



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

D. KENT MICHIE
Insurance Commissioner

Insurance Department

Bail Bond Oversight Board Meeting

Date: **November 18**, 2009

Time: Noon

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

Board Members

Michael Weddington (Chair)

Brad Jenkins (Vice Chair)

Gordon Wright

Mickey Braun

Clayton A. Simms, LLC

Camille L. Neider

Craig Crawford

Megan I. Corrent

Insurance Department Staff

Suzette Green-Wright

Brad Tibbitts

Perri Babalis

Robert Herrera

Tracy Klausmeier

Jilene Whitby

Tara Buehner

MINUTES

General Session (Open to the Public) - Started 12:05pm.

- **Adoption of Previous Meeting Minutes / Chair**

Brad made a motion to adopt the minutes, Camille seconded it and the vote was unanimous.

Executive Session If Needed (Closed to the Public)

General Session (Open to the Public)

- **Approval of Recommended Actions from Executive Session**

No recommendations made.

- **Applications / Tara**

- None

- **Old Business**

- **Duties of the Board Discussion / Perri**

Requirements of the Board can be found in 31A-35-202. They are to:

- meet quarterly;
- make recommendations for rules regarding limits on aggregate amount of bonds, unprofessional conduct, etc;
- screen bail bond license applications;
- recommend action against surety licenses;
- conduct investigation and supply report to commissioner. The Title Commission has delegated this to the department. Perri didn't know if the board could delegate it.

- Perri suggested taking note of issues that keep coming up, look at unprofessional conduct rule. Camille asked if all complaints are being brought to the Board. Suzette said that only those where an official report is made on the department's complaint form. Calls are not reported.
 - Robert suggested looking at bondsmen who repeatedly act in an unprofessional manner. Tara said they receive multiple calls from courts about the improper behavior of a bondsman. She has opened a complaint file on it. Suzette said that in such cases the department could issue a Letter of Admonition. Robert said they have no authority to take action in such cases. Gordon wondered about using the disorderly conduct law. Craig suggested such issues be brought to the Board to discuss.
- **Letters of Credit** / Mike
Bypass for now.
- **New Business**
 - **Old Bail Bond Lists in Some Jails** / Mike
Wayne said the Bail Bond Association prepares a list, gives it to the jails but the jails drop the ball. Tara said she has called the jails and received all kinds of responses. Wayne thought standardization in this area would be good. When all the jails get an electronic reader board it will go a long way to solving this problem. The issue is - "Who pays for it?"
 - **Attorney's referral** / Wayne
Wayne Carlos asked if a referral fee paid by an attorney to a bondsman for referring cases on 1% bonds was legal. Clayton said there is a law against splitting fees. Camille did not think it was fee splitting. It is an issue for the attorney more than the bondsman. Wayne's concern is competing against the 1% bond. Mike asked attorneys at the meeting if this was illegal. Perri was not sure it was. There are no rules against 1% bail bonds. **Put on next month's agenda.**
 - **Recognition of Mickey Braun** / Mike
Mike expressed appreciation for Mickey's work with the Bail Bond Board. He learned a lot from Mickey. He was always fair. Wayne expressed his appreciation for Mickey's positive support from the beginning.
- **Having jails accept faxed or emailed bonds** / Brad
Brad would like every jail to accept faxed bail bonds. Wayne thought standardization in this area would be good. Brad said that a bond could be copied regardless of how it is transmitted. Brad would have just one person faxing or emailing a bond to eliminate copying. Wayne knew some jails that allowed faxes. Craig said the "little guy" would be hurt if this is the only way to transmit bonds.
- **Other Business**
 - **10% Bond Rule** / Gordon
Is there a rule that 10% is the only fee you can charge? Gordon was against charging fees on the back end. **Put on next month's agenda.** Mike suggested sending the issue or proposed rule to the Bail Bond Association for their input. Tracy suggested seeing what companies wanted to bring up the issue

- again. Brad wanted to see a copy of the rule incorporating the 10% charge that was not put into effect. Send to the Board.
- **Developing a form regarding ICE Hold / Tracy**
Tracy was asked if she could develop a form regarding an ICE hold. The code says one could be developed and added to the disclosure rule. Brad thought it should be for any hold. Craig - should be a separate form to highlight it. Tracy said a mandated form would require bondsmen to re-file their forms with the department.
 - **Next Agenda**
Put new 2010 meeting dates on future agendas.
- **Adjourned.** At 1:25 pm Camille made a motion to dismiss and re-adjourn the third Wednesday in January and Brad seconded it.

2010 Meetings
Copper Room, East Building
January 20