

# **BRAZOS COUNTY BAIL BOND BOARD**

## **BRAZOS COUNTY COURTHOUSE**

### **BRYAN, TEXAS**

#### **RULES AND REGULATIONS**

Pursuant to the provisions of the Texas Occupations Code, Chapter 1704, the following rules and regulations are established to govern the setting and taking of bail bonds in Brazos County, Texas. These rules and regulations take effect on the tenth calendar day after posting following the date approved by the Board. All prior rules and regulations previously promulgated by the Board are superseded. If any portion of these rules and regulations are found to be inconsistent or in conflict with any Texas statute, the statute shall be controlling.

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## **I. DEFINITIONS**

“Act” means the current version of V.T.C.A. Occupations Code, Chapter 1704.

“Agent” means any person hired by a licensee who (a) meets and negotiates with members of the public for the purpose of selling bail bonds; (b) receives money as a fee or money or property as collateral for bail bonds; (c) presents bonds to the Sheriff’s Department for approval; or (d) interviews or takes information from persons who have been released from jail pursuant to a bail bond provided by the licensee.

“Applicant” means a corporate surety or individual surety seeking a license or renewal of license in Brazos County.

“Board” means the Brazos County Bail Bond Board.

“Bond” includes cash deposits and any similar deposit or written undertaking to assure appearance.

“Licensee” means a person or corporation licensed by the Board.

## **II. ORGANIZATION OF THE BOARD**

### **A. BOARD NAME**

This Board shall be known as "The Brazos County Bail Bond Board."

### **B. BOARD MEETINGS**

1. Meetings of the Board are open to the public and shall comply with the Texas Open Meetings Act.
2. Regular meetings shall be held on the first Friday of each month, or the second Friday thereafter if the first Friday be an official holiday.
3. Meetings shall be held at 9:30 a.m. on the designated date unless the call thereof shall specify otherwise or unless notice is posted three full days in advance.
4. Meetings shall be held at the Grand Jury room of the Brazos County Courthouse unless the call thereof shall specify otherwise.
5. Meetings may also be held on call of the Chairman or any two members of the Board, in writing and posting of notice at least 72 hours in advance.
6. An Emergency meeting may be held at any time upon agreement of any three members of the Board, with notice having been posted for at least 2 hours in advance.

C. AGENDA ITEMS

Persons other than Board members may submit items in writing to the Bail Bond Board Coordinator no later than 5:00 p.m. the Monday prior to a scheduled Friday Board meeting. Items for meetings held on call and emergency meetings may be considered on an individual basis so long as they are in compliance with the Texas Open Meeting Act.

D. BOARD OFFICE & POSTING OF NOTICES

All notices shall be posted on the bulletin Board in the Brazos County Clerk's Office. The office of the Board shall be the Brazos County Sheriff's Office unless notice is posted to the contrary pursuant to resolution of the Board.

E. ELECTION & DUTIES OF BOARD OFFICERS

1. At the organizational meeting and annually thereafter at the regular January meeting the Board shall choose one of its members by secret ballot to serve as chairman until the next such annual election, unless he be sooner disqualified.
2. In like manner the Board shall choose a vice-chairman who shall act in the temporary absence of the chairman. In the event the chairman is disqualified for any reason before the end of his term the vice-chairman shall automatically become the chairman. In such event, or if the vice-chairman becomes disqualified, at the next regular meeting a new vice-chairman shall be chosen.
3. In like manner the Board shall choose a secretary who shall act in the temporary absence of the chairman and the vice-chairman. The secretary shall be responsible for supervising the receipt of applications; the preparation of agendas; the preparation and certification of records and transcripts of proceedings; the maintenance of records and minutes of meetings; the publication or posting of notices; and the general office affairs not otherwise specifically assigned by these rules and regulations.
4. Election shall proceed by secret ballot in writing without nominations. Each ballot shall reflect the office and the name of the candidate. Each officer shall be elected on the basis of a plurality of votes for that office. In the event a tie occurs between two or more candidates for the same office, successive balloting shall be conducted until one candidate receives a plurality.
5. The Sheriff of Brazos County shall be the bailiff of this Board.
6. The County Attorney of Brazos County shall be general counsel for this Board.



7. Annual Election - Justice of the Peace & Licensed Surety Representatives.
- a. The Administrator should mail/deliver a ballot to all current Brazos County Justices of the Peace by December 15 for the upcoming annual election of the Justice of the Peace representative.
  - b. The Administrator shall mail/deliver a ballot to all individual sureties and agents of corporate sureties who are licensed in Brazos County. Ballots should be mailed/delivered by December 15 for the upcoming annual election of the Licensed Surety representative.
  - c. Included with each ballot, the Administrator shall include information that the voters should return the completed ballot to the Administrator by the Wednesday prior to the Board elections. Voting shall be done by secret ballot.
  - d. The sealed ballots shall be delivered to the Board on the day of elections. The Justice of the Peace with the most votes will be selected as the Justice of the Peace representative beginning immediately following the certification by the Chairman. The surety/corporate agent licensee with the most votes will be selected as the Licensed Surety representative beginning immediately following the certification by the Chairman.
  - e. In the event of a tie for either position, the nominees who received the most votes may agree between themselves which will fill the position or the Board shall conduct a run-off election to fill the position. Only the nominees who tied with the most votes will be nominees in the run-off election. The Administrator shall mail or deliver ballots by the Monday following the election for the position that resulted in a tie. Persons qualified to vote in the primary election may vote in the run-off election. All ballots should be returned to the Administrator no later than 5:00 p.m. on the Wednesday prior to the run-off election. If there is another tie in the run-off, this procedure will be followed again until the seat is filled.
  - f. In the event either position is not filled by election, the current Brazos County Justice of the Peace representative and/or current Licensed Surety representative shall be elected to serve for the next term or they may vacate the position. If vacated, the position will remain unfilled until such time that the Administrator receives a nomination for that Board position. The named nominee shall be submitted for approval to the Board at the next regularly scheduled meeting.

8. Annual Election of local Criminal Defense Attorney Representative.

Those wishing to be nominees for filling the criminal defense attorney representative position on the Board for the upcoming calendar year shall submit their name in writing to the Administrator beginning December 1 through December 10 at 5 p.m. of each year. Nominees shall be: (1) members of the State Bar of Texas, (2) who are not legally prohibited from representing criminal defendants in Brazos County and (3) whose principal place of business is in Brazos County. If December 10 falls on a weekend, deadline for submission is the Friday before December 10.

F. ROBERTS RULE 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 and the presiding officer shall be ex-officio Parliamentarian.

### III. LICENSING REGULATIONS

A. APPLICATION FORMS

Applications for a surety's license shall be on the forms adopted by this Board. Submitted application shall be sworn to and filled out completely.

B. APPLICATION OATH

Where an enclosure or an appendix is required in connection with an application, same shall be firmly affixed to the application and included within the oath as if set forth in the body of the application.

C. APPLICATION PROCEDURES

1. HOW SUBMITTED: The original application, fully and properly completed, shall be submitted to the Secretary of the Board along with fifteen (15) electronic PDF version copies on fifteen (15) separate CD or DVD discs. Copies can have real person's personal information (birth dates, driver's license number, social security number, account identity numbers, etc.) blacked out or redacted. Further, digital copies can have security included to prohibit the data on the CD or DVD discs from being modified or copied.

a. The Secretary, or designated representative, shall furnish a complete copy of the properly filed application to each member of the Board.

2. FILING FEE: Each individual and corporate application for a license must be accompanied by a filing fee of \$500.00 made payable to the Treasurer of Brazos County, Texas. Each applicant is hereby placed on notice that

once the application is submitted, the \$500.00 filing fee will not be refunded.

3. **APPLICANT NAME:** Each application shall be submitted in the name of the individual or corporation seeking the license.
4. **ASSUMED NAME**
  - a. If an applicant proposes to do business under an assumed name, a file-stamped copy of a valid Assumed Name Certificate properly filed of record with the County Clerk of Brazos County shall be included in the application.
  - b. A licensee or agent shall not use in his or her bail bond business an assumed name that is the same as, or deceptively similar to, an assumed name that is already being used by a Brazos County licensee.
    - I. However, if a licensee dies, the licensee or agent being licensed under 1704.152(c)(2) of the Texas Occupations Code may use an assumed name that is the same or similar to that of the deceased licensee.
5. **AGENTS:** An applicant shall provide in the application a complete list of agents, and include their personal information, who act or will act for the applicant pursuant to a power of attorney filed with the Brazos County Clerk.
6. **CORPORATE AGENT NAMED:** No corporate agent may execute bonds for any corporate surety unless such agent is individually licensed pursuant to the Texas Occupations Code. This corporate agent must also be designated in the corporate license application. If the Board approves a corporate surety application, the corporate surety and corporate agent will each receive a license from the Board.
7. **MULTIPLE CORPORATE AGENTS:** Each corporate licensee may have more than one corporate agent. A corporation shall file a separate and complete corporate application for each agent and shall pay the filing fee with each application.
8. **CORRECTIONS:** All corrections to applications must be submitted to the Board no later than 10 days before the application is considered for approval by the Board. Corrections not timely received will not be considered.
9. **WITHDRAW:** An applicant may withdraw an application from consideration by the Board by submitting, in writing, a request to withdraw the application prior to the Board's vote to approve or disapprove that application.

D. APPLICATION INVESTIGATION AND HEARING

1. INITIATE INVESTIGATION: The Secretary shall cause such investigation to be made as has been established by resolution of the Board or as is required by law.
2. CRIMINAL HISTORY SEARCH: A designee of the Board shall conduct a computerized criminal history search through Texas Department of Public Safety on each licensee and agent, at the licensee's expense, before issuing a license/identification certificate. Applicants who are ineligible will not be permitted to sign any bail bond as licensee.
3. REPORT: Upon completion of such investigation the Secretary, or designated representative, shall furnish a complete copy of all reports to the Applicant and to each member of the Board not less than five days prior to the meeting at which the application is to be considered.
4. WHEN CONSIDERED: Applications can be considered at each meeting of the Board.
5. NOTIFICATION: Each applicant shall be notified by the Secretary to appear in person, or in the case of a corporation by designated representative, before the Board on the date the application is to be considered for questioning under oath as the Board or any of its members shall deem proper.
6. DISCUSSION: Discussion of applicants and applications shall be in open session.
7. VOTING: The Board shall vote on each application separately, in open session, by voice vote, or, at the discretion of the presiding officer, by roll call vote or hand count.
8. LICENSES: Licenses and official identification cards shall be issued on the fifteenth of the month.

E. LICENSE RENEWAL

1. APPLICATION: Renewal applications will be received not more than sixty (60) days or less than thirty-one (31) days prior to the expiration date of a license. Renewal applications shall be on forms provided by the Board. A renewal application will be subject to the requirements of a new application.
2. THREE YEAR LICENSE: A person who applies to renew a license that has been held by the person for at least eight consecutive years without having been suspended or revoked and who complies with requirements

may renew the license for a period of 36 months from the date of expiration if the Board:

- a. knows of no legal reason why the license should not be renewed, and
- b. determines the applicant has each year submitted to the Brazos County Bail Bond Board Coordinator, designated as recipient by the Board, an annual financial report before the anniversary date of the issuance of the applicant's license.

A three year license may be renewed subsequently each 36 months in a similar manner.

## F. SECURITY REQUIREMENTS

1. **INDIVIDUAL LICENSEE:** Not later than the 90<sup>th</sup> day after the date the applicant receives notice that the application has been conditionally approved, an individual applicant must deposit with the Brazos County Treasurer ONE OF THE FOLLOWING in the amount required by the Act:
  - a. A cashier's check or cash,
  - b. A certificate of deposit which is:
    - I. In the name individual applicant;
    - II. Include the words 'FBO Brazos County Bail Bond Board';
    - III. Endorsed by the individual applicant; and
    - IV. Accompanied by a properly completed assignment of the certificate of deposit in the form approved by the Board, or
  - c. A deed of trust to nonexempt real property which meets the requirements of the Act, these local rules and which has been filed of record in the county clerk's office of the Texas county where the property is located.
2. **CORPORATE LICENSEE:** Not later than the 90<sup>th</sup> day after the date the applicant receives notice that the application has been conditionally approved, a corporate applicant must deposit with the Brazos County Treasurer ONE OF THE FOLLOWING in the amount required by the Act:
  - a. A cashier's check, cash, or
  - b. A certificate of deposit which is:
    - I. In the name of the corporate applicant;
    - II. Include the words 'FBO Brazos County Bail Bond Board';
    - III. Endorsed by a corporate officer listed in the most recent annual company statement filed with the Texas Department of Insurance and who is authorized to endorse the certificate of deposit;
    - IV. Accompanied by a properly completed assignment of the certificate of deposit in the form approved by the Board and signed by a corporate officer listed in the most recent

annual company statement filed with the Texas Department of Insurance, and who is authorized to assign the certificate of deposit; and

- V. Accompanied by the most recent annual statement filed with the Texas Department of Insurance which shows the corporate officers.

- 3. **WITHDRAW/REPLACE SECURITY:** If a licensee wishes to withdraw or replace assets deposited as collateral with Brazos County, the licensee shall file a written request for the change in assets at thirty (30) days prior to the request being heard by the Board at a regularly scheduled monthly meeting.
- 4. **ADDITIONAL SECURITY:** A licensee may present additional security in support of a license at any time. Cash, cashier's check or CD may be deposited with the Brazos County Treasurer without Board approval. Requests for increase in value of real property currently conveyed in trust to the Board as collateral shall be presented to the Board.
- 5. **EXCHANGING SECURITY OF EXPIRED LICENSE:** Upon the request of a Licensee, the Board may authorize a Licensee to exchange existing security deposited with the County on an expired license. The security remaining on the license shall be in an amount sufficient to meet statutory obligations, pay any outstanding judgment and secure any unexpired obligation on a bail bond executed by the Licensee.

**G. PROPERTY BONDSMEN**

- 1. **PROPERTY REQUIREMENTS:** Real property to be conveyed in trust to the Board (1) shall be free and clear from encumbrances, (2) cannot be exempt from forced sale and (3) must be located in Brazos County, Texas or in a county bordering Brazos County, Texas. Further, an Applicant shall provide with their application a certified copy of warranty deed to the real property executed and filed running in the name of the applicant.
- 2. **TRUST DEED PRESENTED TO SECRETARY:** Trust deeds executed as security by a property surety shall be filed of record in the county where the real property is located. The surety shall obtain a certified file-stamped copy of the trust deed and provide the copy to the Secretary of the Brazos County Bail Bond Board within three business days of filing.
- 3. **RELEASE OF SECURITY:** Upon the demand of a licensee who discontinues the posting of bail (either voluntarily or otherwise) and who qualifies by law for a return of his security, the Sheriff shall execute a release in proper form to be recorded in the deed records.
- 4. **INSURANCE FOR IMPROVEMENTS**

- a. **IMPROVEMENTS MUST BE INSURED:** If Applicant is granted a license by the Board and the real property conveyed has improvements adding value to the property, the Applicant shall present to the Secretary of the Board, before signing bail bonds, a copy of a current insurance policy that provides Brazos County and the Board are primary loss payee in the event of destruction or damage to the property submitted.

“Lost Payee clause” means a clause in a contract of insurance which provides that in the event of payment being made under the policy in relation to the insured risk, payment will be made to a third party (County) rather than to the insured beneficiary of the policy (Licensee).

- b. **PROOF OF RENEWAL TO SECRETARY:** Licensee has to provide the Secretary a current copy of the insurance policy each time it is renewed, within five business days of the renewal date. The insurance policy will be at least in an amount equal to the value of the improvements on the property.
- c. **FAILURE TO MAINTAIN INSURANCE:** Failure to comply with this provision will result in the property being immediately deducted from licensee’s posted collateral. If proof of insurance is provided after the deadline, the licensee may request reinstatement of the property as collateral as an agenda item at a board meeting.

5. **LIENS/ENCUMBRANCES.**

- a. **LIENS DEDUCTED FROM POSTED COLLATERAL:** If real property, conveyed in trust to the Board to secure payment any obligations, has a lien or other encumbrance placed on it and the encumbrance is filed in the deed records of the county where the real property is located, the property shall immediately be deducted from Licensee’s posted collateral.
- b. **REINSTATEMENT OF LOST VALUE:** If property is deducted from licensee’s posted collateral due to lien or other encumbrance, the licensee can provide evidence to the Board’s satisfaction that (1) the lien or other encumbrance is removed from the deed records of the county where the real property is located or (2) the lien or encumbrance has been resolved, which is approved by the Board. The licensee may request reinstatement of the property as collateral as an agenda item for a board meeting.
- c. **NOTICE TO BOARD OF LIEN/ENCUMBRANCE:** The licensee is required to notify the Secretary of the Board within 24 hours of receiving notice that a lien or other encumbrance has been filed in the deed of records of the county the real property is located. If the

licensee does not notify the Board timely, the Board may suspend or revoke the license of the licensee.

#### H. AGENTS OF LICENSEE

1. **REQUEST FOR LIST OF AGENTS:** Upon a request by the Bail Bond Coordinator, Bail Bond Board Secretary, or other Board designee, a licensee shall provide a complete list of agents who act for the licensee in posting bail bonds.
2. **NEW AGENTS:** If a licensee wishes to employ new agents, the licensee must submit in writing to the Board the prospective agent's full name, date of birth, driver's license/ID card number, social security number and city of residence. The new agent must meet other requirements for an agent before signing bonds for a licensee.
3. **AGENTS WITH CONVICTIONS:** A licensee may not employ a person as an agent who has been finally convicted of a misdemeanor involving moral turpitude or any felony in the ten years prior to their proposed employment.
4. **AGENT TERMINATED / REVOKING POWER OF ATTORNEY:** A licensee must immediately notify the Sheriff and Board upon an agent's termination.
  - a. **SHERIFF:** A power of attorney on file with the Sheriff of Brazos County, Texas for an agent may only be revoked by a written revocation filed with the Sheriff of Brazos County, Texas. The licensee shall return the agent's picture identification card to the Sheriff or provide in writing an explanation why licensee cannot return the card.
  - b. **BOARD:** The licensee shall notify the Bail Bond Coordinator in writing when an agent is no longer employed by the licensee.
5. **AGENT SIGNING FOR LICENSEE WITH POWER OF ATTORNEY:**
  - a. An employee cannot sign a bail bond for a licensee. Only a licensee can sign a bail bond. An original signature is required for each bail bond.
  - b. An employee for a licensee may sign a document for the licensee, excluding bail bonds, that is related to bail bond surety business activity. To sign for licensee with power of attorney, the licensee must have previously filed a power of attorney with the Brazos County Clerk that gives this authority to the employee.



- c. To sign for the licensee, (1) the employee shall sign his/her own name and (2) near their signature write, "with power of attorney from \_\_\_\_\_" or "POA from \_\_\_\_\_", placing the licensee's name in the blank space.
- d. No person can notarize a document they have signed.

**I. ADDRESS, PHONE NUMBER, SERVICE OF PROCESS CHANGES**

If any address, primary telephone number, alternate telephone number or the agent for service of process 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 Secretary of the Board.

**IV. TAKING OF BAIL**

**A. BAIL BOND FORMS**

Bail in Brazos County shall be posted only on the applicable forms provided by the Sheriff of Brazos County, Texas. The bond form shall include the name of licensee as provided in application, licensee's address, license number and county of license. All bonds must be signed by the licensee or corporate agent.

**B. BONDING REGULATIONS**

- 1. **REQUIREMENTS:** Each individual licensee and all agents of a licensee shall have met the following requirements before the licensee or agent will be permitted to sign for licensee on any bail bond.
  - a. have a power of attorney on file in the County Clerk's Office;
  - b. have a file-stamped copy of the power of attorney in the Sheriff's Office;
  - c. have a finger print card on file with the Sheriff's Office;
  - d. have a signature card on file with the Sheriff's Office;
  - e. have an employee picture Identification Card issued by the Secretary or designee of the Bail Bond Board; and
  - f. licensee has notified the Board in writing of intent to hire agent and given board the agent's personal information.
- 2. **LISTING OF LICENSEES:** A list shall be kept by the Secretary of the Bail Bond Board of all licensed bondsmen in good standing arranged by licensee name, license number, DBA if applicable, mailing address, a primary telephone number, and if provided, one alternate telephone number.

3. LISTING OF AGENTS: With the list of licensed bondsmen, below each licensee, shall be listed all approved agents of the licensee.
4. ID CERTIFICATE: All licensed bondsmen, corporation surety agents and all agents of licensees will obtain an identification certificate from a designee of the Bail Bond Board. This identification certificate must be presented each time a bond is made, when requested by a law enforcement official.
5. WHEN ID ISSUED: The identification certificate will be issued to licensed bondsmen or to designated agents for corporations licensed under these provisions, upon issuance of a license. Agents of licensees will receive ID card when other requirements for posting bonds have been met.

C. DEFAULT ON JUDGMENT

Any licensee who posts a bail bond **IN BRAZOS COUNTY** and who is in default thereon after judgment has been rendered shall thereafter be disqualified to sign as a licensee so long as the licensee defaults on said bond. It shall be the duty of the clerk of the court wherein such licensee is in default on a bail bond, to notify in writing the sheriff, chief of police, or other police officer, of such default. A licensee shall be deemed in default from the time execution may be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a supersedeas bond.

D. OATH FOR LICENSE EXEMPTION BONDING

Persons posting bail in Brazos County under legal exemption from the license requirements of this act shall execute, under oath, the applicable form provided by the Sheriff of Brazos County, Texas.

E. APPROVAL OF BONDS

1. As to bail for prisoners in the Brazos County Jail or for persons who are to be delivered to the Sheriff of Brazos County, bail shall not be effective until approved by the Sheriff of Brazos County or one of his deputies.
2. As to bail for persons under process from a municipal corporation lying wholly or partly in Brazos County, bail shall not be effective until approved by the official designated by such municipality.

- F. CASH BAIL: Cash Bail (other than municipal court bail) shall be posted with the Sheriff, who will receipt and account thereof.

## **V. EXEMPTIONS**

### **A. PROOF OF EXEMPTION OATH**

Where any unlicensed person attempts to post bail under an exemption authorized by the law the Sheriff shall obtain written proof under oath of the exemption.

### **B. ATTORNEY BONDING**

Attorneys posting bail shall certify that the attorney client relationship arose under conditions not in violation of the canons of ethics or the published rules and regulations of the State Bar of Texas.

### **C. LEGAL COMPLIANCE CERTIFICATION**

A person posting bail under an exemption shall certify that he is not in default of any of the provisions of the Act.

### **D. CO-LICENSEE COMPENSATION**

No person who receives compensation for posting bail may be exempt as a co-licensee.

### **E. QUALIFICATION FOR LICENSE EXEMPTION**

1. No person other than an attorney exempted via the Act may be exempted from the licensing provisions where he has posted bail as many as three times anywhere in the State of Texas (including the Federal Courts) during the twelve month period immediately preceding the date on which he undertakes to post bail.
2. Any person claiming exemption due to not posting three or more bonds within previous twelve months shall certify under oath his eligibility for such exclusion.

### **F. SHERIFF RESTRICTIONS ON BONDS BY NON-LICENSEES**

1. Where persons, other than licensed sureties or those exempt in the Act, undertake to post bail, the Sheriff may either require cash bond, trust deed or affidavit of ownership as allowed by law.
2. A trust deed provided by a person other than a licensee or exempt person as security for bail bond shall appraise for at least twice the value of the bail bond, after excluding all liabilities. A trust deed shall be presented in similar form as the Board requires of a trust deed by a property bondsman in these local rules.

## **VI. INVESTIGATION**

### **A. DUTIES OF BOARD SECRETARY**

The Secretary of the Brazos County Bail Bond Board shall serve as clerk for all proceedings involving alleged violations of the Act, or any rules or regulations made pursuant thereto. The duties of the secretary shall be as follows:

1. Receive all initial complaints involving violations of the Act, or rules or regulations made thereof;
2. Forward all initial complaints to the Office of the District Attorney for an investigation thereof;
3. Mail a copy of said complaint to the party complained of by certified mail, return receipt requested or by registered mail;
4. Maintain a log for all initial complaints and any subsequent actions taken thereof.

### **B. DISTRICT ATTORNEY DUTIES**

The Office of the District Attorney shall investigate and prosecute all alleged violations of the Act, or any rules or regulations made pursuant thereto. The duties of the District Attorney shall be as follows:

1. Investigate all complaints received by the Secretary of the Brazos County Bail Bond Board;
2. File findings of fact and recommendation for further action with the Secretary of the Bail Bond Board not later than thirty (30) days after receipt of the complaint from the Secretary of the Bail Bond Board;
3. Report to the Bail Bond Board as to the investigation and any recommendations made concerning a complaint filed with the Board on the second regularly scheduled meeting of the Bail Bond Board after initial receipt of complaint from the Secretary;
4. Prosecute any matter involving an alleged violation of the Act, or a rule or regulation made pursuant thereto.

### **C. LICENSEE DUTY TO RESPOND TO COMPLAINT**

Upon receipt of the complaint mailed by the Secretary of the Board, the bondsman must make a full response and file said response with the Clerk of the Board within ten (10) days after receiving the complaint. The failure to give a full explanation within that 10 day period is, in itself, grounds for suspension or revocation of the license. The failure of the licensee to pick up the certified mail

letter after having been given two notices by the United States Postal Service is also grounds for suspension or revocation of the Bail Bond license.

D. BOARD DETERMINES COMPLAINT HEARING

Upon presentation of the findings of fact and recommendation of the District Attorney the Bail Bond Board shall make a determination as to whether there is sufficient cause for the Bail Bond Board to hear said matter in a full adversarial hearing.

E. SETTING OF COMPLAINT HEARING

Upon a vote by a majority of the members of the Board, if the Board determines that a full adversarial hearing should be held, the Board shall set a hearing and direct the District Attorney to present witnesses and prosecute said matter before the Board.

F. NOTICE TO LICENSEE OF HEARING

The licensee shall be entitled to 10 days notice in order to prepare for said adversary hearing. Notice shall be sent by certified mail, return receipt requested.

G. CHAIRMAN TO PRESIDE AT HEARING

The Chairman of the Brazos County Bail Bond Board shall make all rulings of procedure and determination of law. Findings of fact shall be upon a majority of the vote of those present and voting.

H. BURDEN OF PROOF

The findings of fact shall be based upon a preponderance of the evidence.

I. VOTING AT HEARING

The District Attorney shall not participate in the deliberations of the Board. In case of a tie vote, the vote of the Chairman of the Board shall be the deciding vote.

J. HEARING OPEN TO PUBLIC

1. The Board may revoke or suspend a license in accordance with the procedure provided in this section for the violation of any provision of the Act.
2. Notice of a hearing to suspend or revoke shall be given by certified mail addressed to the last known address of the licensee at least 10 days prior to a date set for the hearing.

3. The notice shall specify the charges of violation of the Act or these Rules against the licensee, and no other charges shall be made at the hearing pursuant to the notice.
4. The hearing shall afford to the licensee opportunity to be heard, to present witnesses in his behalf, and to question witnesses against him.
5. A record of the hearing shall be made. It shall be made available to the licensee on his request subject to his paying reasonable costs or transcription.
6. If the licensee fails to maintain the security deposit at the proper ratio required by the Texas Occupations Code, Section 1704.160, the Board shall immediately suspend the license while the violation continues. No prior notice or hearing is necessary. Once the proper ratio is regained, the suspension shall be immediately lifted. The Board shall revoke the license with prior notice and hearing if the licensee fails to pay any final judgment connected with the licensee's bonding business within 30 days and there is not sufficient property held as security to satisfy the final judgment.

**K. POSTING OF HEARING FINDINGS & BOARD ACTIONS**

Upon a finding that there has been a violation of Act or a rule of the Board, the Board shall also determine whether to revoke or suspend said license and the duration thereof.

**L. APPEAL OF BOARD ACTIONS**

An appeal may be taken from any Board's order revoking, suspending, or refusing to issue a license. The appeal must be made within 30 days after written notice of the suspension, revocation, or refusal by filing a petition in a district court in the county in which the license is issued or refused. If no appeal is taken within 30 days after written notice of suspension, revocation, or refusal, such action shall become final. An appeal shall be by trial de novo, as in proceedings appealed from justice to county courts. The decision of the Board shall have full force and effect pending the determination of the appeal. All appeals taken from actions of the Board shall be against the Board and not against the members individually.

**VII. MISCELLANEOUS PROVISIONS**

**A. PUBLISHED SURETY LIST**

1. The Board shall publish a list of licensees by their legal name and their DBA if applicable. The list shall also show the licensee's business address, a day/night primary telephone number, and if provided, one alternate telephone number. The list shall be prepared so that no licensee

receives an unfair advantage. No additional listings of licensees shall be permitted.

2. No additional listings shall be permitted to any licensee.
3. The published list shall be displayed by posting or by other convenient means at or near any place where prisoners are examined, processed, or confined.
4. No sheriff, peace officer, or his deputy or employee, or clerk or deputy clerk of any court will permit any identifying or emphasizing mark to be made on such published list. If the published list is marked in this way, it shall be the responsibility of said peace officer or clerk at that location to obtain a new unmarked list for display.
5. When a new license is issued, a new list that includes the new licensee shall be published.
6. No unlicensed person (even though exempt from licensing) may be placed on the list.

**B. LICENSEE LIABILITIES LISTED**

The office which maintains the total amount of a license holder's current liability on bail bonds pursuant to the Act will provide a list of active bail bonds to a licensee once a month, if requested. The liability list contains information from the county's criminal justice system. These records are not an official record; they may be inaccurate and/or incomplete. The official record of each bail bond is maintained by the court or clerk of the court where the case is filed.

**C. 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.

**D. TELEPHONE DIRECTORY ADVERTISING**

Telephone directory advertising for licensee shall be listed in the proper name of the licensee and may contain assumed or corporate names.

**E. GOODS / SERVICES FOR FEE TO OBTAIN BOND**

For the purpose of Act, where goods or services have been received for the posting of bail, the value of such fee shall be the amount agreed upon between the principal and the licensee, or the fair market value of such goods or services, whichever is greater.

F. CASH BAIL INTEREST

Where cash be posted in connection with a license and placed on time deposit, the interest there from shall be deposited in the general fund of the county.

G. BOARD CREATION REGULATIONS

1. As soon as practicable following the organizational meeting of this Board, the Board by resolution shall establish an effective date for the implementation of the procedures outlined by the Act and these Rules and Regulations.
2. All bail bonds outstanding at that time shall continue in full force and effect.
3. Bail shall be posted in accordance with usual custom until the effective date.

H. SAVINGS CLAUSE

The rules and regulations promulgated by the Board are in addition to the Act, and in case of a conflict, the statute will prevail.

I. RELEASE OF LICENSEE-CAUSE DISPOSED

After the effective date of these rules, the clerk of any court governed by these rules shall forward to the secretary a copy of all releases of sureties which are filed in that court; and the secretary shall, as soon as possible, forward the same to the general counsel for this Board.

ENTERED AND APPROVED this 17th day of June, 2022.

*Ed Spillane*

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Chairman  
Honorable Judge Ed Spillane

*Laura Taylor Davis*

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Secretary  
Honorable Laura Davis