



Insurance Department

State of Utah

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor
TODD E. KISER
Commissioner

Bail Bond Surety Oversight Board Meeting

(<https://insurance.utah.gov/licensee/other/bail-bond/board>)

Date: August 14, 2019

Time: Noon

Place: East Building, Copper Room

BOARD MEMBERS

Clay Carlos (Chair)	Ryan Cooper
Dominic Sanone (Co-Chair)	Tony Choate
Lt. Ken Jones	Curt Oda
Chad Woolley	Reed Stringham (Non-Voting)

DEPARTMENT STAFF

Todd Kiser, <i>Ins. Commissioner</i>	Tracy Klausmeier, <i>P&C Director</i>	Cathy Burton, <i>Examiner</i>
Steve Gooch, <i>PIO Recorder</i>		

AGENDA

- **General Session (Open to the Public)**
 - Welcome / Clay Carlos, Chair
 - Administer oath of office to new board member / Cathy
 - Bonnie Johnson
 - Recognize Ryan Cooper's service to the Bail Bond Board / Commissioner Kiser
 - Adoption of Minutes for April 10, 2019 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** / Cathy
 - Completed Investigations
 - Annual Bail Bond Agency Renewals
 - New Applications
 - Bail Fund Balance
 - **New Business**
 - **Old Business**
 - **Other Business**
 - Annual board member training / Perri
 - Elect new chair and co-chair
- **Adjourned**
 - **Next Meeting:** October 9, 2019 — Copper Room, East Building

2019 Meetings (Noon to 1:30pm)

Jan 9, 2019	Apr 10, 2019	August 14, 2019	Oct 9, 2019
-------------	--------------	-----------------	-------------



Bail Bond Meeting Quarterly Report

10-Apr-19

Completed Investigations

Agency Recommendations

New Applications

Itemized Accounting

Agency Recommendations

Last 90 days

Agency	License	License Status	Board Recommendation
007 Bonds	680488	Renewal	
1 Got Bail LLC	578969	Renewal	
1st Out Bail Bonds	255582	Renewal	
2nd Chance Bail Bonds	382610	Renewal	
A-1 Bail Bonds	97854	Renewal	
AAA Bail Bonds	97856	Renewal	
AA Rocky Mountain Bail Bonds Inc.	97857	Renewal	
A Sportsmans Bail Bonds	97860	Renewal	
All Out Bail Bonds	409032	Renewal	
Aladdin Bail Bonds	513064	Renewal	
Ape Bail Bonds, LLC	400385	Renewal	
Available Bail Bonds LLC	533933	Renewal	
B & B Bail Bonds	97862	Renewal	
Bad Boys Bail Bonds, Inc.	104643	Renewal	
Beehive Bail Bonds	97864	Renewal	
Bonds R Us	664039	Renewal	
Breaking Bad Bail Bonds	483843	Renewal	
Busy Bee Bonds LLC	569111	Renewal	
Cedar Post/Jail Buster Bail Bonds	104220	Renewal	
Dewey's Bail Bonds	97867	Renewal	
Fast N Furious Bail Bonds	492130	Renewal	
Gordon's Bail Bonds	103064	Renewal	
Granite Bail Bonds	97870	Renewal	
Hy and Mike's Bail Bonding	97873	Renewal	
Lucky Bail Bonds	594384	Renewal	
Massey's Bail Bonds	255583	Renewal	
Pappas Bail Bonds	535187	Renewal	

Payless Bail Bonds	104705	Lapsed	
Price Bail Bonding	97874	Renewal	
Steve's Bail Bonds	97877	Renewal	
Uintah Basin Bail Bonds	102711	Renewal	
Utah Bail Bonds	98384	Renewal	
Xtreme Bail Bonds	547616	Renewal	

Application for Utah Resident Bail Bond Business Entity License

Utah Insurance Department
Suite 3110 State Office Building
PO Box 146901
Salt Lake City, UT 84114

Demographic Information			
① Business Entity Name Freedom Bail Bonds of Utah LLC.		② Incorporation/Formation Date (month) 8 (day) 6 (year) 2019	③ FEIN [REDACTED]
④ If assigned, National Producer Number (NP#)		⑤ If applicable, FINRA Firm Central Registration Depository (CRD) Number	
⑥ List any other assumed, fictitious, alias or trade names under which you are doing business or intend to do business.		⑦ State of Domicile Utah	⑧ Country of Domicile USA
⑨ Is the business entity affiliated with a financial institution/bank? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
⑩ Business Address 6189 W Butterfield Pkwy	⑪ City Herriman	⑫ State UT	⑬ Zip Code 84096
⑭ Phone Number (include extension) 801-833-5295	⑮ Fax Number 801-206-3296	⑯ Business Web Site Address	⑰ Business E-Mail Address DanielHart1284@gmail.com
⑱ Mailing Address 6189 W. Butterfield Pkwy	⑲ P.O. Box	⑳ City Herriman	㉑ State UT
		㉒ Zip Code 84096	㉓ Foreign Country
Designated/Responsible Licensed Producer			
㉔ Identify at least one Designated/Responsible Licensed Producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of this state.			
Name Daniel Hart	SSN [REDACTED]		
Name _____	SSN - - -		
Name _____	SSN - - -		
Name _____	SSN - - -		
Owners, Partners, Officers and Directors			
㉕ Identify all owners with 10% interest or voting interest, partners, officers and directors of the business entity, or members or managers of a limited liability company:			
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No
Name _____	Title _____	SSN/FEIN - - -	Owner: Yes / No

(State Use)

Application for Utah Resident Bail Bond Business Entity License

Business Entity Qualifications

27 Check the legal business type and the financial qualifications of the license for which you are applying.

Legal Business Type:

- C - Corporation
 P - Partnership
 S - Sole Proprietorship
- LLC - Limited Liability Company
 LLP - Limited Liability Partnership

Financial Qualifications:

- Surety Insurer: Bankers. (provide name)
- Real/ Personal Property - \$300,00 Net Worth (\$100,000 Liquid)
- Financial Institution Line of Credit - \$300,000

Required Additional Information with Initial Application

28 The following additional information is required. Please submit electronically to the department by faxing to the attention of Cathy Burton at 801-537-9113 or as a PDF attachment to an email at caburton@utah.gov.

- 1) Articles of Organization and/or Articles of Incorporation identifying business' legal name and all owners, partners, shareholders and managers.
- 2) Proof of business entity registration through the Department of Commerce.
- 3) A copy of all forms to be used by the agency, filed with the department using the attached Property & Casualty Transmittal Document. **Note: The agency cannot begin business until these forms are filed.**
- 4) Proof of meeting the financial requirements by submitting one of the following:
 - a) **Letter of Credit Basis** – Applicant must provide an irrevocable letter of credit with a minimum face value of \$300,000 assigned to the State of Utah from a qualified Utah Financial Institution.
 - b) **Ownership of Real or Personal Property basis** - Applicant must provide the following:
 - i) A Certified Public Account reviewed financial statement as of the end of the most current fiscal year showing a net worth of at least \$300,000, including a minimum of \$100,000 in liquid assets.
 - ii) A copy of the applicant's federal income tax return for the prior two years.
 - iii) A preliminary title report dated not more than one month prior to the date of the application and an appraisal dated not more than two years prior to the date of the application for each parcel of real property owned by the applicant and included in the applicant's net worth calculation.
 - c) **Agent of a bail bond Surety Insurer basis** - Applicant must provide a qualifying power of attorney issued by the bail bond surety insurer.
- 5) Proof that at least one principal has a minimum of 2,000 hours of experience working as an employee of a bail bond surety company as a licensed bail bond agent, including the following:
 - a) a statement of the exact details of the character and nature of the experience;
 - b) a statement by each employer verifying the number of hours worked for the employer; and
 - c) federal income reporting forms that account for the wages for hours claimed, or documented approval of the claimed hours by the Utah Insurance Department (note: the total of 2,000 hours may be proved in part by federal income reporting forms and in part by approval by the insurance department).
- 6) **Laws and Rules** – The applicant is required to be aware of and comply with all the laws and rules governing the business of bail bonds. For the applicants information some of the laws that specifically apply to bail bonds can be found on our web site <https://www.insurance.utah.gov/> among other statutes, the applicant may want to refer to Utah Code Annotated 31A-23a-409, 31A-35, and Utah Administrative Code R590-170, R590-186, R590-196.

**Application for
Utah Resident Bail Bond Business Entity License**

Background Information

29) Please read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Has the business entity or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company, ever been convicted of, or is the business entity or any owner, partner, officer or director, member or manager currently charged with, committing a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime? Yes ___ No

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you answer yes, you must attach to this application:

- a) a written statement identifying all parties involved (including their percentage of ownership, if any) and explaining the circumstance of each incident.
- b) a copy of the charging document,
- c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

2. Has the business entity or any owner, partner, officer or director, or manager or member of a limited liability company, ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license, or registration? Yes ___ No

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) written statement identifying the type of license, all parties involved (including their percentage of ownership, if any) and explaining the circumstances of each incident,
- b) copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) copy of the official document which demonstrates the resolution of the charges or any final judgment.

3. Has any demand been made or judgment rendered against the business entity or any owner, partner, officer or director, or member or manager if a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? Do not include personal bankruptcies, unless they involve funds held on behalf of others.. Yes ___ No

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment.

4. Has the business entity or any owner, partner, officer or director, or member or manager of a limited liability company, ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? Yes ___ No

If you answer yes, identify the jurisdiction(s): _____

5. Is the business entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? Yes ___ No

If you answer yes, you must attach to this application:

- a) written statement summarizing the details of each incident,
- b) copy of the Petition, Complaint or other document that commenced the lawsuit arbitration or mediation proceedings and
- c) copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Has the business entity or any owner, partner, officer or director, or member or manager if a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes ___ No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and
- b) copies of all relevant documents.

7. Are you engaged in any unprofessional conduct as described in Utah Insurance Department Rule R590-186, Bail Bond Surety Companies? Yes ___ No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and
- b) copies of all relevant documents (if necessary)

8. Have any of the person(s) named on this application willfully misstated or negligently reported any material fact in the application or procured a misstatement in the documents supporting the application? Yes ___ No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details
- b) copies of all relevant documents (if necessary)

Application for Utah Resident Bail Bond Business Entity License

<p>9. Have any of the person(s) named on this application been the subject of any outstanding civil judgment?</p> <p style="text-align: right;">Yes ___ No <input checked="" type="checkbox"/></p> <p>If you answer yes, you must attach to this application:</p> <p style="margin-left: 20px;">a) a written statement summarizing the details</p> <p style="margin-left: 20px;">b) copies of all relevant documents (if necessary)</p>	
<p>10. Have you failed to report, preserve, and retain separately, or return collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral?</p> <p style="text-align: right;">Yes ___ No <input checked="" type="checkbox"/></p> <p>If you answer yes, you must attach to this application:</p> <p style="margin-left: 20px;">a) a written statement summarizing the details</p> <p style="margin-left: 20px;">b) copies of all relevant documents (if necessary)</p>	
<p>11. Have any of the person(s) named on this application have an outstanding judgment on a bail forfeiture which judgment is or has been subject to execution?</p> <p style="text-align: right;">Yes ___ No <input checked="" type="checkbox"/></p> <p>If you answer yes, you must attach to this application:</p> <p style="margin-left: 20px;">a) a written statement summarizing the details</p> <p style="margin-left: 20px;">b) copies of all relevant documents (if necessary)</p>	
<p>12. Do the person(s) named on this application certify: They are doing business under one name in the State of Utah and comply with state and local business regulations, including filing with the appropriate authority if doing business under an assumed name?</p> <p style="text-align: right;">Yes <input checked="" type="checkbox"/> No ___</p> <p>If you answer yes, you must attach to this application:</p> <p style="margin-left: 20px;">a) a written statement summarizing the details</p> <p style="margin-left: 20px;">b) copies of all relevant documents (if necessary)</p>	
<p>13. Do the person(s) named on this application certify: They are the holders of real or personal property in Utah?</p> <p style="text-align: right;">Yes ___ No <input checked="" type="checkbox"/></p> <p>If you answer yes, you must attach to this application:</p> <p style="margin-left: 20px;">a) a written statement summarizing the details</p> <p style="margin-left: 20px;">b) copies of all relevant documents (if necessary)</p>	

Applicant's Certification and Attestation

30 On behalf of the business entity or limited liability company, the undersigned owner, partner, officer or director of the business entity, or member or manager of a limited liability company, hereby certifies, under penalty of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation and may subject me and the business entity or limited liability company to civil or criminal penalties.
2. Unless provided otherwise by law or regulation of the jurisdiction, the business entity or limited liability company hereby designates the Commissioner, Director or Superintendent of Insurance, or an appropriate representative in each jurisdiction for which this application is made to be its agent for service of process regarding all insurance matters in the respective jurisdiction and agree that service upon the Commissioner or Director of that jurisdiction is of the same legal force and validity as personal service upon the business entity.
3. The business entity or limited liability company grants permission to the Commissioner or Director of Insurance in each jurisdiction for which this application is made to verify any information supplied with any federal, state or local government agency, current or former employer or insurance company.
4. Every owner, partner, officer or director of the business entity, or member or manager of a limited liability company, either a) does not have a current child-support obligation, or b) has a child-support obligation and is currently in compliance with that obligation.
5. I authorize the jurisdictions to give any information they may have concerning me to any federal, state or municipal agency, or any other organization and I release the jurisdictions and any person acting on their behalf from any and all liability of whatever nature by reason of furnishing such information.
6. I acknowledge that I understand and comply with the insurance laws and regulations of the jurisdictions to which I am applying for licensure/registration.
7. I hereby certify that upon request, I will furnish the jurisdiction(s) to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction(s).
8. I hereby certify that I am the owner, partner, or officer of this named company; that all the information in this application is complete and true to the best of my knowledge and belief, and acknowledge that any misrepresentation or misstatement of facts may be cause for revocation of this license. By signing this application, I hereby authorize the commissioner to make inquiry of any person regarding this application.

Must be signed by an officer, director, or partner of the business entity, or member or manager if a limited liability company:

8/8/20A
Month/Day/Year

Daniel Hart
Signature

Daniel Hart
Typed or Printed Name

Owner
Title

6189 W. Butterfield Pkwy.
Address (City, State, Zip)

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

FY19 Beginning Balance \$ 39,913.63

FY19	Revenues	Expenditures		
P1	\$ 4,250.00	\$ 1,190.36		
P2	\$ -	\$ 1,232.87		
P3	\$ -	\$ 1,828.05	\$ 39,912.35	Q1
P4	\$ -	\$ 1,913.08		
P5	\$ -	\$ 1,275.58		
P6	\$ -	\$ 660.45	\$ 36,063.24	Q2
P7	\$ -	\$ 467.73		
P8	\$ -	\$ 512.30		
P9	\$ -	\$ 425.19	\$ 34,658.02	Q3
P10	\$ -	\$ 611.10		
P11	\$ -	\$ 318.87		
P12	\$ 3,250.00	\$ 510.06		
P13	\$ -	\$ 218.65	\$ 36,249.34	Q4
Total	\$ 7,500.00	\$ 11,164.29		

FY19 Closing Balance \$ 36,249.34

Open and Public Meetings Act

A Summary of Key Provisions for Legislators | May 2019

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 and to help legislators understand OPMA. This summary is intended for a state legislative audience and does not attempt to explain or address requirements for other public bodies. Key terms are defined at the end of the document.

OPMA’s stated goal 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.

2019 Amendments to OPMA

- [2019 S.B. 27](#) authorizes a governmental nonprofit corporation to close a meeting to discuss trade secrets under certain circumstances.
- [2019 S.B. 72](#) provides clarification regarding the application of OPMA to and a quorum of a large public transit district.
- [2019 S.B. 165](#) amends the definition of “quorum” so that a quorum is not present when two elected members of a three-member public body meet if they take no action, regardless of whether the action relates to a subject over which the public body has advisory power.

Closed Meetings

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

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;
- the receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- 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.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

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.

Electronic Meetings

(Sections [52-4-207](#) and [JR7-1-407](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's rule governing electronic legislative meetings states that a committee member may remotely participate in a public meeting if:

- the member will be more than 50 miles away from the meeting location;
- at least three days before the meeting, the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties

(Sections [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 OPMA is voidable by a court.

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

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

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.

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.