



## State of Utah

GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor  
NEAL T. GOOCH  
Insurance Commissioner

# Insurance Department

## Bail Bond Oversight Board Meeting

([http://www.insurance.utah.gov/producers/bailbond\\_board.html](http://www.insurance.utah.gov/producers/bailbond_board.html))

**Date:** October 9, 2013    **Time:** Noon    **Place:** Spruce Room, East Bldg.

### *Board Members*

*Attendees=x*

xBrad Jenkins (Chair)	Ryan Cooper
xGordon Wright (Co-Chair)	xCraig Crawford
Lt. Kati Booth	Lohra Miller
xPeter Stevens	xBrett Barratt (Non-voting Member)

### *Staff*

xPerri Babalis	xCathy Burton	xJilene Whitby
xSuzette Green-Wright		

### *Public*

Wayne Carlos	Josh Massey
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## MINUTES

- **General Session (Open to the Public)**
  - **Welcome**  
Brad began the meeting at 12 noon.
  - **Adoption of Previous Meeting Minutes / Chair**  
Motion by Gordon to accept minutes, seconded by Pete, vote unanimous.
  - **Have Kati sign the Confidentiality Form**  
Kati not in attendance. This will be done at the next meeting.
- **Executive Session - No needed**
- **General Session (Open to the Public)**
  - **Approve Recommended Actions from Executive Session = N/A**
  - **Licensing Report for July, August and September / Cathy**  
Two agencies, Pioneer and Alpha, did not renew their licenses. Cathy said there was a sign in Manti's jail that read, "B.E.A.R.S., LLC, a bail bond agency and notary." She asked if anyone knew who they were. No one did.
  - **Summary of Enforcement Reports / Cathy**
    - Brett asked why one e-case had been open for 629 days and another 900 days. Cathy said one was on a payment plan and the other was out of business. They are both surety backed. She is monitoring the payment of the fine.
    - Cathy referred everyone to the new enforcement report. It shows previous actions taken against an individual or agency with the reason for the action and when and why closed. She offered to make any changes to the report the Board wanted. They were happy with the way it was.
    - Suzette noted that anything that is not a final action is not public information. Once final action is taken, it is public information and put on our website.
      - **Proposed Penalties for Boards Concurrence:** None
      - **Application:** None
  - **Report on Visits to Jails and Courts / Cathy**

- One court said bail bond agents had been very responsive to their calls.
- She is checking on signage at jails.
  - Manti's jail had business cards on display. She took them away.
  - Panguitch also had business cards. They are going to put up a manual list. She took down all bail bond signs and will send a letter to agencies that put them up. She reviews laws with the court and jail personnel. Brad said that when there is no bail bond list then all a bail bond agent can do is put up a sign or business cards. Perri said that only a jail can put up a sign. If a bail bond agent or agency does they are in violation of the law.
  - Cathy said Manti changed their policy immediately. Cathy will follow-up.
  - Brad thanked Cathy for her work.
  - Brett said if a jail was not willing to conform to the statute then the department's Fraud Division could communicate their need to do so.
  - Cathy still needs to visit, Roosevelt and Logan.
  - Wayne said the association would maintain the list for jails. Wayne said it was best that those in a small area of Utah not look at department's web list because not all agencies service all areas. A list should only include those agents that service that area. The Association's list shows local and out of area agents. Suzette suggested including phone numbers that can be used in specific areas of the state.
  - Wayne said the Association keeps 11 lists up-to-date.
- **Old Business**
  - **Amendments to R590-186-8, Investigating Unprofessional Conduct / Brett**
    - Brett said the rule now includes suggestions made by the Board and that Perri helped with this update.
    - Perri said that the statute now says that the commissioner may investigate. Pete noted that Board does not have immunity. Subsection 31A-35-201(9) seems to provide immunity. Subsection 31A-35-202(2) gives the Board authority to investigate. Pete did not think the Board should investigate. They can provide information in an investigation. Perri could not see how the Board would investigate since they are required to have a quorum every time they meet. Pete said the department starts investigations with a letter of authority, which he did not think the Board could do.
    - Brett said the investigation process is currently working.
    - Perri said that in 31A-35-202(1)(e), under the Boards responsibilities, that the Board would provide input on an investigation by the department.
    - Pete noted that (b) said the person should be anonymous.
    - In Subsection (1)(b) Brett suggested complaints be mailed. Perri thought it should read, "mailed to complainant," not "him."
    - During discussion of what could be done in Executive Session, Perri said that for this body it could only be used to discuss the character of and individual.
    - Pete left the meeting at 1:15pm.
    - Suzette said new wording in (1)(c) ties her hands for three months in taking action in a case unless an emergency meeting is called. Perri reminded the Board that 24 hour public notice must be provided. Leave language as is.
    - This will be discussed at next month's meeting.
  - **Report on Peterson's Suicide / Cathy**

Cathy reported that the bail bond agency issuing this bond put-up more collateral before writing the bond and then took it away after it was no longer needed. Ten percent of the bond amount was paid in premium.
- **New Business**

Brett brought up the issue of Board member Lohra Miller not attending the last three meetings. Her term expires June 2015. He suggested putting this issue on the next agenda. Brad will see if he can contact her. She can provide a letter of resignation if she wishes.

- **Other Business**
- *Adjourned 1:25pm*
- **Next Meeting:** January 9, 2014, Spruce Room, East Building

**2013-2014 Meetings (Noon to 1:30pm)**

~~Oct 9, 2013~~      Jan 9, 2014      Apr 9, 2014      Jul 9, 2014      Oct 8, 2014