



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

### Meeting Information

**Date: December 19, 2007**

**Time: Noon**    **Place: East Building, behind the Capitol  
Beehive Room (next to the Cafeteria)**

### Board Members

(absent = x)

Dominic Sanone, Chairman  
Clayton A. Simms, LLC  
xCamille L. Neider

Wayne Carlos, Vice-Chairman  
Michael Weddington      Mickey Braun  
Bert Christenson

### Insurance Department Staff

Perri Babalis      Darrel Powell      Tara Lundgren      Tracy Klausmeier  
Jilene Whitby

### Public

Thomas Hatrick      Craig Crawford      Shalise Doody      Darren Brady  
Thomas Pappas

## MINUTES

**Welcome** Dominic began the meeting at 12:15pm. Tara introduced Darrel Powell to Clayton Simms.

### *Executive Session (Closed to the Public)*

### *General Session (Open to the Public)*

- **Adoption of Minutes of Previous Meeting**  
Mike made a **motion** to approve the minutes, Wayne seconded it and the vote was unanimous.
- **Approval of Recommended Actions from Executive Session**  
Mike made the **motion** to approve the \$5,000 forfeiture set by the department on advertising violation case #66, Clayton seconded it, four voted in favor of the motion and one abstained.
- **Outstanding Forfeitures Being Sent to Collections / Perri**  
Perri reported that since 2001, 40-50 outstanding forfeitures were sent to State Debt Collections, bypassing the Insurance Department. Gale discovered the problem and reported it to Perri. Tara said the proper procedure is for us to receive a mailing notice from the prosecutor. The forfeitures total about a half million dollars. Once we receive notice from the prosecutors we will then mail notice to the licensee who will then be given five days to pay it off. Mike noted that State Debt Collections tacks on an additional 20% fee up front, plus 21% each year. Mike said it took him two months to get an appointment to talk to someone at Collections about the problem. Wayne said his cases were exonerated; yet they were still sent to Collections. Because the bonds were in his name his credit is being affected. Wayne and Mike's bonds were issued in Washington County. Mickey said the department didn't know enough about the issue to make a judgment. Mickey said the statute may need to be changed to allow us to act.

- **Application** / Mickey Braun

None

- **Old Business**

- **Update on Minimum Percentage Charge Rule**

- Wayne reported that the Bail Bond Association met Monday regarding this rule.
- Tom Pappas, president of the Association, distributed a draft of the proposed rule.
- Mike asked the intent of the five discounted bonds per year. Dominic thought they had decided not to put it into the rule. He suggested 12 discounted bonds per year that could not be accrued or transferred and must be reported at renewal. No one disagreed.
- The rule requires a bail bond agency that finances a fee to send to outside collections if they don't receive a payment in 180 days.
- Mickey noted that when financing a premium one cannot use the same collateral for both premium and the bond amount.
- The department will make some wording changes in the rule and reformat it then try to have it ready for the next meeting.
- Dominic said the 180-day wording was not representative of what was wanted. It should read that if no payment is received in 180 days then action could be taken after an additional 15 days.
- It was determined that the rule need not refer to "method of the discount."
- The legal form of collection will be left open and not defined to allow greater latitude.
- Once the wording in the rule is approved the formal rulemaking procedure will begin.
- Wayne made a **motion** to have the department clarify wording and format, Bert seconded it and the vote was unanimous.
- At 1:20pm Mike made a **motion** to adjourn and Wayne seconded it. The vote was unanimous.

- **Public Board Member Still Needed**

Dominic will try to get the resume of an individual interested in filling this position.

- **New Business**

- **Adjourn**

Meeting adjourned 1:15pm.

### 2008 Meetings

Jan. 16, Beehive Rm	Jul 16, Rm 1112
Feb. 20, Beehive Rm	Aug 20, 1112
Mar 19, Rm 1112	Sep 17, 1112
Apr 16, 1112	Oct 15, 1112
May 21, 1112	Nov 19, 1112
Jun 18, 1112	Dec 17, 1112