

State of Utah SPENCER J. COX Governor

DEIDRE M. HENDERSON Lieutenant Governor

Date: October 13, 2021

Insurance Department

JONATHAN T. PIKE Insurance Commissioner

Bail Bond Oversight Board Meeting

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

<u>Time:</u> Noon

Place: TELECONFERENCE ONLY

ATTENDEES

BOARD MEMBERS

xClay Carlos (Chair) xDominic Sanone (Co-Chair) xLt. Kacey Bates Chad Woolley Tony Choate xBonnie Johnson xCurt Oda xReed Stringham (Non-Voting)

Jon Pike, Insurance Commissioner xSteve Gooch, PIO Recorder

xEddie Vasquez, AG Counsel
PUBLIC

xTracy Klausmeier, *P&C Dir.*

xPatrick Lee, Finance Dir.

Wayne Carlos Daniel Hart *PUBLIC* Gerald Conder Joshua Massey

DEPARTMENT STAFF

Christie Ellis Melody Jenkins

MINUTES — Approved

General Session (Open to the Public)

- Welcome / Clay Carlos, Chair (12:06 pm)
- Reading of anchor location determination / Clay
- Telephone roll call
 - Attendance code #1: **131903**
- Swear in New Board Member / Sue Musto, Summit Co. Sheriff's Office
 Lt. Kacey Bates takes the oath of office.
 - Adoption of Minutes for April 21 and August 11 meetings
 - Motion by Curt to adopt minutes of April 21 meeting. Seconded by Dominic. Motion passes 5-0.
 - Motion by Dominic to adopt minutes of August 11 meeting. Seconded by Curt. Motion passes 5-0.

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
 - Fiscal year 2022 started on July 1, 2021 and ends June 30, 2022.
 - The starting account balance for FY22 is \$37,556.11.
 - There were collected revenues of \$3,250 and expenses of \$1,983.37, which leaves an ending balance of \$38,822.74.
 - Motion by Curt to accept the bail account report. Seconded by Bonnie. Motion passes 5-0.
- New Business
 - Prometric and fingerprinting / Randy

- Fingerprinting is required for all individuals applying for an insurance license, including bail agents. Fingerprinting must be done at a Prometric center because the UID has contracted with them to be its fingerprinting vendor. Prometric uses a live scan fingerprint that is sent to the Bureau of Criminal Identification (BCI) and then to the Federal Bureau of Investigation (FBI). BCI does a background check among 10 western states, and the FBI does a national background check. It's all done digitally and returned to the UID within about 24 hours if the check is clean. If the person has a criminal background, it can take a few days. Prometric charges a \$6 processing fee, plus a combined \$28.50 charge for BCI and the FBI. The fee is collected when someone applies for a license in Sircon, then the Department of Public Safety bills the UID monthly for the BCI and FBI fees. The question that has been asked is whether someone can go somewhere else to be fingerprinted, like a sheriff's office. The answer is no, because Prometric is exclusively contracted to do the fingerprinting, and there are systems in place to collect the fee and manage the process.
- Curt asks how many Prometric locations are in Utah. Randy says there are 4: St. George, Lindon, Taylorsville, and the University of Utah. There should be one coming to Weber State, but it was delayed due to COVID. Curt asks if there's any way to add locations because there's a lot of distance between St. George and Utah County. Randy says there have been 4 vendors for several years, usually in St. George, Utah County, Salt Lake County, and Weber County.
- Clay asks if there are any other parts of the industry that have had problems with the limited number of locations. He says he had a situation where he had an agent in Southern Utah who couldn't get licensed for several months because the St. George Prometric location was down and he was unable to travel north at the time. Randy says occasionally people complain about how far they've had to travel, but it's a rarity. Clay says he's over it now, but it took him aback that it took 2 months from hiring to get a license. It was really inefficient. Prometric's machine in St. George was broken for several months and the replacement was delayed. Randy notes that was the first time he's seen something like that happen during his 15 years of doing licensing.
- Draft amendment of 31A-35-404(2) / Reed
 - Reed first raised this issue at the August meeting.
 - The concern is about ambiguity in the period of time a verified financial statement should cover. Right now, the statute says "the current year", which could mean several things, and the ambiguity is causing problems for the UID and some agencies. Discussion at the last meeting settled on changing it from "current year" to "most recent fiscal year", whatever that happens to be for each particular agency. He is seeking comment and approval to move forward with the change.
 - Curt says changing it to "most recent fiscal year" is still vague, and suggests changing it to "most recent fiscal year of the bail bond agency" to clarify that it's not the state's fiscal year. Reed says he'll make that change.
 - Dominic asks if Curt is under the impression that the fiscal year varies from company to company. Curt says that's correct and that line would encompass them all.
 - Reed suggests using "bail bond agency's most recent fiscal year" to make it less wordy. Curt agrees.
 - Motion by Curt to add "bail bond agency's", approve the language as amended, and move forward with adding it to the UID's bill. Seconded by Dominic. Motion passes 5-0.

• Old Business

- o Discussion about fingerprinting / Clay
 - Discussion is completed.
- Other Business
 - Annual board member training / Eddie Vasquez
 - Eddie works in the AG's office with Perri and Helen Frohlich to represent the UID.
 - The Open and Public Meetings Act is in Section 52, Chapter 4 of the Utah Code. The purpose of it is to ensure that state entities deliberate and take action openly.

- Under OPMA, a public body must provide notice of a meeting 24 hours ahead of the meeting. The notice has to specify the date, time, and place of the meeting, and must include an agenda that includes the topics the body will cover. The notice must be posted on the Utah Public Notice site, the location of the meeting, and be provided to the media. The notice requirement applies to in-person and electronic meetings. A body may discuss something that is not on the agenda, but it cannot take action at that meeting.
- A public body must keep written minutes and a recording of the meeting, that includes the attendees. A recording must be posted within 3 days after the meeting, and draft minutes must be made public within 30 days. Minutes and public materials must be posted and made available within 3 days of approval.
- A public body can hold a closed meeting, but only in certain situations. A meeting can be closed to discuss a person's character, competence, or health; impending litigation, acquisition or sale of real property; deployment of security; investigation of criminal conduct; etc. The comprehensive list is in 52-4-205. If a meeting is closed, the minutes must disclose the reason for the closed meeting, and the only vote that can happen in the closed portion is a vote to reopen the meeting. The closed portion cannot contain a vote to adopt or approve anything.
- An emergency meeting does not require 24-hour notice, but the body must attempt to notify all members of the body and a majority of the members must approve the meeting.
- The provision that allows electronic meetings started out as an executive order, but not it's in statute at 52-4-207. Notice for an electronic meeting is the same as for an in-person meeting. If there is an anchor location, notice must be posted at the anchor location. An electronic meeting can be held without an anchor location if the chair determines it would be unsafe for attendees, and if the electronic meeting is available to any members of the public who wish to attend.
- *Adjourned* (12:58 pm)
 - Attendance code #2: 012016
 - Motion by Curt to adjourn. Seconded by Dominic. Motion passes 5-0.
 - Next Meeting: January 12, 2022 Bonneville Room, Taylorsville State Office Building

2021 Meetings (Noon to 1:30pm)		
April 21, 2021	August 11, 2021	October 13, 2021
2022 Meetings (Noon to 1:30pm)		
April 13, 2022	August 10, 2022	October 12, 2022
	April 21, 2021 2022 Meetings (April 21, 2021 August 11, 2021 2022 Meetings (Noon to 1:30pm)

*2022 dates not yet confirmed