



## State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## Insurance Department

JONATHAN T. PIKE  
Insurance Commissioner

### Bail Bond Oversight Board Meeting (<https://insurance.utah.gov/licensee/other/bail-bond/board>)

**Date:** **October 12, 2022**

**Time:** **12:00 Noon**

**Place:** **In Person**

Taylorsville SOB  
4315 S. 2700 W.  
Big Cottonwood Room  
Taylorsville, UT 84129

**Virtual**

Google Meet  
[meet.google.com/hch-ezej-nme](https://meet.google.com/hch-ezej-nme)  
864-719-2086 Phone  
194 159 608# Password

## ATTENDEES

### BOARD MEMBERS

Clay Carlos (Chair)  
Dominic Sanone (Co-Chair)  
Lt. Kacey Bates  
Chad Woolley

Tony Choate  
Bonnie Johnson  
Curt Oda  
Reed Stringham (Non-Voting)

### DEPARTMENT STAFF

Jon Pike, *Insurance Commissioner*  
Randy Overstreet, *Licensing Manager*

Tracy Klausmeier, *P&C Dir.*  
Steve Gooch, *PIO Recorder*

Patrick Lee, *Finance Dir.*

## AGENDA

### General Session (Open to the Public)

- **Welcome** / Clay Carlos, Chair
- **Telephone Roll Call**
  - Attendance Code #1
- **Adoption of Minutes for Past Meetings**
  - August 10
  - August 17

### Executive Session - If Needed (Closed to the Public)

### General Session (Open to the Public)

- **Approve Recommended Actions from Executive Session** – Not needed
- **Summary of Reports**
  - Quarterly Accounting for Bail Bond Administration Account / Patrick
- **New Business**
  - Discuss Bail Bond Board bylaws / Perri
  - Suggested method for delayed meeting attendance / Curt
- **Old Business**
- **Other Business**
  - Expiring board member terms / Steve
    - 2x Bail Bond Surety Company Member (Clay, Bonnie)
    - 1x General Public Member (Curt)
    - 1x Attorney Member (Chad)

- **Adjourned**

- Attendance Code #2
- **Next Meeting:** January 11, 2023 — Big Cottonwood Room, Taylorsville State Office Building

**2022 Meetings** (Noon to 1:30pm)

<del>January 12, 2022</del>	<del>April 13, 2022</del>	<del>August 10, 2022</del>	October 12, 2022
-----------------------------	---------------------------	----------------------------	------------------

**2023 Meetings** (Noon to 1:30pm)

January 11, 2023	April 12, 2023	August 9, 2023	October 11, 2023
------------------	----------------	----------------	------------------

**Bail Bond Surety Administration Account**  
**Quarterly Revenue/Expenditure and Fund Balance**

*FY23 Beginning Balance* \$ 40,729.49

<b>FY23</b>	Revenues	Expenditures	Cumulative Balance	
P1	\$ 2,000.00	\$ 147.50		
P2	\$ 600.00	\$ 303.43		
P3	\$ -	\$ 1,222.91	\$ 41,655.65	Q1
P4	\$ -	\$ -		
P5	\$ -	\$ -		
P6	\$ -	\$ -	\$ -	Q2
P7	\$ -	\$ -		
P8	\$ -	\$ -		
P9	\$ -	\$ -	\$ -	Q3
P10	\$ -	\$ -		
P11	\$ -	\$ -		
P12	\$ -	\$ -		
P13	\$ -	\$ -	\$ -	Q4
<b>Total</b>	<b>\$ 2,600.00</b>	<b>\$ 1,673.84</b>	<b>\$ -</b>	<b>FY22 closing</b>

**Bail Bond Administration Account**  
**Expenditure Detail**

	<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>	<u>FY 23 YTD</u>
<b>Personnel Expense</b>	\$ 5,524	\$ 9,020	\$ 4,320	\$ 1,581
<b>In State Travel</b>	\$ 98	\$ -	\$ -	\$ -
<b>Out of State Travel</b>	\$ -	\$ -	\$ -	\$ -
<b>Current Expense</b>	\$ 401	\$ -	\$ 257	\$ 93
<b>Total</b>	<b>\$ 6,023</b>	<b>\$ 9,020</b>	<b>\$ 4,577</b>	<b>\$ 1,674</b>

**BOARD RESOLUTION**  
**BAIL BOND OVERSIGHT BOARD**  
**ELECTRONIC MEETINGS**

WHEREAS, the Utah Open and Public Meeting Act, Utah Code, Title 52, Chapter 4, requires a public body to adopt a resolution governing the use of electronic meetings and establish the conditions under which a remote member is included in calculating a quorum.

NOW THEREFORE BE IT RESOLVED that the Bail Bond Oversight Board may hold board meetings electronically.

BE IT ALSO RESOLVED that a member of the Bail Bond Oversight Board who attends a meeting electronically is attending the meeting and is included in calculating a quorum.

APPROVED by the Bail Bond Oversight Board on this \_\_\_\_\_ day of October, 2022, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Chairperson

## **ARTICLES AND BYLAWS**

Pursuant to Utah Code Ann. Title 31A, Chapter 35, as said law may be amended from time to time, the following constitute the Organizational Articles and Bylaws of the Bail Bond Surety Oversight Board, an oversight board within the Utah Insurance Department, created by the Utah Legislature.

### **ARTICLE I. NAME**

This Entity shall be known as the Bail Bond Surety Oversight Board (the “Board”) an oversight board within the Utah Insurance Department created pursuant to Utah Code Ann. 31A-35-201, hereinafter referred to as the “Act”.

### **ARTICLE II. ADDRESS**

The Official Address of the Board shall be the same as the Utah Insurance Department, State Office Building, Room 3110, Salt Lake City, Utah 84114.

### **ARTICLE III. EFFECTIVE DATE**

These Articles and any amendments thereof shall become effective following adoption by the Board upon written approval of the Insurance Commissioner, hereinafter “Commissioner”.

### **ARTICLE IV. PURPOSE**

- a. To make written recommendations to the Commissioner for rules governing aspects of the bail bond surety insurance business listed in Utah Code Ann. § 31A-35-202(2)(a) - (e).
- b. To screen bail bond surety company license applications and persons applying for a bail bond surety company license.
- c. To recommend to the Commissioner action regarding the granting, renewing, suspending, revoking, and reinstating of bail bond surety company license.
- d. To conduct investigations of allegations of unprofessional conduct on the part of persons or bail bond sureties involved in the business of bail bond surety insurance and to provide the results of such investigations to the Commissioner with recommendations for action and any appropriate sanctions.

### **ARTICLE V. DEFINITIONS FROM THE ACT**

As applicable, terms as used in these Articles shall be as defined in Utah Code Ann. § 31A-35-102.

## **ARTICLE VI. CONFORMITY TO THE ACT**

The Act is hereby incorporated as part of the Articles. In the case of any conflict between the Articles and the Act, the provisions of the Act shall govern.

## **ARTICLE VII. BAIL BOND SURETY OVERSIGHT BOARD**

The Board shall consist of seven voting Members and one non-voting Member, in accordance with the provisions of Utah Code Ann. § 31A-35-201.

## **ARTICLE VIII. IMMUNITY**

Members of the Board are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of the Act. Utah Code Ann. § 31A-35-201(9).

## **ARTICLE IX. DURATION AND LIMITATIONS**

The Board shall have a continued existence until such time as the Utah Legislature repeals or alters its existence through modification or repeal of Utah Code Ann. §§ 31A-35-201 and/or -202.

## **ARTICLE X. AMENDMENTS**

These Articles may be altered or amended at any meeting of the Board. Amendments shall be by majority vote of the full Board, provided at least ten days written notice is given of the intention to alter or amend the Articles at such meeting. Any amendments shall become effective following adoption by the Board upon written approval of the Commissioner.

## **ARTICLE XI. POWERS OF THE BAIL BOND SURETY OVERSIGHT BOARD**

Section 1. General Powers. The Board shall have authority to make written recommendations to the Commissioner for rules governing the aspects of the bail bond surety insurance business outlined in Utah Code Ann. § 31A-35-202(2); to screen bail bond surety company license applications and persons applying for a bail bond surety company license; to recommend to the Commissioner action regarding the granting, renewing, suspending, revoking, and reinstating of bail bond surety company license; and conduct investigations of unprofessional conduct on the part of persons or bail bond sureties involved in the business of bail bond surety insurance and provide the results of such investigations to the Commissioner with recommendations for action and any appropriate sanctions. Utah Code Ann. § 31A-35-202(2) - (5).

Section 2. Composition. The Composition of the Board shall be as now provided in Utah Code Ann. § 31A-35-201(1) or as it may be amended, and shall consist of:

- a. The following seven voting Members:
  - i. One representative each from four licensed bail bond surety companies;
  - ii. Two Members of the general public who do not have any financial interest in or professional affiliation with any bail bond surety company; and
  - iii. One attorney in good standing licensed to practice law in Utah; and
- b. A nonvoting Member who is a staff Member of the Utah Insurance Department.
- c. All Members of the Board are to be appointed by the Commissioner.

Section 3. Tenure. Except as otherwise provided by the Act Members of the Board shall serve for a term of four (4) years. All Members of the Board shall hold office until their successors are duly appointed. No Member of the Board can serve more than two consecutive terms as stated in Utah Code Ann. § 31A-35-201(2)(a).

Section 4. Vacancies. Any vacancies occurring in the Board shall be filled by the Commissioner for the unexpired term in accordance with Utah Code Ann. § 31A-35-201(4).

Section 5. Regular Board Meetings. The Board will meet at least quarterly at the office of the Department of Insurance or other designated place. Utah Code Ann. § 31A-35-202(1).

Section 6. Special Meetings. Special meetings of the Board may be called at the request of the Chair or any two Members. The times and places for such special meetings shall be set by agreement of the Chair and any Members requesting the meeting.

Section 7. Notice to Board Members. Notice of any regular or special meeting of the Board shall be given at least ten (10) days prior to the meeting. Such notice shall be delivered personally or sent by mail, e-mail, or fax to each Member and to the Commissioner at their addresses as shown in the records of the Board, except that an emergency meeting may be held upon at least 48 hours oral notice, provided each Member of the Board has reasonable opportunity to attend. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed with postage thereon prepaid. If notice is given by e-mail, such notice shall be deemed to have been given when the e-mail is sent, whether or not the e-mail is received. Members are required to maintain a current e-mail account and to notify the Chair of any address changes.

Any Member may waive notice of any meeting. The attendance of a Member at any meeting shall constitute a waiver of notice of such a meeting, except when a Member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted nor the purpose of any regular, special or emergency meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

Section 8. Public Notice of Meeting. Public notice of any meeting shall be given by posting written notice at the Utah Insurance Department and providing notice to at least one newspaper

of general circulation within the state of Utah, as required by Utah Code Ann. § 52-4-6. If at any time the Board schedules its meetings in advance over the course of the year, such meeting schedule must also be published at least once in accordance with Utah Code Ann. § 52-4-6.

Section 9. Quorum. At any meeting of the Board, four voting Members constitute a quorum for the transaction of business under Utah Code Ann. § 31A-35-201(6).

Section 10. Manner of Acting.

a. To make written recommendations to the Commissioner for rules governing aspects of the bail bond surety insurance business listed in Utah Code Ann. § 31A-35-202(2)(a) - (e).

b. To screen bail bond surety company license applications and persons applying for a bail bond surety company license.

c. To recommend to the Commissioner action regarding the granting, renewing, suspending, revoking, and reinstating of bail bond surety company license.

d. To conduct investigations of allegations of unprofessional conduct on the part of persons or bail bond sureties involved in the business of bail bond surety insurance and to provide the results of such investigations to the Commissioner with recommendations for action and any appropriate sanctions.

Section 11. Voting. Each voting Member present shall be entitled to one vote on each matter submitted to a vote of the Board.

Section 12. Proxy Voting. If a quorum of Members is present, either physically or telephonically, the absent Members may vote through a proxy. The proxy may be presented by another Member or by a representative of the absent Member. The signed proxy must clearly identify the issue to be voted and the absent Member's ye or nay vote.

Section 13. Compensation and Expense. Members shall not receive compensation or benefits for their services, but may receive per diem and reasonable expenses incurred due to their service as Board Members at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107. Members may decline to receive per diem and expenses for their services. Utah Code Ann. § 31A-35-201(7).

Section 14. Conference Telephone Meetings. Meetings of the Board may be held by means of a conference telephone or similar communication equipment, by means of which all persons participating in the meeting can hear each other. Participation by such means shall constitute the presence of a person at a meeting. Notice of the time and the manner of such meeting shall be given in accordance with Section 7 of this Article of the Bylaws. Any Member who plans on attending telephonically shall so inform the Secretary of the Board at least 24 hours in advance of the meeting.



## **ARTICLE XII. OFFICERS**

Section 1. Annual Election of Officers. The Board shall annually elect from its Members a Chair of the Board and a Vice Chair.

Section 2. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Commissioner for the unexpired portion of the term.

Section 3. Chair of The Board. The Chair of the Board shall have the power to call meetings of the Members of the Board, and the Chair shall preside at all such meetings that he or she attends. The Chair shall call meetings to order and set the agenda for such meetings.

Section 4. Vice Chair of The Board. In the absence of the Chair, or in the event of the Chair's inability or refusal to act, the Vice Chair shall perform the duties of the Chair. When so acting, he or she shall have all the powers of, and be subject to, all the restrictions upon the Chair. The Vice Chair shall perform such other duties as may be assigned by the Chair.

## **ARTICLE XIII. RECORDS AND REPORTS**

Section 1. Books, Records and Minutes. The Board shall cause to be kept correct and complete books and records of accounts and shall also keep minutes of the proceedings of its Members, and shall keep at the principal office a record giving the names and addresses of the Members entitled to vote.

## **ARTICLE XIV. OPEN MEETINGS**

Section 1. Board Meetings. Except as may otherwise be permitted or required by Utah law, all meetings of the Board shall be open to the public, and the votes taken at such meetings shall be recorded in a journal or other record kept for that purpose, which shall be maintained with the permanent records of the Board. Utah Code Ann. § 52-4-3.

Section 2. Executive Meetings. Executive Meetings of the Board where the character of individuals is discussed and complaints are heard are closed to the public. Minutes of Executive Meetings of the Board are only distributed to Board Members and not to the general public. Utah Code Ann. § 52-4-5(1)(a)(i) and (vii).