



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: August 11, 2021

Place: In Person

Virtual

Time: 12:00 PM

Taylorsville SOB
4315 S. 2700 W.
Bonneville Room
Taylorsville, UT 84129

Google Meet
meet.google.com/eme-jzcg-yui
585-286-1066 Phone
286 786 033# Password

ATTENDEES

BOARD MEMBERS

Clay Carlos (Chair)
Dominic Sanone (Co-Chair)
Vacant
Chad Woolley

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

DEPARTMENT STAFF

Jon Pike, *Insurance Commissioner*
Randy Overstreet, *Producer Lic.*
Steve Gooch, *PIO Recorder*

Tracy Klausmeier, *P&C Dir.*
Perri Babalis, *AG Counsel*

Danny Schoenfeld, *Finance Dir.*
Jeanine Couser, *Notary*

AGENDA

General Session (Open to the Public)

- **Welcome** / Clay Carlos, Chair
- **Telephone Roll Call**
- **Attendance Code #1** / Steve
- **Swear in New Board Member** / Jeanine Couser
 - Lt. Kacey Bates
- **Adoption of Minutes for April 21, 2021 Meeting**

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 / Danny
- **New Business**
 - Annual bail bond agency renewals / Randy
 - Section 31A-35-404(2): "current year" or something else / Reed
- **Old Business**
 - Discussion about fingerprinting / Clay
- **Other Business**
 - Annual board member training / Perri Babalis
 - Elect chair and vice chair

- **Adjourned**
 - **Attendance Code #2** / Steve
 - **Next Meeting:** **October 13**, 2021 — Bonneville Room, Taylorsville State Office Building

2021 Meetings (Noon to 1:30pm)

January 13, 2021	April 21, 2021	August 11, 2021	October 13, 2021
-----------------------------	---------------------------	-----------------	------------------

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

FY21 Beginning Balance \$ 31,176.00

FY21	Revenues	Expenditures	Cumulative Balance
P1	\$ 3,500.00	\$ 111.92	
P2	\$ 600.00	\$ 3,948.43	
P3	\$ -	\$ 1,319.00	\$ 29,896.65 Q1
P4	\$ -	\$ 606.40	
P5	\$ -	\$ 265.81	
P6	\$ -	\$ 55.96	\$ 28,968.48 Q2
P7	\$ -	\$ 159.29	
P8	\$ -	\$ 237.83	
P9	\$ -	\$ 55.97	\$ 28,515.39 Q3
P10	\$ -	\$ 84.00	
P11	\$ -	\$ 1,328.00	
P12	\$ -	\$ 798.51	
P13	\$ -	\$ 50.59	\$ 26,304.88 Q4
Total	\$ 4,100.00	\$ 9,021.71	

Bail Bond Administration Account
Expenditure Detail

	FY 18	FY 19	FY 20
Personnel Expense	\$ 23,997	\$ 10,354	\$ 5,524
In State Travel	\$ 46	\$ -	\$ 98
Out of State Travel	\$ 488	\$ -	\$ -
Current Expense	\$ 669	\$ 810	\$ 401
Total	\$ 25,200	\$ 11,164	\$ 6,023

Bail Bond Agency Renewals 2020

AGENCY	Completed Renewal Process	Board Recommendation
007 Bonds	YES	
1 Got Bail LLC	YES	
1st Out Bail Bonds	YES	
2nd Chance Bail Bonds	YES	
A-1 Bail Bonds	YES	
AAA Bail Bonds	YES	
AA Rocky Mountain Bail Bonds	YES	
A Sportsman Bail Bonds	YES	
All Out Bail Bonds	YES	
Aladdin Bail Bonds	YES	
Available Bail Bonds LLC	YES	
B&B Bail Bonds, LLC	YES	
Bad Boys Bail Bonds, Inc.	YES	
Beehive Bail Bonds	YES	
Bonds R Us	YES	
Breaking Bad Bail Bonds	YES	
Cedar Post/ Jail Buster BB	YES	
Dewey's Bail Bonds	YES	
Fast n Furious Bail Bonds	YES	
Freedom Bail Bonds of Utah LLC	YES	
Gordon's Bail Bonds	YES	
Lucky Bail Bonds	YES	
Massey's Bail Bonds	YES	
Pappas Bail Bonds	YES	
Price Bail Bonding	YES	
Steve's Bail Bonds	YES	
Uintah Basin Bail Bonds LLC	YES	
Utah Bail Bonds	YES	
Xtreme Bail Bonds	YES	

Effective 5/5/2021

31A-35-404 Minimum financial requirements for bail bond agency license.

- (1)
 - (a) A bail bond agency that pledges the assets of a letter of credit from a Utah depository institution in connection with a judicial proceeding shall maintain an irrevocable letter of credit with a minimum face value of \$300,000 assigned to the state from a Utah depository institution.
 - (b) Notwithstanding Subsection (1)(a), a bail bond agency described in Subsection (1)(a) that is licensed under this chapter on or before December 31, 1999, shall maintain an irrevocable letter of credit with a minimum face value of \$250,000 assigned to the state from a Utah depository institution.
- (2)
 - (a) A bail bond agency that pledges personal or real property, or both, as security for a bail bond in connection with a judicial proceeding shall maintain a verified financial statement for the current year:
 - (i) reviewed by a certified public accountant; and
 - (ii) showing a minimum net worth of:
 - (A) \$300,000, at least \$100,000 of which is in liquid assets; or
 - (B) if the bail bond agency is licensed under this chapter on or before December 31, 1999, \$250,000, at least \$50,000 of which is in liquid assets.
 - (b) For purposes of this Subsection (2), only real or personal property located in Utah may be included in the net worth of the bail bond agency.
- (3) A bail bond agency shall maintain a qualifying power of attorney issued by a surety insurer if:
 - (a) the bail bond agency is the agent of the surety insurer; and
 - (b) the surety insurer:
 - (i) sells bail bonds;
 - (ii) is in good standing in its state of domicile; and
 - (iii) is granted a certificate to write bail bonds in Utah.
- (4) The commissioner may revoke the license of a bail bond agency that fails to maintain the minimum financial requirements required under this section.
- (5) The commissioner may set by rule the limits on the aggregate amounts of bail bonds issued by a bail bond agency.

Amended by Chapter 252, 2021 General Session

Open and Public Meetings Act

A Summary of Key Provisions | April 2021

The *Open and Public Meetings Act (OPMA)* requires that members of a public body be “provided with annual training on the requirements of [the *Open and Public Meetings Act*]” (Section 52-4-104). This document is intended to facilitate compliance with that requirement. Key terms are defined at the end of the document.

The stated goal of the OPMA is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly. (Section [52-4-102](#))

Public Notice

(Section [52-4-202](#))

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

(Section [52-4-203](#))

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

2021 Amendments to OPMA

- [HB 27](#) modifies the process of publishing public notice and "public information" on the "Utah Public Notice Website." Creates a new "Utah Open Records Portal Website" and "Utah Open Data Portal Website" to serve as a GRAMA request point of access.
- [SB 72](#) modifies the provision to prohibit a vote in a closed meeting except to end the closed portion of the meeting. Provides a majority vote to approve the ending of the closed portion of a meeting.
- [SB 125](#) modifies the statute to require an "anchor location" if a public meeting is held virtually or electronically.
- [HB 293](#) modifies the statute to require a public body that is not a state or specified local public body to post and make available minutes and any public materials distributed at the meeting.

Closed Meetings

(Sections [52-4-204](#), [52-4-205](#), and [52-4-206](#))

A public body may hold a closed meeting only for certain purposes, including to discuss:

- a person's character, competence, or health;
- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct; or
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings

(Section [52-4-202](#))

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

Definitions (Section [52-4-103](#))

Anchor Location means the physical location from which an electronic meeting originates, or the participants are connected.

Meeting means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Meeting does *not* mean a chance or social gathering or a convening of a public body that has both legislative and executive responsibilities in certain circumstances.

Electronic Meetings

(Section [52-4-207](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Utah Department of Health's rule for electronic meetings is found in Utah Administrative Code R380-42.

Penalties

(Sections [52-4-301](#), [52-4-302](#), and [52-4-305](#))

Open Meetings - Any final action taken in a meeting that is in violation of certain open-meeting provisions of the OPMA is voidable by a court.

Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of the OPMA.

Disruption of Meetings - A person who willfully disrupts the meeting to the extent order is seriously compromised may be removed from the meeting.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue and;
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.