

BURNET COUNTY BAIL BOND BOARD

BURNET COUNTY, TEXAS

RULES AND REGULATIONS

Established August 12, 2014

Pursuant to the provisions of *Chapter 1704, Texas Occupation Code*, as amended, incorporated herein by reference, the following rules and regulations are established for the BURNET COUNTY BAIL BOND BOARD.

RULE 1 - GENERAL PROVISIONS

These rules and regulations apply to all individual bonding companies or corporations licensed to write bonds in Burnet County, Texas.

RULE 2 - BOARD COMPOSITION

- A. Persons elected, appointed, or designated by the proper authority to serve on the Board shall continue to serve until a successor is properly elected, appointed or designated unless for any reason the person so elected, appointed, or designated be sooner disqualified. In such event, the Secretary shall request the proper authority to appoint or designate a proper person to fill the vacancy or shall call for an election by licensed bondsmen to select a bondsmen's representative.
- B. The bail bondsmen's representative on the Board shall be a licensed bonds person, actively engaged in the bail bond business who shall be elected for a term of one year by majority vote of licensed bonds person voting at the regular meeting of the Board. The bail bondsmen's representative shall continue to serve until his replacement be duly qualified. Should the bail bondsmen's representative become disqualified to serve because their license to write bonds has been suspended, revoked, surrendered or terminated, an election will be held in like manner to elect a new bondsmen's representative to fill the unexpired term of the disqualified representative or the period of suspension as the case may be.
- C. Upon receipt by the Secretary of the Board of a petition requesting a recall election for the bail bondsmen's representative on the Board, the Secretary shall set the same on the agenda of the Board for the next regular meeting of the Board provided the petition contains the verified signatures of at least 50% of the bondsmen licensed to write bail bonds in Burnet County. If such a petition is filed with the Secretary within 10 days of the Board's next regular meeting, it shall be set for the regular meeting of the Board in the month after

the date of filing, otherwise it shall be considered at the regular meeting of the Board in the month of filing. At such meeting, the Board shall hold an election in the regular manner for a bail bondsmen's representative to serve the unexpired term of the current bail bondsmen's representative.

RULE 3 - ELECTION OF OFFICERS

- A. At the regular meeting of the Board in October of even numbered years, the Board shall choose one of its members to serve as Chair until the next election, unless the person chosen as Chair be sooner disqualified. In such event a new Chair shall be elected by the Board.
- B. In like manner, the Board shall choose a Vice Chair who shall act in the temporary absence of the Chair. In the event the Chair be disqualified for any reason before the end of his term, the Vice Chair shall automatically become the Chair. In such event, or if the Vice Chair becomes disqualified, at the next regular meeting a new Vice Chair shall be chosen.
- C. In like manner, the Board shall choose a Secretary who shall act as Chair in the temporary absence of the Chair and Vice Chair. 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 affairs not otherwise specifically assigned by these rules and regulations. The Board may designate by resolution an Assistant Secretary, who need not be a member of the Board, to assist the Secretary in the discharge of the Secretary's duties. If a member of the Board, the actions of the Assistant Secretary shall have the same effect and validity as the actions of the Secretary. The Assistant Secretary may sign any notices, correspondence, certify records, etc., in the Secretary's name. In the event the Secretary or Assistant Secretary becomes disqualified for any reason before the end of their term a new Secretary or Assistant Secretary shall be selected.
- D. All proceedings not governed by specific statutory provision or rule of the Board shall be conducted in accordance with Roberts Rules of Order and the presiding officer shall be ex-officio Parliamentarian.

RULE 4 - MEETINGS

- A. This Board shall meet monthly for the first year with the option to call special meetings as needed for the establishment of the procedures. As of October 2015, the Board will move to having quarterly meetings during the months of January, April, July and October.
- B. Meetings shall be held in the Grand Jury Room, at the Burnet County Annex North, Burnet, Texas, unless the call thereof shall specify otherwise.
- C. All notices shall be posted on the bulletin board at the Burnet County Courthouse (In front of the County Clerk's Office), Burnet County, Texas. The office of the Board shall be the regular office of the member serving as Secretary of the Board unless notice be posted to the contrary pursuant to resolution of the Board.

RULE 5 - LICENSED BAIL BOND SURETY LIST

- A. The Board shall publish a current list of each licensed bail bond surety and each licensed agent. The list of licensed bail bond sureties will be rotated on a monthly basis; the name at the top of the list will be placed at the bottom of the list with each rotation.
- B. 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 so marked, it shall be the responsibility of the local official or clerk to obtain a new unmarked list for display.
- C. When a new license is issued, the new licensee may be added to the published list in an inconspicuous manner until the next monthly list is published and will be added to the bottom of the list. .

RULE 6 - SOLICITATION AND ADVERTISEMENT

- A. No bondsman (licensed or exempt) shall place, or permit to be place, any advertising at any place where prisoners are examined, processed or confined.
- B. Advertising for a licensee shall not contain any representation that the licensee is associated with any attorney or any firm that engages in investigative services or that the licensee is an official agency of Burnet County, Texas.

RULE 7. LICENSING REQUIREMENTS

An attorney who is prohibited from writing Bail Bonds in any other County in the State of Texas may not execute Bail Bonds or act as a surety in Burnet County.

RULE 8 - IDENTIFICATION CARD

A. General

1. An identification card should be obtained for all persons engaged in conducting bail bond business.
2. An identification card issued by the Burnet County Bail Bond Board must be presented each time a bail bond is presented for the release of a prisoner. Such identification card shall be issued in accordance with the provisions of these Regulations.

B. Application and Hearing

1. The application for an identification card shall be in the form adopted by the Board.
2. A request for an identification card shall be accompanied by a check payable to the Burnet County Bail Bond Board in the amount of \$15.00 to cover the costs relating to the issuance of such identification card. This fee shall be dealt with in the same manner and for the same purposes as original license fees under the Act.
3. The original application shall be filed with the Secretary of the Board and also an electronic copy shall be sent to bailbondboard@burnetcountytexas.org. Each application shall have attached a photograph and a set of fingerprints of the applicant. The information on the fingerprint card shall include the applicant's social security number and driver's license number.
4. Upon receipt of an application for an identification card, the Secretary shall forward the application to all Board members. Criminal history will be available to the subcommittee for review and recommendation to the Board. If no objection is made by any Board member within 10 days of the filing of the application, it shall be deemed approved and the identification card shall be issued. A subcommittee member will notify the bond company of the date the identification card can be issued if there are no objections.
5. If for any reason an objection is raised as to whether the identification card should be issued, the Secretary shall, with the Approval of the Chair of the Board, call a meeting of the Board to pass upon such application within 10 business days of the objection. Notice shall be given to the licensee and the applicant of the meeting of the grounds for objection to the approval of the application.

C. Criminal Charges

1. No person is eligible for an identification card who has within the preceding 10 years been convicted of a misdemeanor offense involving moral turpitude or any felony.
2. Upon the applicant's request for an identification card, it is also deemed that the applicant has consented to the immediate temporary suspension of such card upon the return of a conviction charging such individual with the commission of a felony offense or of any offense involving moral turpitude. The applicant also agrees to surrender the identification card to the Secretary of the Bail Bond Board.

D. Surrender Of Identification Card

1. If a licensee revokes the authority of any of its employees to make bail bonds on its behalf, or terminates his/her employment, the licensee shall give written notice of such action to the Secretary of the Board and shall surrender to the Secretary of the Board the identification card previously issued, unless good cause be shown why the identification card cannot be returned.
2. The above notice and surrender of identification card shall be given within 10 days of the date it is revoked or employment with the licensee is terminated.

RULE 9 - APPLICATION & HEARING

- A. An applicant shall submit the original application in the form approved by the Board to the Secretary of the Board and also an electronic copy sent to bailbondboard@burnetcountytexas.org
- B. The Secretary shall furnish a complete copy of the application to each member of the Board not less than five days prior to the meeting at which the application is to be considered.
- C. Hearing on Application
 1. Applications shall be forwarded to subcommittee for review and recommendation to be considered at a regular meeting of the Board or at a special meeting.
 2. Each applicant shall be notified by the Secretary to appear in person, or in the case of a corporation by the designated representative, before the Board on the date the application is to be considered.
- D. All discussion regarding the application shall be in an open meeting.

RULE 10 - FINANCIAL REPORTS

Property license holders will submit their financial statement annually to the Board by May 1st of each year. Corporate license holders will submit their financial statement at each license renewal. These financial statements may be electronically submitted to the Bail Bond Board Secretary.

Bail Bond Limit; Additional Security

The Burnet County Auditor's Office shall prepare a report for the Board each month indicating the total current liability on bail bonds that each license holder has in Burnet County.

RULE 11 – SURRENDER OF PRINCIPAL

All affidavits of surrender/incarceration must be submitted on the form approved by the Board.

RULE 12 - INTEGRITY

- A. A license holder shall at all times act with competence, integrity and respect in his dealings with the public, his clients and members of law enforcement and the judiciary.
- B. A license holder shall maintain a professional relationship with his clients.
- C. A license holder shall keep clients reasonably informed of all court appearances and exercise due diligence in locating and ensuring that clients appear for their court appearances.

RULE 13. ENFORCEMENT PROVISIONS

When the Board receives a sworn complaint providing reasonable cause to believe that a violation of the Act has occurred:

- A. The Secretary of the Board is designated as the agent of the Board for the receipt of complaints. The Secretary shall provide each member of the Board with a copy of the complaint.
 - 1. If the Secretary does not receive a written request from a board member requesting a hearing within ten (10) days after receiving the complaint, the Secretary shall advise the complainant by letter that the complaint will not be heard by the Board.
 - 2. If the Secretary receives a request for a hearing from a board member, the Secretary shall set the complaint on the Board's agenda for the next regular meeting or a special meeting may be called.

- B. The Chair, Vice Chair and Secretary have authority to issue subpoenas upon request of any interested party.
- C. The Secretary shall give notice to the complainant and person complained of at least ten (10) days before the hearing.
- D. Upon presentation of a complaint to the Board, the Board shall take action or issue orders that the Board deems appropriate.

RULE 14 - DISCRETIONARY LICENSE SUSPENSION OR REVOCATION: GROUNDS

- A. After notice and hearing, the Board may revoke or suspend a license if the license holder:
 - 1. Fails to keep a client reasonably informed of upcoming court appearances.
 - 2. Engages in harassing behavior toward a client with the intent to harass, annoy, alarm, abuse, torment, embarrass or threaten in person, by telephone, text, social media or any means of electronic communication.
 - 3. Impersonates, causes to believe, acts as or holds himself out as a representative of another bail bond company or its representative to procure a bond.
 - 4. Falsely misleads or misrepresents the name of a person's bonding company or one of its employees so as to cause someone to believe it is a different bonding company.

RULE 15 - SEVERABILITY OR CONFLICT

- A. If any provision of the Burnet County Rules and Regulations, or the application of the Rules and Regulations are held invalid, the other provisions or applications that can be given effect without the invalid provision or application will remain in full force and effect. These Rules and Regulations are declared severable.
- B. If there is a conflict between these Rules and Regulations and the Act, the Act will prevail.

Chair of the Board *Alice Price*
ATTEST: *Cassie Walker*
Secretary of the Board

REVISED: April 28, 2020
EFFECTIVE: May 10, 2020