

Washington County Bail Bond Board
Local Rules

Pursuant to the authority granted by Chapter 1704, of the Texas Occupations Code, the following rules and regulations are adopted to regulate the bail bond business in Washington County, Texas.

The Washington County Bail Bond Board, hereinafter the Board, will hold regular meetings on the second Monday of each month at 11:00 a.m. in the County Commissioner's Courtroom unless otherwise specified by the Chairman of the Board. Notices will be posted on all four courthouse doors and on appropriated bulletin boards in advance of each regular or called meeting. All proceedings not governed by specific statutory provisions or by the Rules and Regulations, hereinafter the Rules, shall be conducted in accordance with Robert's Rules of Order and the presiding officer shall serve ex officio as parliamentarian. The Board annually in its regular January meeting shall elect from among its members a Chairman and Vice Chairman.

DEFINITIONS

1. "Administrator" means the person designated by the Board to manage the business of the Board under the supervision of the Chairman
2. "Board" means the Washington County Bail Bond Board.
3. "Licensee" means either a licensed bail bond surety or a licensed corporate surety, properly licensed in Washington County.
4. "Agent" means an agent designated by a corporation in an application.
5. "Employee" or "runner" means a person who receives compensation or anything of value from a bail bond license holder.
6. "Person" means an individual or corporation
7. "Statutorily ineligible person" means a person who has been convicted of a felony or a crime involving moral turpitude within the last ten (10) years
8. "Business Name" means the name in which the licensee will operate. The business name may be an assumed name or the surety's "real" name. The assumed name must be on file with the Washington County Clerk's and a certified copy of the Assumed Name Certificate must be presented to the Administrator. A licensed surety may operate under only one "business name".
9. "Advertisement" includes billboard, newspaper, telephone directory, magazine ad, handbill, business card, bench advertising, business card, and any electronic or print material used to solicit business.

I

APPLICATION FOR LICENSE AND RENEWALS

All applications for a license must be submitted on the forms prescribed by the Board. An initial hearing on a properly completed sworn application for a new license or a renewal of a license, along with all required attachments, will be held not later than ninety (90) day after the application has been received by the Administrator. The license will be denied on incomplete applications with no exceptions.

The applicant shall provide the Administrator with at least eight (8) copies of its entire application, including attachments, to be considered a complete application.

The applicant shall appear before the Board at the time of the application hearing.

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Corporate and individual application fee must be paid by the applicant who is applying for the bail bond license.

All application forms must be signed personally by the applicant surety.

II
EMPLOYMENT

A person may not act as a bail bond surety or as an agent for a corporate surety in Washington County unless the person holds a license issued by the Board under this chapter.

No one who is statutorily ineligible for employment in a bail bond business (someone who has been convicted of a felony or crime involving moral turpitude within the last time years) may participate in the operations of the business in any way. "Operation" includes but is not limited to answering the business telephones or telephone numbers, training, coordinating business with , or supervising employees of agent of the business, negotiating referral to or from other bonding companies with or without fee splitting supervising in any manner existing clients or the business, making and enforcing business policies, quoting prices, negotiating business with customers or prospective customers, handling business finances, delivering bonds to jail, settling or arranging for the settlement of bond forfeiture cases, filing documents with courts or court clerks or any other phase of the business in-office or out-of-office operations. It is the responsibility of each licensed surety to ensure that such ineligible persons do not participate in the operations of his or business. A surety's purported ignorance of such an ineligible person's activities shall not exonerate the surety from responsibility for ensuring compliance of this Rule.

An agent for a corporation must also be specifically designated in the corporate surety's license application. The Board must approve any change in the designated agent for corporate surety. Any agent designated by a corporate surety is subject to the same background check as the individual surety. The designated agent shall submit all the documentation as required for an individual surety. Information received from Texas Department of Public Safety will be made part of the application submitted to the Board in its consideration of the approval of a corporate license.

If an approved bonding company wants to add an employee (runner) an identification card application shall be filled out and returned to the Administrator. Upon receipt of the said application the Administrator will then provide the employee (runner) with an identification card allowing the employee (runner) to present bonds to the jail. This is an administrative duty and does not require approval from the Board.

WARNING TO LICENSED SURETIES:

Chapter 1704.302(c) A person may not accept or receive from a licensed holder money, property, or any other thing of value as payment for employment with a bonding business if, within the preceding 10 years, the person has been convicted of a misdemeanor involving moral turpitude or of a felony.

(d) A person commits an offense if the person violates this section. An offense under this section is a Class A misdemeanor.

III
OFFICE LOCATION/CONTACT INFORMATION

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A new licensee has 40 days from the date of their approval (30 days from a 10 day posting) to present to the Administrator in writing a Washington County physical address and a locally accessible telephone number. The Administrator is authorized to suspend or withhold bonding privileges until such time as the offending bonding company comes into compliance of this Rule.

Licensee must use the business name, business address and business telephone number that is listed on the original license application unless otherwise approved, in writing by the Board.

If the bonding company chooses to utilize an 800/888 or similar toll-free telephone number for their business, this number CANNOT BE BLOCKED.

IV
MONTHLY REPORT

Licensees must have a completely filled out monthly activity report submitted to the administrator's office no later than 5:00 P.M. on the Thursday before the next regularly scheduled monthly Board meeting. If a licensee had no activity during the reporting month, a blank report shall be submitted, stating "NO ACTIVITY". Licensees who do not submit a complete activity report shall be subject to a temporary suspension of bonding privileges. The Board shall determine the length of suspension at its next regularly scheduled Board meeting.

V
ADVERTISING

To protect the public from fraud or misrepresentation, each license may use and advertise only one assumed name per license. The assumed name must be on file with the Washington County Clerk's Office in accordance with Chapter 36 of the Texas Business Code and the Texas Insurance Code. A certified copy of the Assumed Name Certificate must be on file with the Administrator.

No licensee, agent or individual may use a telephone number, address or name to advertise or solicit bonds, nor shall the above maintain any separate (sub) office with separate telephone numbers without prior written approval by the Board. Further, no licensee, agent, or individual may advertise or solicit under any circumstances without being properly licensed by the board.

If a license is suspended, expired, or otherwise revoked, the licensee, agent or individual will, under scrutiny by the Board or its designee, cease and refrain from using, or obtaining referrals from, any and all listed advertising and critical numbers associated with that license, such as telephone numbers, addresses or license numbers. In the event said license is suspended, expired or otherwise revoked, these requirements shall be automatically effective twenty (20) days from such suspension, expiration or revocation.

A licensed surety must advertise under the proper "business name", as the term is defined in the definitions.

VI

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SOLICITATION

To protect the public from fraud or misrepresentation, no licensee shall present any bond to the Sheriff of Washington County without first being requested to make and present said bond by the principal, personally, or an individual(s) acting with full consent and knowledge of the principal, on behalf of the principal. No licensee, agent representative or employee of licensee may convey give or pass anything of any value to any person or entity for referring bail bond business to said licensee.

No soliciting of bonds is permitted inside the jail building or at entrances thereto by either licensed surety and/or agents.

VII
COMPLAINTS AGAINST SURETIES

If a sworn complaint against a licensed surety is submitted to the Board, it will be screened by the Chairman or Vice Chairman or a designee to determine if it provides reasonable probable cause to believe that a violation of Chapter 1704 of the Texas Occupations Code or of these local Rules has occurred. Sworn complaints against a licensee shall be filed with the Administrator using the form entitled "Formal Grievance Filing Against a Bail Bond Company".

If the Board decides that the complaint does not provide reasonable cause as described above, the complainant and the surety made subject of the complaint shall be so notified in writing by the Chairman or his/her designee.

If the Board determines that a complaint does state reasonable cause, it shall direct such investigation into the complaint as it deems necessary. This may include testimonial hearing before the Board, but such a hearing shall not be required in every case. The complainant and the surety named in the complaint shall be entitled to at least ten (10) calendar days written notice of a decision to hold a testimonial hearing before the Board convenes the hearing. The notice period shall commence on the date when the Board or its representative deposits written notice in the United States Mail by Certified Mail, Return Receipt Requested, addressed to the last business address provided the Board by the surety. The hearing may be held no earlier than the eleventh day, counting the notice's mail date as day one. A surety shall also be entitled to the same notice and time to answer if the Board chooses to investigate a complaint through other means, such as a request for affidavits, a request to produce evidence, or a request that an agent of the Board interview the surety or its agents. Provided, however, that nothing in this Rule shall operate to abrogate or diminish the Board's statutory right to inspect, on demand, whether in person or via a representative, the records a surety must keep pursuant to the Texas Occupations Code 1704.202.

Failure on the part of the surety to testify at such hearing, to answer questions at the hearing, or to timely provide any other response or evidence requested by the Board pursuant to this Rule shall be considered in itself to be a violation of these Rules.

Once the Board completes its investigation, it shall take such action as it deems appropriated. Both the complainant and the surety who was subject of the complaint shall be sent written notice of the Board's decision.

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If a judicial determination is made that a surety licensed by the Board has surrendered a principal without reasonable cause, the Board, upon receiving information that such a determination was made, shall then take whatever action it deems appropriate, including revocation or suspension of the license of the surety.

IX
TEMPORARY SUSPENDING OF BONDING PRIVILEGES

The Administrator is authorized by the Board to immediately suspend bonding privileges, on a temporary basis, if a bonding company exceeds its approved bonding limits. The Administrator is further authorized to reinstate bonding privileges once the offending bonding company is within its approved bonding limits.

X
RELEASE OF LIABILITY

In order for a licensee to be relieved of liability on a misdemeanor bond, it shall provide the Administrator with either a final disposition or dismissal from the County Attorney's or County Clerk's Office or in the case of a class c misdemeanor, the Justice/Municipal court in which the case was filed, and a list of said disposed of bonds. In order to be relieved of liability on a felony bond the bonding company must provide the Administrator with an "Affidavit of Discharge" that has been verified by the Washington County District Attorney's Office.

XI
SECURITY REQUIREMENTS

Irrevocable Letters of Credit shall be automatically renewed during the period of the license, except that the issuer shall notify the Board or its successor, in writing, 90 days prior to the issuer's intent not to renew the Letter of Credit.

When a licensee relies upon other than real property as collateral, a minimum of \$50,000.00 in cash, cashier's check, or certificate of deposit shall be placed on deposit with the Washington County Treasurer.

However, when a licensee is a corporate surety and uses an irrevocable letter of credit, a cash equivalent, in the amount of \$50,000.00 shall be placed on deposit with the Washington County Treasurers Office.

Certificate of Deposits or Letters of Credit are irrevocable during the period of license or while any bonds or obligations hereunder are outstanding, whichever is longer.

Additionally, all Letters of Credit must provide that in the event said Letter of Credit has not been renewed by the licensee at least 90 days prior to the date of expiration or termination of the issuer's intent not to renew the Letter of Credit. The Washington County Sheriff may immediately collect Letter of Credit and the monies obtained there from held as a cash security by the Treasurer of Washington County, regardless of whether or not the licensee is otherwise in default at the time of the letter of credit.

When a certificate of deposit is used as collateral it shall be from a financial institution insured by the United States Federal government and whose location or branch office does not exceed 100 miles from the Washington County Courthouse, 100 E. Main St, Brenham, Texas. The certificate of deposit must be

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styled as follows: "Surety's name, payable to the Washington County Treasurer". A signed and completed Assignment of Security must accompany all certificates of deposits. The Board will only accept only certificates of deposits, which have an automatic renewal date after the seven-day expiration period; unless the Board is notified by writing in advance that it will be substituted for other means of security.

No collateral of any kind submitted to obtain or renew a license can be changed, substituted for, or modified which in any manner affects the Board's rights to execution against it, without prior written approval from the board.

Real property deeded to the Board does not have to be located in Washington County, Texas. Deed of Trust shall name the Board as grantee and be recorded with the Washington County Clerk. Prior to recording, the Deed of Trust must be approved by the Board. The original recorded deed of trust will be held and secured by the Board.

All out of county bonds will be subtracted from a licensee's security, unless the surety has a license in that county. It is the licensee's responsibility to provide the Administrator with the copy of the out of county bonds and documentation when that case has been dismissed or reached final disposition. At that time, the bond amount will be added back to the licensee's security. An affidavit promising to advise the Board of any bonds written in any jurisdiction outside Washington County shall be made a part of the application for a license.

XII
WITHDRAWAL OF SECURITY

The Withdrawal of Security will only be done during the regular monthly meetings of the Board in June and December of every year. In order to withdrawal security the license holder must comply with the requirement of Section 1704.210 Withdrawal of Security, of the Texas Occupations Code. The license holder shall present to the board a summary of security which can be obtained by the Administrator by requesting the information at least 2 weeks prior to the meeting at which time the licensee shall request to be placed on the Board agenda.

XIII
BAIL BOND REQUIREMENTS

Identification cards issued to the licensee, agents and/or employee must be presented to the Washington County Jail Picket at the time the bail bonds, appearance bonds or appeal bonds are presented. All bond forms must be completely filled out prior to being presented at the jail. If an identification card is not presented or a bond is not completely filled out, the bond may be refused.

XIV
AUDIT OF RECORDS

The Chairman or Vice Chairman is authorized to act on behalf of the Board to cause a random inspection of bail bond records pursuant to Texas Occupations Code, Chapter 1704.202 and 1704.305. Either the Chairman or the Vice Chairman may appoint agents to conduct the actual inspection of records.

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Prior to a renewal application being approved the board will request an audit of a random selection of records. The audit results will be used to determine the renewal outcome.

XV
APPEARANCE BEFORE THE BOARD

Licensee is not required to appear before the Board for any matters but may submit a signed written request for Board consideration, excluding application for a license, application for renewal of a license and request for identification card of an employee, or summons to appear. If the licensee is a corporation authorized by law to act as a surety, the legal representative of the corporation may sign and submit the written request. After receipt of the signed written request, the licensee's bonding agent shall appear on behalf of the licensee on the date the request is set for the Board consideration.

These Rules are adopted in replacement of all previously adopted rules on this the _____ day of _____, 20__.

Approved Presiding Officer

District Attorney or Assistant Designee

Sheriff or Sheriff's Designee

District Judge

County Judge or Commissioner's Court Designee

County Court at Law Judge

Justice of the Peace

Presiding Judge of Municipal Court

County Clerk's or County Clerk's Designee

District Clerk or District Clerk's Designee

Defense Attorney's Representative

District Attorney or Assistant Designee

Sheriff or Sheriff's Designee

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