



RULES AND REGULATIONS OF THE RANDALL COUNTY BAIL BOND BOARD

SECTION 1 DEFINITIONS

- 1.1 "Person" means an individual or corporation.
- 1.2 "Bail Bond Surety" means any person who for hire or for any compensation deposits any cash or bonds or other securities or executes as surety or co-surety any bond for other persons.
- 1.3 "Bonding Business" means the occupation in which a bail bond surety is engaged.
- 1.4 "Company" includes corporations and other business entities.
- 1.5 "Bond" includes cash deposit and any similar deposit or written undertaking to assure appearance.
- 1.6 "Board" means the Randall County Bail Bond Board.
- 1.7 "Licensee" means a person licensed hereunder.
- 1.8 "Solicitation" means a direct or an indirect conversation, contract, request, invitation or suggestion to any prisoner, while such prisoner is in official custody, official confinement or official processing, that such prisoner should use any particular bonding licensee. Solicitation includes the requesting, inviting, asking or suggestion that any other person solicit bail bond business from a prisoner in official custody, official confinement or official processing for a bonding licensee, whether or not it involves employment, payment, promise to pay, or any inducement of value whatsoever, to be provided by the bonding licensee or agent to such person. Each solicitation is a separate offense.

- 1.9 "Rules" means the Rules and Regulations as adopted by the Randall County Bail Bond Board, as amended from time to time.
- 1.10 "Act" or "Texas Bail Bond Board Licensing Act" refers to Title 10, Chapter 1704 of Vernon's Texas Statutes and Codes Annotated Occupations Code [§1704.001 *et seq.* Texas Occupations Code].

SECTION 2 THE BOARD

- 2.1 The name of the Board is the Randall County Bail Bond Board.
- 2.2 The mailing address of the Randall County Bail Bond Board is: RANDALL COUNTY BAIL BOND BOARD, c/o Randall County Clerk, P. O. Box 660, Canyon, Texas 79015.
- 2.3 Members of the Board
- a. The Board shall be composed of the following persons:
- (1) The County Sheriff or a designee from the office who may be an administrator or a deputy sheriff of the rank of sergeant or greater;
 - (2) A District Judge of the county having jurisdiction over criminal matters designated by the presiding judge of the administrative judicial district;
 - (3) The County Judge or a member of the Commissioners Court designated by the County Judge, or a designee approved by the Commissioners Court;
 - (4) A judge of a County Court at Law in the county having jurisdiction over criminal matters designated by the Commissioners Court;
 - (5) The Criminal District Attorney or the Criminal District Attorney's designee if that person is an assistant criminal district attorney;
 - (6) A licensed bail bond surety, who is licensed in the county and at the time of his or her election, who is in good standing, and who has been elected by a majority of other licensed bail bond sureties in the county or a bail bond surety or agent for a corporate surety

licensed in the county who is designated by the elected surety or agent;

- (7) A Justice of the Peace;
- (8) The District Clerk or the District Clerk's designee;
- (9) The County Clerk or the County Clerk's designee;
- (10) The Board may appoint a presiding judge of a municipal court located within the county;
- (11) The County Treasurer or the Treasurer's designee; and
- (12) A criminal defense attorney practicing in the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants or the designee of the elected criminal defense attorney.

- b. Persons authorized to designate the member of the Board in a particular category named above, shall make such designation in writing after January 1 of each year and prior to the January Board meeting. If a designation is not made, the last prior designee shall continue to serve as a member of the Board until replaced by a person authorized to name a designee.
- c. The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of licensed bail bond sureties by electing a licensed bail bond surety or agent for a corporate surety board member. Each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held. If the bail bond sureties fail to elect by a majority a new representative, then the bail bond surety serving previously shall continue as the bail bond sureties' representative providing that he or she is a licensed bail bond surety in good standing.

2.4 Organization of the Board

- a. The Board, at each January meeting, shall elect a Chair, a Vice-Chair and Secretary and shall recognize the members for the coming year.
 - b. The Chair shall preside at all meetings and may vote on Board matters;
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- c. The Vice-Chair shall act in the temporary absence of the Chair. The Vice-Chair shall automatically become Chair if the Chair or acting Chair fails to serve the entire year for any reason. The Board shall then elect a new Vice-Chair at its next regular meeting;
- d. The Secretary shall act in the absence of both Chair and Vice-Chair, shall keep the minutes of meetings, and shall have the responsibility of preserving records of the Board except as specifically provided in these rules. If the Secretary fails to serve the entire year for any reason, the Board shall elect a new Secretary at the next regular meeting;
- e. A licensee who is a member of the Board is disqualified to vote in any matter directly concerning issuance, suspension, or revocation of the licensee's license;
- f. All proceedings not specifically governed by these Rules or the Act shall be governed by *Robert's Rules of Order Revised*.

2.5 Meetings:

- a. The Board shall meet annually in January for the purpose of electing a Chair, Vice-Chair, and Secretary and for declaring new designees by those members who may designate someone.
 - b. The Board shall meet on the fourth Tuesday of each month, unless otherwise determined by the Board.
 - c. Meetings shall be held in the Commissioners Courtroom, Randall County Courthouse, at 8:30 a.m., unless otherwise determined by the Board.
 - d. The Board may meet at such other times and places specified in the Notice of Meeting at the call of the Chair or Vice-Chair.
 - e. Four members shall constitute a quorum.
 - f. Except as otherwise specifically provided by the Rules, the Board may take action only on a majority vote of the Board members present.
 - g. The agenda shall be prepared and posted by the Chair or Secretary. All required notices shall be sent to all Board members and/or posted by the Chair or Secretary.
 - h. Meetings are subject to the Texas Open Meetings Act and notice shall be posted as required in that Act by posting a copy of the agenda on the
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official notice board of Randall County at least seventy-two (72) hours in advance of the regular meeting, with a copy thereof delivered or E-mailed to each member at the address designated by each member at their first meeting.

2.6 Powers and Duties of the Board

In addition to other powers and duties given to the Board by the Texas Bail Bond Licensing Act, the Board has the following powers and duties:

- a. to exercise any powers incidental or necessary to the administration of the Act;
- b. to supervise and regulate all phases of the bonding business and enforce the Act within the County and to prescribe and post any rules necessary to implement the Act;
- c. to conduct hearings and investigations and make determinations respecting the issuance, refusal, suspension, or revocation of licenses to bail bond sureties in accordance with the provisions of the Act and to issue licenses to those applicants who qualify under the terms of the Act, to refuse to license those applicants who do not qualify and to suspend or revoke the licenses of licensees who commit violations under the Act or the rules prescribed by the Board, or who become ineligible to be licensed under the Act;
- d. to require applicants and licensees to appear before the board and to administer oaths, examine witnesses, and compel the production of pertinent books, accounts, records, documents, and testimony by the licensee or applicant in its hearings;
- e. to cause a record to be made of all its proceedings;
- f. to maintain records and minutes and otherwise operate the affairs of the Board;
- g. to employ such employees to assist the Board in its functions as necessary;
- h. to furnish and post in each court in the county having jurisdiction of criminal cases, and in the office of each local official responsible for the detention of prisoners in the county, a current list of licensed bail bond

sureties in the county and to notify immediately each court and local official when a bail bond surety's license is suspended or revoked or an agent's authority is rescinded;

- i. to file reports and furnish information on the operation of the bonding business in the county at the request of the Texas Judicial Council; and
- j. to accept or not accept any non-exempt real estate owned by the applicant that the applicant wishes to convey in trust to the Board to secure payment of any obligations incurred by the applicant in the bonding business.

SECTION 3 AGENDA

- 3.1 The agenda shall be posted on the official notice board of the Randall County Courthouse in compliance with the requirements of the Texas Open Meetings Act, §551.002 *et seq.* of the Texas Government Code.
- 3.2 In order to be placed on the agenda for a scheduled meeting, a written request shall be directed to the Chair and Secretary of the Randall County Bail Bond Board no later than 5:00 p.m. seven days preceding the scheduled meeting.
- 3.3 No item will be placed on an agenda until all relevant information is delivered to the Chair and Secretary of the Board. This specifically includes, but is not limited to, original or renewal applications and requests to increase collateral by putting additional property in trust.
- 3.4 Any requests for special or emergency meetings shall be by written request to the Chair and Secretary of the Randall County Bail Bond Board and shall be accompanied by all pertinent data including a statement of why a special or emergency meeting should be called. Further, the request for an emergency meeting must comply with the Texas Open Meetings Act.

SECTION 4

LICENSE

- 4.1 No person may act as a bail bond surety in Randall County, Texas without first obtaining a license from the Randall County Bail Bond Board, except as otherwise provided by law.
- 4.2 A person licensed to practice law in the State of Texas may execute a bail bond or act as a surety for persons the attorney actually represents in criminal cases without being licensed hereunder.
 - a. However the attorney is prohibited from engaging in the practices made the basis for revocation of license under the Act and if found by the Sheriff to have violated any term of the Act, may not qualify thereafter under the exception provided in this subsection unless and until the attorney comes into compliance with those practices made the basis of revocation under this Act.
 - b. Notwithstanding any other provision of this section, no person licensed to practice law shall be relieved of liability on a bail bond the attorney has executed for the sole reason that the attorney has not been employed to represent the principal on the merits of the case.
- 4.3 A separate license is required for each agent operating under a corporate power of attorney.

SECTION 4A

APPLICATION FOR LICENSE

- 4A.1 A person seeking a license shall meet the requirements of §§ 1704.152 and 1704.153 of the Texas Occupations Code, as amended.
- 4A.2 A person seeking a license shall submit an original and twelve copies of a sworn Application for License, to the Chair or Secretary, together with the required filing fee.
- 4A.3 The filing fee either of an initial application or a renewal application is \$500.00 and is not refundable.
- 4A.4 Each application shall be on a form promulgated by the Board, shall be sworn, and shall contain the following information and documentation:
- a. the name, age and address of the applicant;
 - b. if the applicant is a corporation, a statement whether it is chartered or admitted to do business in the State of Texas and qualified to write fidelity, guaranty, and surety bonds under the Texas Insurance Code, as amended;
 - c. the name under which the business shall be conducted;
 - d. if an assumed name certificate is required under the laws of Texas, then a completed assumed name certificate ready for filing shall be submitted with an original application;
 - e. the street address and mailing address where the business is to be conducted;
 - f. the local telephone number for the business;
 - g. if the application is for a new license, the street address and mailing address and telephone number shall be furnished to the Board within twenty (20) days after the application is approved;
 - h. if the applicant is a corporation, the name of the person who will conduct the business together with the person's home address and residence phone number;

- i. the social security number for the applicant and if the application is for renewal, the taxpayer identification number for the business if it is different from the social security number;
- j. a new licensee shall furnish to the Board the taxpayer identification number for the business within sixty (60) days of being licensed;
- k. A statement indicating whether the applicant intends to deposit cash or a listing of any non-exempt real estate owned by the applicant that the applicant intends to convey in trust to the Board to secure payment of any obligation incurred by the applicant in the bonding business if the license is granted;
- l. If the applicant intends to secure obligations by property, the following shall be provided for each parcel listed:
 - (1) a legal description equivalent to the description required to convey the property to a deed of trust;
 - (2) a current statement from each taxing unit with power to assess or collect taxes against the property indicating that there are no outstanding tax liens against the property;
 - (3) a current statement indicating the net value of the property according to the appropriate Tax Appraisal District or, at the discretion of the applicant, a current appraisal indicating the net value of the property made 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;
 - (4) a statement from the applicant agreeing to keep all taxes paid on the property as long as the property remains in trust;
 - (5) a statement that the applicant will not further encumber the property after conveying it in trust to the Board without notifying and obtaining permission of the Board.
 - (6) an agreement to keep current the insurance on any improvements on the property against any damage or destruction while the

property remains in trust, in the full amount of the value claimed for improvements, showing the Board as a Mortgagee and any loss payable to the benefit of the Board and to provide the Board with a copy of the policy and a copy of any insurance renewal policy on or before each annual license anniversary date. The insurance company which issues a policy shall notify the Randall County Bail Bond Board in writing of any cancellation, termination, or lapse in the policy required herein; and

- (7) a proposed Deed of Trust which the applicant plans to execute to the Board on the non-exempt property and if the applicant is married, the applicant's spouse must also execute the Deed of Trust or provide a sworn affidavit to be filed in the Deed Records that the spouse agrees to the transfer to the Board, as a part of the trust, any right, title, or interest that the spouse may have in the property.
- m. a statement indicating the amount of cash or cashier's check, if any, which the applicant intends to place on deposit, with the county treasurer to secure payment of any obligations incurred by the applicant in the bonding business if the license is granted;
- n. a current, sworn financial statement which includes all assets and liabilities;
- o. a sworn declaration by the applicant that the applicant will comply with the Texas Bail Bond Licensing Act and these rules and regulations;
- p. if the application is for a new license, then letters of recommendation from three reputable persons who have known the applicant for a period of at least three years. Such letters are not required for renewals.
 - (1) Each letter shall recommend the applicant as having a reputation of honesty, truthfulness, fair dealing, competency, and shall recommend that the license be granted.
 - (2) If the applicant is a corporation, the letters are required for the person who is to be in charge of the business;

- q. A statement by the applicant, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from a bond executed by the applicant as a surety or as an agent for a surety or if the applicant is a corporation, a statement by the designated agent, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from any bond executed by the agent as a surety or as an agent for a surety;
- r. a photograph of the applicant;
- s. a set of fingerprints of the applicant. If the applicant is a corporation, a set of fingerprints of the person who will be the agent of the corporation for the business. If an application for renewal is being filed, the surety may use a copy of the fingerprints filed with the original application; and
- t. if the applicant is a corporation, a current certificate from the Texas Insurance Commission showing the applicant to be in good standing.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO INSURE THAT ALL OF THESE REQUIREMENTS ARE FOLLOWED AND THAT ALL NECESSARY INFORMATION IS PROVIDED TO THE RANDALL COUNTY BAIL BOND BOARD PRIOR TO CONSIDERATION OF ANY ORIGINAL OR RENEWAL APPLICATION. IF THE APPLICANT IS A CORPORATION, THIS RESPONSIBILITY FALLS TO THE AGENT THAT THE CORPORATION HAS APPOINTED AS ITS ATTORNEY-IN-FACT.

SECTION 4B
CONSIDERATION OF APPLICATION
FOR LICENSE OR RENEWAL

- 4B.1 After an application has been properly submitted to the Board and all fees have been paid, the application for license shall be presented to the Board for initial consideration at its next meeting. The following procedure shall be followed:
- 4B.2 Unless otherwise directed by the Board at the meeting where initial consideration is given to the application, the Sheriff or Sheriff's designee shall cause an investigation to be made to determine whether or not the applicant possesses the financial responsibility and meets the other requirements of the Bail Bond Board Licensing Act and these regulations, and shall cause those finding to be submitted to the Board in a written report at the next meeting.
- 4B.3 Except for good cause shown, the application for a new license will not be considered for a vote at the first meeting during which the application is initially presented.
- 4B.4 The applicant shall be notified of the date of consideration of the application by the Board by mailing, E-mailing, or faxing a copy of the agenda and notice of the meeting to the address or number contained in the application;
- 4B.5 At the hearing on the application, the Board may submit any questions to the applicant and the applicant's agents relevant to its ruling on the application, and the applicant is entitled to present oral and documentary evidence to the Board.
- 4B.6 If, after hearing, the Board is satisfied that no grounds exist on which to refuse the application, the Board shall enter an order tentatively approving the application subject to the application being perfected by the filing of the security deposits required of the licensee. At the end of ninety (90) days, if the required security deposits have not been met as required by the application, tentative approval shall expire without notice and the applicant shall have to reapply.
- 4B.7 If the Board finds that grounds exist on which to refuse the application, it shall enter an order refusing the license.

4B.8 An order tentatively approving, approving, or refusing to approve an application for license shall be signed by the Chair and shall be filed with the County Clerk.

SECTION 4C ISSUANCE OF LICENSE

4C.1 Upon notice that the application has been tentatively approved, every applicant shall within ninety (90) days:

- a. Deposit with the County Treasurer a cashier's check, a certificate of deposit assignment from the Bank where the certificate of deposit is held, on a form promulgated by the Board, showing the Board as lien holder, or cash, in the amount indicated in the application, but not less than \$50,000, which shall be held in a special fund to be called the Bail Bond Security Fund; or
- b. If property is to be used as collateral by the applicant, the applicant shall, together with the applicant's spouse (if the applicant is married), execute a Deed of Trust to the property listed in the application, with the Sheriff as Trustee, conveying said property in trust to the Board as beneficiary. The Deed of Trust shall be in a form promulgated by the Board.
 - (1) Said property shall be valued in the amount indicated on the appraisal presented to the Board and, in the event of more than one appraisal being presented to the Board, the appraisal accepted by the Board during the application process.
 - (2) A condition of the trust must be that the property may be sold to satisfy any final judgment of forfeiture that may be entered on bonds in which the licensee is surety, after such notice and upon such conditions as are required by the Texas Code of Criminal Procedure, as amended, in bond forfeiture cases.

- (3) Said Deeds of Trust shall be delivered to the Chair for approval and then to the County Treasurer for filing. The applicant shall pay the appropriate filing fees for recording;
- (4) The applicant must provide at least a binder from an insurance company showing the Board as mortgagee or primary loss payee on any improvements on the property.

SECTION 4D

LICENSE EXPIRATION AND RENEWAL

- 4D.1 A license issued here under expires twenty-four (24) months after the date of its issuance and shall not be renewed unless an application for renewal is filed with the Board not less than 60 days before expiration.
- 4D.2 The original anniversary date will serve as the anniversary date for all subsequent renewal dates.
- 4D.3 The filing fee for a renewal application is Five Hundred Dollars (\$500.00) and is not refundable and shall accompany the application.
- 4D.4 The application for renewal shall have the same form and content as an application for the original license, except that a set of fingerprints need not be included if fingerprints are already on file with the Board, nor shall the letters of recommendation be required.
- 4D.5 If the applicant's current license is not suspended or revoked, if the renewal application complies with these Rules and the provisions of the Occupations Code Chapter 1704, and if the Board does not determine that a ground exists to deny the application, the license shall be renewed for the period specified by the Occupations Code.
- 4D.6 It is the responsibility of the licensee to apply for renewal and if a renewal application is not timely filed and the current license expires, the licensee shall not execute bail bonds until a new license is issued.
- 4D.7 If a renewal application is not timely filed, an original application is required.

SECTION 4E

REVOCATION AND SUSPENSION OF LICENSE

- 4E.1 A license may be suspended or revoked by the Board for:
- a. A violation of a provision of the Act, or a rule prescribed by the Board, whether such violation occurred during the term of the license sought to be suspended or revoked or during any prior licensing period;
 - b. Fraudulently obtaining a license under the provisions of the Act, making a false statement or misrepresentation in an application for an original or renewal license or in any hearing before the Board, or refusing to answer any question submitted by the Board in a hearing relevant to the license or the conduct or qualifications of the licensee or applicant;
 - c. A final conviction under the laws of this or any other state or of the United States of a misdemeanor involving moral turpitude or a felony;
 - d. Being adjudged mentally incompetent;
 - e. Being adjudged bankrupt or becoming insolvent;
 - f. Failing to pay, within thirty-one (31) days, any final judgment in accordance with Section 1704.204 of the Occupations Code.
 - g. Paying commissions of fees or dividing commissions or fees or offering to pay or divide commissions or fees with any person, company, firm, or corporation not licensed to execute bonds;
 - h. Soliciting bail bond business in any building where prisoners are processed or confined overnight;
 - i. Recommending to any client the employment of a particular attorney or firm of attorneys in a criminal case;
 - j. Falsifying any records required to be maintained under the Act or the Rules of the Board;
 - k. Failing to keep the records required by the Rules of the Board, or failing to promptly permit the inspection of the records required by the Rules of the Board, upon the order of the Chair of the Board, which order may be issued upon the discretion of the Chair without further Board action;

- l. Operating as a bail bond surety while the license is suspended or after it has expired and before it has been renewed;
 - m. Failing two or more times to maintain the minimum amount of security required hereunder or misrepresenting to any official or employee of the official that the limit supported by the amount of security to obtain the release of any person on bond.
 - n. Misrepresenting to any official or employee of the official the amount for which the license holder may execute a bail bond for purposes of obtaining the release of any person on bond.
- 4E.2 After notice and hearing as provided by Section 4.E3, the Board shall revoke a license if the license holder fails to pay a judgment in accordance with Section 1704.204 and the amount of security maintained by the license holder under Section 1704.160 is insufficient to pay the judgment.
- 4E.3 Procedure for Suspending or Revoking a License.
- a. The Board may revoke or suspend a license in accordance with the following procedures, for the violation of any provision of the Act or Rule of the Board.
 - b. The Chair or the Vice-Chair shall, upon the receipt of:
 - (1) the written request of any Board member, including the Chair or Vice-Chair; or
 - (2) a sworn complaint providing reasonable cause to believe that a violation of the Act or of the Rules has occurred;
 - (3) the written request of the Sheriff; or
 - (4) the written request of a judge of a court having criminal jurisdiction within Randall County, cause an investigation to be conducted regarding the actions and records relating to such complaint against any bail bond surety it has licensed;
 - c. If, upon conclusion of that investigation, there is, in the opinion of the Chair, a sufficient reason to believe that a violation has occurred, then a hearing date shall be set for the Board to consider the allegations of the complaint. A notice of the hearing shall be mailed by both regular and

certified mail, return receipt requested, to the address of the license holder not later than the eleventh (11th) day before the date of the hearing.

- d. The Notice of Hearing shall be sent by regular mail, hand-delivery, or E-mail to each member of the Board, and shall be posted in accordance with the Open Meetings Act on the official bulletin board at the Randall County Courthouse.
- e. The Notice of Hearing shall specify the charges made against the licensee and include a copy of the complaint and no other matters shall be considered by the Board in making its decision to suspend or revoke a license.
- f. The hearing shall afford the licensee an opportunity to be heard, to present witnesses on behalf of the licensee, and to question any witness against the licensee. The licensee shall have the right to be represented by an attorney at such a hearing.
- g. A record of the proceedings shall be made by a certified shorthand reporter and that record shall be maintained by the reporter for a period of three (3) years, and a transcript of the proceeding shall be available to the licensee upon payment of the reasonable costs of transcription.
- h. If a suspension or revocation is imposed, no probation of the suspension or revocation shall be allowed.

4E.4 Under the following conditions an ***automatic suspension*** of the license shall be imposed without any action taken by the Board:

- a. If the licensee fails to maintain the security deposit at the proper ratio required hereunder, the Board is not required to provide notice or a hearing before suspending a license under this subsection. A license suspended under this subsection shall be immediately reinstated if the license holder deposits or executes a deed of trust for property valued for at least the amount of security required by these regulations.
- b. While the violation continues, the licensee shall not be allowed to make any bonds.

- c. Each suspension under this section shall be reported to the Board and included in the minutes of the Board at its next regularly scheduled meeting.
- 4E.5 The Chair or Secretary shall immediately notify the Sheriff if a bail bond surety fails to pay a final judgment as provided by Section 1704.204(a) of the Act. After receiving notification, the Sheriff may not accept any further bonds from the bail bond surety until the surety pays the judgment. The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.

SECTION 4F

APPEAL OF BOARD'S ORDER

- 4F.1 A board order denying an application for a license or renewal of a license, or suspending or revoking a license, becomes final on the 31st day after the date the applicant or license holder receives actual notice of the order or notice of the order by certified mail, unless the applicant or license holder files an appeal under Section 1704.255 of the Act.
- 4F.2 An appeal may be taken from the Board's order revoking, suspending, or refusing to issue a license.
- a. The appeal must be made within thirty (30) days after written notice of the suspension, revocation, or refusal by filing a petition in a District Court in Randall County.
 - b. An appeal shall be by trial de novo, as in proceedings appealed from justice to county court.
- 4F.3 If no appeal is taken within thirty (30) days after written notice of suspension, revocation, or refusal, such actions shall become final.
- 4F.4 The decision of the board shall have full force and effect pending the determination of the appeal.
- 4F.5 All appeals taken from actions of the Board shall be against the Board and not against the members individually.

SECTION 4G

APPROVAL OF BONDS

In any county or district case in which the posting of bond is required as a condition of release, the Sheriff shall accept or approve a bond posted by a licensee only in accordance with the Bail Bond Licensing Act and these Rules.

SECTION 5

MAKING OF BONDS

5.1 Bonds shall be made under the following regulations:

- a. Within three (3) days of the principal's release on the bond, a contract shall be executed between the surety and the principal and a copy given to the principal immediately after signing.
- b. The contract shall set forth all the following information:
 - (1) The amount of the bond fee and if the contract is for more than one bond then the fee for each bond set out separately together with a total fee;
 - (2) The amount of any late fees or penalties and the conditions under which they may be imposed;
 - (3) Any finance charges;
 - (4) Any payment schedule which shall include any down payment collected, how often a payment is due, how much the payment is, what date the first payment is due, and when the subsequent payments are due;
 - (5) The amount and type of property taken for payment of the bail bond fee; and
 - (6) The amount and type of property held by the bail bond surety for assurance of the principal's appearance in court and the conditions under which the property will be returned.

- c. No security shall be held for both the payment of a bail bond fee and assurance of the principal's appearance in court that is in excess of the particular risk involved.
 - d. A bail bond surety shall not execute a bail bond that in the aggregate with other bail bonds executed by the bail bond surety in that county results in a total amount that exceeds the applicable limits set by Chapter 1704 of the Occupations Code for the value of the security on deposit or held in trust by the Board.
 - e. When an individual surety's total liability on judgments nisi reaches two (2) times the amount he has on deposit as security, no further bonds may be written until the bail bond surety posts additional security, either in cash or by deed of trust to the Board.
 - f. A bail bond surety may, at any time, by posting additional security, increase the bail bond surety's limit.
 - (1) The County Treasurer may accept cash, assignment of a certificate of deposit, or a cashier's check without further Board action. The minimum amount of security that can be given at any one time is \$2,500.00.
 - (2) The County Treasurer may receive additional security in the form of real estate; provided that such additional security is not effective until approved by the Board at the next regularly scheduled meeting. Such security must comply with Section 4A of the Rules of the Randall County Bail Bond Board.
 - g. The County Sheriff is hereby designated as the county officer or employee who shall maintain a current total of the bail bond surety's potential liability on bonds in force, and no further bonds may be written by, or accepted from, a bail bond surety when the limit is reached.
 - h. The County Treasurer shall keep the records regarding real estate placed in trust with the Board; these records shall include insurance and tax payments.
 - i. The County Sheriff shall immediately notify each court, including justices of the peace and municipal courts having jurisdiction over criminal matters
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in the County, and each entity charged with the responsibility of housing any prisoner in official custody pending trial, when a bail bond surety's license is suspended or revoked or an agent's authority is rescinded.

- j. Out-of-county bonds written by bail bond sureties licensed by the Randall County Bail Bond Board shall not count against the liability limits set by the amount of collateral pledged to the Randall County Bail Bond Board.
 - k. Bonds written in any municipal or justice court in Randall County shall be counted against the bail bond surety's liability.
 - l. Bonds shall be written on a form approved by the Board.
- 5.2 A licensee shall not be released from liability on a bond where the defendant is alleged to be deceased until after a certified copy of the death certificate has been presented to the Criminal District Attorney's Office and the criminal case dismissed or until the court has executed an order discharging surety.
- 5.3 A licensee or agent answering a telephone call to a bonding company phone number shall identify the name of the surety or bonding company to the caller.
- 5.4 The County or District Clerk or their deputy shall immediately notify the Sheriff if a bail bond surety fails to pay a final judgment as provided by Section 1704.204(a). After receiving notification, the Sheriff may not accept further bonds from the bail bond surety until the surety pays the judgment. The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.

SECTION 5A

REPORTS AND RECORDS REQUIRED FOR LICENSEE

- 5A.1 A bail bond surety licensed under the Act shall maintain a record of each bond on which the licensee appears as surety and shall maintain a separate set of records for each county in which the bail bond surety is licensed.
- a. The records shall include the following information for each bond executed and enforced:
 - (1) the style and number of the cause in which the bond is given, the bond reference number, and the court in which it is executed;
 - (2) the name of the defendant released on bond;
 - (3) the amount of the bail set in the case; and
 - (4) the amount and type of property held by the bail bond surety together with a statement as to whether the property was taken for payment of a bail bond fee or for assurance of the principal's appearance in court and the conditions under which the property will be returned.
 - b. The records shall include a copy of any contract executed between the licensee and the principal or the principal's agent.
 - c. The record shall include a copy of any receipt issued to the principal or the principal's agent for cash or property received from the principal or the principal's agent.
 - d. The records kept under Section 5A.1 (a) shall be submitted to the Board or a person designated by the board for inspection prior to each renewal of the bail bond surety's license and shall be available for inspection on demand by the Board or its authorized representative. The report supplied to the Sheriff's representative each month during the licensing period will be sufficient for this purpose. A copy is to be filed with the renewal application.

- e. A licensee may not hold security for the payment of a bail bond fee or to assure the principal's appearance in court for more than thirty (30) days after the date on which the owner of the security:
 - (1) requests return of the security in writing; and
 - (2) submits to the bail bond surety evidence of the conclusion of:
 - A. the payment agreement; or
 - B. all the criminal cases for which the security was given.
- f. A licensed surety shall have a form signed by the surety and a person(s) putting up the collateral for a bail bond stating the following:
 - (1) who the bond is being posted for;
 - (2) what county and case(s) the collateral is covering;
 - (3) whether the collateral is being held for appearance, payment of a fee, or both;
 - (4) when the collateral will be returned;
 - (5) a description of the collateral;
 - (6) how a request is made for the return of the collateral.

SECTION 5B

FORFEITURES

- 5B.1 If a final judgment of bond forfeiture that results from the licensee's execution of a bail bond remains unpaid thirty-one (31) days after the date of said final judgment, pursuant to Section 1704.204 of the Occupations Code, the cash deposit or proceeds from foreclosure of a deed of trust shall be paid in satisfaction of that judgment.
- a. The cash deposit, if any, shall be paid in satisfaction of a bond forfeiture judgment upon presentation to the County Treasurer of a certified copy of a final judgment. Payments shall be to the clerk of the court in which the judgment was rendered.
 - b. The deed of trust, upon presentation to the Board of a certified copy of final judgment, shall be immediately ordered to be posted for foreclosure
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in accordance with the statutes governing foreclosures of deeds of trust and shall be sold at foreclosure.

- c. Upon posting for foreclosure, the deposit of the licensee is considered depleted by the appraised value of the property.
 - (1) Proceeds from the foreclosure sale shall first be applied to any expenses of sale and to court costs, and the remainder then applied to the principal and interest owing on the judgment.
 - (2) If the proceeds are insufficient to satisfy the judgment, then additional properties of the licensee held in trust by the Board may be foreclosed in accordance with the trust provisions and if the proceeds from the foreclosure sale are insufficient to satisfy the judgment, then the Board may direct that execution issue on the judgment against any non-exempt property that the licensee may have.
 - (3) Proceeds remaining after satisfaction of the judgment shall be paid over to the County Treasurer for deposit in the Bail Bond Security Fund to the account of the licensee as security for outstanding bonds.

SECTION 5C

CORPORATION DEFAULT

- 5C.1 A corporation that is in default on five or more bail bonds in Randall County may not act as a bail bond surety.
- 5C.2 A corporation is in default on a bail bond beginning on the 11th day after the date the trial court enters its final judgment on the forfeiture, and ending on the date the judgment is satisfied, set aside, or superseded pursuant to 1704.212.
- 5C.3 A corporation is not in default if it deposits with the appropriate court cash in the full amount of the final judgment, pending appeal. The deposit shall be applied to the payment of any final judgment in the case.

SECTION 6

EMPLOYEES OF LICENSEES

- 6.1 Unless specifically waived by the Board, in writing, no licensee shall employ any person who, within the preceding ten (10) years, commits or has committed an offense, for which he has been finally convicted, such offense being a misdemeanor involving moral turpitude or a felony.
- 6.2 All employees of a licensee shall submit to a criminal history check to be conducted by the Randall County Criminal District Attorney's Office within ten (10) days of the date of employment. The licensee is responsible to ensure that the criminal history check is done within the first ten days of employment.

SECTION 6A

EMPLOYEE CARDS

- 6A.1 The Randall County Sheriff's Office shall issue an employee card to each employee of a licensee who has a satisfactory return on the criminal history check.
- 6A.2 The employee card shall be returned to the Sheriffs Office at the termination of the employee's employment. It shall be the responsibility of the licensee to insure that this procedure is followed.
- 6A.3 When an employee leaves the employ of a licensee and fails or refuses to return an employee card, the licensee shall make every attempt to retrieve the employee's card. If unsuccessful, the licensee shall, within twenty-four (24) hours of the separation from employment, send written notification to the attention of the Randall County Jail Administrator advising of the loss of the card and the efforts taken to retrieve it. Said notification shall be by certified mail or in the form of a sworn affidavit.
- 6A.5 A new employee ID card is required when an employee leaves the employ of one licensee to work for another licensee.

- 6A.6 A \$5.00 service fee shall be assessed on each employee ID card issued.
- 6A.7 If an employee's card is lost, there will be a \$5.00 replacement fee. An affidavit explaining or verifying the loss shall be required.

SECTION 7

MISCELLANEOUS

7.1 SECURITY DEPOSIT

a. Cash Deposits:

- (1) If a cash security deposit is made pursuant to these Rules, the County Treasurer shall deposit said funds in a special account in the county depository to be called the Bail Bond Security Fund.
- (2) The Treasurer may purchase Certificates of Deposit with said funds, as may be deemed advisable, and the interest thus accruing shall remain on deposit and accrue to the account of the licensee.
- (3) The Treasurer shall make periodic reports to the licensee of the amount of interest accrued.
- (4) Funds forfeited as hereinafter set out shall be paid by check signed by the Treasurer and either the Chair or the Secretary of the Board.
- (5) Said fund shall be subject to audit by the County Auditor.

b. Deeds of Trust:

- (1) A Deed of Trust shall be filed by the County Treasurer after the applicant presents cash or a check sufficient to pay all filing fees.
- (2) A deed of trust given to the Board pursuant to these Rules shall be held in the applicant's file maintained by the Board after recording.

7.2 Cessation of Business: If a licensee ceases to engage in the business of executing bail bonds and ceases to maintain a license, the licensee, the licensee's heirs or assigns may withdraw the security deposit or deed of trust or any part remaining after satisfaction of judgments, together with any interest accrued thereon, only under the following conditions:

- a. If there are no bond liabilities outstanding against the licensee, the Board shall order any cash deposit to be returned to the licensee, the licensee's heirs or assigns; or if there is property held in trust, then the lien on the property shall be released by the Board.
- b. If there are bond liabilities outstanding against the licensee, the security returned to a license holder under Section 1704.210(a) of the Occupations Code is equal to the amount of security deposited or executed under Section 1704.160 minus the amount of security depleted under Section 1704.204(b) to pay a judgment and necessary to secure any unexpired obligation on a bail bond executed by the license holder.

7.3 Change of Ownership

- a. A copy of the proposed contract shall be provided to the Board prior to any change of ownership.
- b. A licensee who is selling a business shall provide to the Board an address for service or a sworn statement designating an agent and address for service.
- c. The outstanding liability of the seller remains the liability of the person whose name appears on the bail bond.
- d. No security deposit shall be released or allowed to be transferred to the new owner by the Board as long as there are any outstanding bonds against it.

7.4 Except as otherwise specifically provided by these Rules, the Board shall post a rule adopted or an action taken by the Board on the official notice board of Randall County for ten (10) days preceding the date the rule or action takes effect.

7.5 These Rules may be altered, amended or repealed and new rules adopted by a 2/3 majority vote of all the members of the Board, provided that at least 14 days written notice is given, in accordance with the notice provisions of these Rules, of the proposed alteration, amendment or request to repeal.

7.6 These Rules are intended to comply with applicable state statutes relative to bail bonds, particularly Chapter 1704 of the Texas Occupations Code. In the event of a conflict between these Rules and any Texas law, the latter shall govern. A

provision found to violate state law will be considered void and severed from these Rules and the balance of the Rules shall remain in full force and effect.

SECTION 8 RULES CUMULATIVE

- 8.1 These rules are cumulative of the provisions of the statutes and all statutory provisions concerning the making of bail bonds shall apply.
- 8.2 A copy of these rules shall be filed and a copy posted immediately after adoption and shall be effective ten (10) days after being posted on the official notice board of Randall County, Texas.

SECTION 9 EMPLOYEES OF LICENSE HOLDERS

9.1 EMPLOYEE DEFINITION:

“Employee” as used herein shall mean any person hired by a Licensed Surety who performs any of the following duties:

- a. meets and negotiates in person, or communicates on any telecommunication line, orally or in writing, with members of the public for the purpose of soliciting bail bonds or with reference to any aspect of the bail bond business on any premises where the bondsman conducts his bail bond business (jails, courthouses, offices, etc); or
 - b. receives money as a fee, or money or real property as collateral for bail bonds; or
 - c. interviews or takes information from persons who have been released from jail pursuant to a bail bond provided by the Surety; or
 - d. discusses any aspect of the bail bond business and
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- e. must be at least 18 years of age,
- f. must not have been convicted of a misdemeanor involving moral turpitude or a felony in the past ten (10) years and
- g. is not currently on probation, parole or has a misdemeanor or felony case pending.

9.2 OBLIGATIONS OF THE SURETY:

- a. A Surety must not employ, or keep in employment, any person who does not have an ID card issued by the RCBBB.
- b. A Surety may not employ a person that has not returned their ID card from another bond company to the RCBBB, unless approved by the board.
- c. The Surety must take reasonable steps to insure that his employees comply with the Texas Occupations Code and the By-Laws of the RCBBB.
- d. A complete application and badge form must be turned into the RCBBB Secretary within ten (10) days of hiring a new employee with a non-refundable \$25.00 check. The application will be placed on the next regularly scheduled meeting (filing deadline still applies) of the RCBBB for consideration. The \$25.00 fee covers a criminal history check, finger print card and the ID. The RCBBB Secretary will forward the approved Employee License Badge form to the Sheriff's Office. It is the Surety's obligation to contact the Randall County Sheriff's office to schedule a time to have the ID card made.
- e. It is the obligation of the Surety to notify the RCBBB Secretary, via e-mail, within five (5) days of the termination of an employee so they can be removed from the approved Employee list given to the courts and jails.
- f. The Surety shall return the ID card to the Sheriff's Office's representative on the RCBBB within five (5) days of termination of an employee.

9.3 GENERAL EMPLOYEE RULES:

- a. The RCBBB may revoke or suspend an ID card if the employee has at any time, either before or after the effective date of this rule, violated the Occupations Code or the By-Laws of the RCBBB.
- b. An Employee must not do anything which a licensed Surety is prohibited from doing. If an employee is found to have violated the requirements and rules to be an employee, the RCBBB can cancel their ID card and they can no longer be employed by any licensed Surety.
- c. The procedure for revocation or suspension of an ID card is the same as for revocation or suspension of a Surety's license.
- d. An applicant who is denied a license may not reapply for a period of six (6) months from the date of their application.
- e. Sureties will be held responsible for the actions of their employees.
- f. A Surety shall not order, encourage, or knowingly or recklessly permit an Employee to violate Chapter 1704 of the Texas Occupations Code or the RCBBB By-Laws. All Sureties who employ an Employee who violates the law or this Board's by-laws are subject to suspension or revocation of their license.

A handwritten signature in black ink that reads "Renee Calhoun". The signature is written in a cursive style with a large initial "R".

Renee Calhoun, Secretary
Randall County Bail Bond Board
Revised this the 25th day of November, 2009

MODIFICATION AND UPDATES

January 23, 2007 – Section 2 (b)

From - The Board shall meet on the **third** Tuesday of each month, unless otherwise determined by the Board.

To - The Board shall meet on the **fourth** Tuesday of each month, unless otherwise determined by the Board.

August 25, 2009 – Section 4 (d)

From - A license issued here under expires twenty-four (24) months after the date of its issuance and shall not be renewed unless an application for renewal is filed with the Board not less than **31** days before expiration.

To - A license issued here under expires twenty-four (24) months after the date of its issuance and shall not be renewed unless an application for renewal is filed with the Board not less than **60** days before expiration.

November 23, 2009 – Section 9

From – No data

To – Complete new section 9 as defined in this document

March 23, 2010 – Section 2.2

From – c/o Randall County Clerk, P. O. Box 660, Canyon Texas 79015

To – c/o Randall County District Clerk, 2309 Russell Long Blvd Ste 110, Canyon, Texas 79015

March 23, 2010 – Section 4B.8

From – shall be filed with the County Clerk

To – shall be filed with the Randall County Bail Bond Board Secretary.

August 24, 2010 – Section 5A.1

From – The report supplied to the Sheriff's representative each month during the licensing period will be sufficient for this purpose. A copy is to be filed with the renewal application.

To – The report supplied to the Randall County Bail Bond Board Secretary each quarter during the licensing will be sufficient for this purpose. A copy is to be filed by the last month of each quarter with the Board Secretary.