



D. KENT MICHIE
Insurance Commissioner
Utah Insurance Department

JON M. HUNTSMAN, JR.
Governor

JOHN 'MICKEY' BRAUN, JR., CIE
Assistant Commissioner
Office of the Commissioner

Bail Bond Oversight Board Meeting

Date: **October 21**, 2009

Time: Noon

Place: **Copper Room**, East Building.

Board Members

Michael Weddington (Chair)	Clayton A. Simms, LLC
Brad Jenkins (Vice Chair)	Camille L. Neider
Gordon Wright	Craig Crawford
Mickey Braun	Megan I. Corrent

Insurance Department Staff

Suzette Green-Wright	Tracy Klausmeier	Tara Buehner	Jilene Whitby
Perri Babalis	Brad Tibbitts	Robert Herrera	

MINUTES

General Session (Open to the Public)

- *Welcomed* Deputy Commissioner Neal Gooch who announced the retirement of Mickey Braun and Commissioner Michie.
- Adoption of Previous Meeting Minutes / Chair
Clayton made the motion to approve the minutes, Gordon seconded it and the vote was unanimous.

Executive Session If Needed (Closed to the Public)

- 12:30pm moved back to General Session.

General Session (Open to the Public)

- **Approval of Recommended Actions from Executive Session**
- **Applications / Tara**
 - **Able Bail Bonds**
Gordon made a motion to approve application, Craig seconded it and the vote was unanimous. Mike explained to Kelly Martin the necessity for his agency and the surety to file their forms with the department before doing business.
 - **Assurance Bail Bonds**
Gordon made motion to approve application, Clayton seconded it and the vote was unanimous.
 - Mickey explained that the application can be accepted without the forms being filed. The agency just cannot do business until they are filed.
- **Old Business**
 - **Rule R590-196 Completed Rulemaking Comment Period.**
No comments received. Motion to put into effect by Craig, seconded by Clayton, with a unanimous vote.
- **New Business**
 - **10% Rule / Gordon**
Gordon wanted to know why the rule died. Various members of the board and department reviewed discussions on the rule. The board was unable to agree upon the wording; the issue was complicated; hard to regulate; etc. Mike asked that the topic be put on next month's agenda. Gordon was referred to the minutes that were no line to

- review the discussion on this subject. Kelly Martin said Nevada has a 15% bail bond limit and it worked fine. For each bond \$40 must be sent to the courts.
- **Duties of the Board** / Mike
Mike read from the code the duties of the board to remind them of their duties.
 - **Attorneys Paying Bondsmen for Referrals**
This is an issue Wayne Carlos asked the Board to discuss. Clayton said this would be “fee splitting,” which is illegal. An attorney cannot pay a bondsman for a referral, nor can an agent pay an attorney for a referral. Tara said Wayne expressed concern about soliciting in the jails, which is prohibited. This should be put on next month’s agenda.
 - **Letter of Credit Needed to Insure Bail Companies** / Mike
It was noted that when an agency’s letter of credit expire that agency has no financial backing. Tara said that an agent could not renew their letter of credit with the department until unpaid forfeitures and other financial issues were taken care of.
 - **Other Business**
 - It was decided that at the beginning of next year the meeting will be changed to the second Wednesday of the month so as to avoid parking issues during legislative interim.
 - **Adjourned** at 1:15pm.

2009 Meetings

Copper Room, East Building

Nov 18

Dec 16