

HENDERSON COUNTY BAIL BOND BOARD LOCAL RULES

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

The Procedure and Rules herein are effective and supersede all previous Procedures, Rules and Regulations of the Henderson County Bail Bond Board upon proper posting pursuant to the Texas Government Code.

1. ROBERTS RULES OF ORDER

All proceedings not governed by specific statutory provision or rule of this board shall be conducted in accordance with Roberts Rules of Order and the presiding officer shall be ex-officio Parliamentarian.

2. MEETINGS

A. The Henderson County Bail Bond Board will hold regular meetings on the Fourth (4th) Thursday of each month, at 3: p.m. in the Henderson County Annex, at 125 N. Prairieville. Notices of the meeting will be posted on the Henderson County website, and on the south side of the Henderson County Courthouse not less than 72 hours in advance of each meeting.

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

3. AGENDA

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

4. ANNUAL ELECTION OF THE LICENSED BAIL BOND SURETIES' REPRESENTATIVE

A. Beginning November 1st of each year, the Bail Bond Board Presiding Officer will accept requests from Licensed Bail Bond Sureties in Henderson County to be placed on the ballot. Requests to be placed on the ballot shall be provided to the Bail Bond Board

Presiding Officer in any manner required by the Bail Bond Board Presiding Officer. Any Bail Bond Board Surety Requesting to be placed on the ballot will be placed on the ballot. In the event that no Bail Bond Surety requests to be placed on the ballot, every licensed Surety will be included on the ballot.

B. The election of the licensed bail bond sureties' representative shall begin on the December 1st of each year.

C. The Bail Bond Board shall prepare and mail out ballots to all Licensed Bail Bond Sureties in Henderson County. Any licensed bail bond surety desiring to vote shall return said ballot to the Bail Bond Board chairperson prior to the 3rd Thursday of each December.

D. The elections shall be conducted by secret ballot on ballots provided by the Board. The Ballots are the property of the Henderson County Bail Bond Board.

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

F. The licensed bail bond sureties' representative shall be elected by a simple majority of the votes cast. The licensed bail bond sureties' representative shall take office at the regular January meeting of the Board.

G. In the event of a tie, a runoff election shall begin on the Monday following the regular meeting where the ballots were canvassed and shall continue for five (5) consecutive business days. The runoff ballots will be handled in the same manner as a regular election of the licensed bail bond sureties' representative. They shall be opened and the votes tallied and canvassed by the Board at its first regular meeting after the runoff election is conducted. The licensed bail bond sureties' representative in office at the time of the annual election shall holdover until a successor is qualified. The licensed bail bond sureties' representative elected in a runoff election may take office immediately upon the tally and canvass of the votes.

H. The Bail Bond Sureties Representative's term shall run from January 1 of each year through December 31, of each year.

5. ANNUAL ELECTION OF THE BAIL BOND PRESIDING OFFICER

The Board shall conduct an annual election of the presiding officers at the regular January meeting of the Board. The presiding officer shall be elected by a simple majority vote of the quorum present. The presiding officer may succeed him or herself. In like manner the board shall choose a vice-chairperson who shall act in the temporary absence of the chairperson. In the event the chairperson is disqualified for any reason before the end of his term the vice-chairperson shall automatically become the

chairperson. In such event, or if the vice-chairperson becomes disqualified, at the next regular meeting a new vice-chairperson shall be chosen.

In like manner the board shall choose a secretary who shall act in the temporary absence of the chairperson and the vice-chairperson. The secretary shall be responsible for the minutes of meetings; the publication or posting of notices; and the general office affairs not otherwise specifically assigned by these rules and regulations. All records are to be maintained by the Bail Bond Board Presiding secretary.

6. 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.

7. APPLICATION REQUIREMENTS

All Application Forms are available through the Bail Bond Board. All completed Application Forms must be submitted to the Board through the Bail Bond Board with all required attachments including a certified copy of the Power of Attorney (for Corporations) filed with the Henderson County Clerk. All Applications shall be submitted with either an original and (14) fourteen copies, or an original and (1) one electronic format in an Adobe Acrobat/pdf document. Identifying information (date of birth, social security number and account numbers) may be redacted from the copy. An email address is required on all Application Forms for notification of any additional information needed.

Applications for a "Bail Bond Surety License" shall be on the form adopted by this Board. A completed Application Form for an original Bail Bond Surety License, along with all required attachments, must be on file with the Board at least sixty (60) days before a license will be considered by the Board.

A completed Application Form for a renewal of an existing Bail Bond Surety License, along with all required attachments, must be on file with the Board at least thirty-one (31) days prior to the expiration of the license.

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

Each Agent application (original and renewal) must be accompanied by a filing fee of \$25.00. This \$25.00 filing fee is not refundable. Each applicant is hereby placed on notice that once the application is submitted, the \$25.00 filing fee will not be refunded. The

Agent application will have the same renewal date as the licensee's application. Each time the licensee wishes to add an Agent, the Agent application will need to be completed and submitted to the Bail Bond Board chairperson. The subsequent renewal date for that Agent will then be the same as the licensee's application. The Licensee/Surety is to immediately notify the Bail Bond Board chairperson in writing of any changes of employment status for said Agents.

Applicant and all employees/agents of the Applicant shall have a criminal background check conducted before Board approval by the Henderson County Sheriff's Department to ensure compliance with Tex.Occ.Code 1704.153.

These rules regarding the Application Process for currently licensed bondsmen shall not take effect until September 19, 2013. All bondsmen who are currently licensed shall be permitted to continue to make bonds through September 19, 2013. All currently licensed bondsmen shall be required to submit an Application with appropriate copies and fees to the Bail Bond Board Chairperson for consideration and approval by the Bail Bond Board no later than September 1, 2013.

All currently licensed attorneys who desire to make a bail bond are required to comply with all provisions and rules of the Texas Occupation Code and all applicable Texas Disciplinary Rules of Professional Conduct.

8. LOCATION OF OFFICE

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

9. ADDRESS AND PHONE NUMBER CHANGES

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

10. NOTICE OF CHANGES IN REGISTERED OR DESIGNATED AGENTS OR ATTORNEYS

Both individual and corporate sureties shall notify the Board through the Bail Bond Board chairperson in writing of any change in the registered or designated agent or attorney for service of citation within five business days of such a change. Sureties shall include the full name, address and telephone number of the new registered or designated

agent or attorney for service. This includes notice of the waiver or rescinding of the waiver of citation as contemplated by Texas Code of Criminal Procedure art. 22.03 filed with the Application Form.

11. SECURITY REQUIREMENTS

A. Cashier's Checks and Certificates of Deposit

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

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

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

B. Real Property as Collateral

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

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

- a. Property cannot be exempt from forced sale.
- b. The following documentation must be submitted;
- c. Original or Certified copy of warranty deed executed and filed vested in the name of the licensee, and Schedule C of the Title Commitment specifying that there are no outstanding liens against the property other than the Board's deed of trust.

- d. Surety must annually provide proof of property insurance covering any improvements on the property in accordance with section 11(B)(6) of these Rules.
- e. Official tax receipt photocopies of all State, County, City and School District taxes through the previous tax year must be timely submitted with application or renewal application.

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

On or before June 30th of each year, bondsmen with real estate pledged as collateral for making bail bonds will provide a copy of paid tax receipts for each piece of real estate so pledged to the Bail Bond Board. These receipts must show proof of taxes paid in full by June 30th, and must show such payment for any County, City, School District and other ad valorem taxes which are due for the previous calendar year. Failure to comply with this provision will result in the applicable property being immediately deducted from posted collateral as of June 30th of the applicable year. If a bondsman provides proof that taxes were paid in full by June 30th, but provides that proof after June 30th, any collateral previously deducted by the Board shall be immediately restored to the bondsman's account without the necessity of further Board action.

If, however, a bondsman fails to pay taxes in full by June 30th but makes a later payment in full, he must make a request to the Board for reinstatement of collateral. Upon written request from a bondsman received ten (10) days before a scheduled monthly meeting of the Board, a request to reinstate real estate pledged which has been deducted from posted collateral for non-payment or late payment of property taxes as stated above shall be placed on the agenda for the Board's consideration. If the bondsman provides proof at such a meeting that all property taxes and penalties have been fully paid as of that time, the real estate pledged shall be immediately restored to a bondsman's posted collateral.

Within 10 days after the insurance policy renewal date, bondsmen with real estate pledged as collateral for making bail bonds will annually provide proof of insurance coverage for each piece of real estate improvements so pledged to the Bail Bond Board Chairperson. The amount of the policy is not required to exceed the value of the improvement that is pledged as collateral. Failure to comply with this provision will result in the applicable property being immediately deducted from posted collateral. If a bondsman provides proof that insurance is currently in effect, but provides that proof after the due date (i.e., within 10 days after the insurance policy renewal date), he must make a request to the Board for reinstatement of collateral. Upon written request from a bondsman received ten (10) days before a scheduled monthly meeting of the Board, a request to reinstate real estate pledged which has been deducted from posted collateral for not providing proof of insurance as stated above shall be placed on the agenda for the

Board's consideration. If the bondsman provides proof at such a meeting that the bondman has properly insured the property as of that time, the real estate pledged shall be immediately restored to a bondsman's posted collateral.

12. NAMES ON BONDS/BOND FORMS

All sureties shall include their full names, addresses for court notices, addresses for service of citation, and license numbers, all legibly written, on the face of each bond they write in Henderson County. Failure to comply with this rule may result in the suspension or revocation of a license. All bonds shall be issued on the form adopted by this Board.

13. COMPLAINTS

A. FILING A COMPLAINT

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

B. PROCESSING A COMPLAINT

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

C. NOTICE OF COMPLAINT

The Secretary shall give notice to the accused licensee by certified mail at least ten (10) days prior to the date of a hearing on the complaint. The notice shall specify the charges of the violation made against the licensee, and the hearing shall be limited to those charges.

D. DISQUALIFICATION

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

E. RULE 505 SUBPOENAS

The Board vests authority to issue subpoenas upon the request of any interested person in the Chairperson, ViceChairperson, or Secretary of the Board.

14. SURRENDER OF PRINCIPAL

All Surrender of Principal requests shall be on the form adopted by this board.

15. BAIL BOND FORFEITURES

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

All Bond Forfeitures must be paid within thirty (30) days following final judgment or the bondsperson will be suspended from the active bond list.

16. SAVINGS CLAUSE

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