks or certificates of deposit to the Angelina County Treasurer.

The Angelina County Treasurer shall take possession of the original cashier's checks or certificates of deposit and the Security Assignment.

B. Real Property as Collateral

When a licensee submits real property as collateral (a) it must be appraised by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or provide proof of value according to a statement from the county from the county's most recent certified tax appraisal roll; (b) it must have a minimum appraised value of Fifty Thousand Dollars (\$50,000.00); (c) it must be re-appraised for each license renewal thereafter or if the certified tax appraisal roll is used to determine value, a statement must be annually provided to the Board on the anniversary of the effective date of surety's license.

Real Property Deeded in Trust to the Board must meet the following requirements;

- a. Property cannot be exempt from forced sale.
- b. Surety must annually provide proof of property insurance covering any improvements on the property.
- c. Official tax receipt photocopies of all State, County, City and School District taxes through the previous tax year must be timely submitted with application or renewal application.

Any Deeds of Trust must be in a form approved by the Board. The Board must be the Grantee in the Deed(s) of Trust and such must be recorded with the Angelina County Clerk or in the county wherein the property used as collateral is located. Prior to recording, the Deed of Trust must be approved as directed by the Board. The original or certified copy of the recorded Deed of Trust will be held and secured as directed by the Board.

10. BOND FORMS

All sureties shall include their names and addresses on the face of each bond they write in Angelina County. A bond underwritten by an Insurance Corporation shall have the name of the Corporation as the surety on the bond along with the agent's name. Failure to comply with this rule may result in the suspension or revocation of a license.

11. LICENSEE ADVERTISING RESTRICTIONS

No bondsman (licensed or exempt) shall place, or permit to be placed, any advertising at any place where prisoners are examined, processed, or confined, nor in a location visible from a place where prisoners are examined, processed, or confined. The dissemination of personal or professional cards or solicitation by word, act or deed shall be deemed advertising.

12. CONTACT WITH DEFENDANT

A surety may not present a bond to the sheriff for the release of a defendant held in Angelina County unless, prior to presentation of that bond, the defendant or a person acting

on behalf of the defendant has requested the surety to post a bail bond for that defendant, or the defendant is currently on an active bail bond with that same surety in Angelina County. The surety must record in the file relating to that bond the date and time of each such contact that results in the surety posting such a bond, and must also record the identity of each person initiating such contact with the surety. Records relating to the contact(s) that resulted in the posting of such bond shall be maintained in the surety's files and shall be available for inspection by the Board or its authorized representative.

13. COMPLAINTS

A. FILING A COMPLAINT

The Board Chairperson is designated as the agent of the Board for the receipt of complaints.

B. PROCESSING A COMPLAINT

Upon receipt of a complaint, the Board Chairperson shall send a copy to each member of the Board. The Board shall consider said complaint at the next regularly scheduled meeting of the Board, unless considered earlier at a special or emergency session called by the Chairperson of the Board, and shall make such orders as it deems appropriate respecting the investigation and prosecution of said complaint.

C. NOTICE OF COMPLAINT

The Board Chairperson shall give notice to the accused licensee by certified mail at least eleven (11) days prior to the date of a hearing on the complaint. The notice shall specify the charges of the violation made against the licensee, and the hearing shall be limited to those charges.

D. DISQUALIFICATION

If the complaint relates to a licensee who is a member of the Board, said licensee shall be disqualified as a member of the Board to consider said complaint. The Chairperson shall call a special session of the Board as soon as practicable for the purpose of election, by a majority of the licensees present at said meeting, of a licensee to serve as a member of the Board in place of the licensee Board member complained against.

E. SUBPOENAS

The Board vests authority to issue subpoenas upon the request of any interested person including the Chairperson.

14. BAIL BOND FORFEITURES

A surety must pay all reasonable and necessary expenses incurred by any peace officer in

re-arresting his or her clients in the event that the clients fail to appear before a court or magistrate as specified. When a surety receives a bill for such re-arrest from any sheriff or peace officer, such bill must be paid within thirty (30) days of the date indicated on the letter unless the surety provides proof to the Angelina County Sheriff that he or she is contesting the expenses in court or that a bail bond forfeiture case in connection with the expenses has not yet been finally adjudicated. If a surety fails to pay re-arrest expenses in accordance with this rule, he or she will be suspended from the active bond list by the Angelina County Sheriff until such time as payments are current and in compliance with this rule.

All Bond Forfeitures must be paid within thirty-one (31) days following final judgment or the bondsperson will be suspended from the active bond list.

15. CHANGES TO RULES

These Rules may be adopted, altered, amended or repealed by majority vote of all the members present at a regularly scheduled meeting of the Board, provided at least 10 days written notice is given of the proposed adoption, alteration, amendment or repeal, by posting the proposed rules in the same manner as posting notice of meetings of the Board.

16. SAVINGS CLAUSE

The rules and regulations promulgated by the Board are in addition to the Texas Occupations Code and the Texas Code of Criminal Procedure and in case of a conflict, the statute will prevail.

ADOPTION OF RULES

These Rules shall be in full force and effect ten (10) days after approval by the Board.

Passed and Approved this the 8th day of January, 2020.

Angelina County Bail Bond Board

Amy Fincher
Amy Fincher, Bail Bond Board Chairperson