



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Aptd. Insurance Commissioner

Insurance Department

Bail Bond Oversight Board Meeting

Date: March 17, 2010

Time: Noon

Place: Beehive Room
East Building behind Capitol

(Attendees = x)

Board Members

xMichael Weddington (Chair)	xClayton A. Simms, LLC
xBrad Jenkins (Vice Chair)	xCamille L. Neider
xGordon Wright	xCraig Crawford
xMegan I. Corrent	

Insurance Department Staff

xSuzette Green-Wright	xPerri Babalis	xTracy Klausmeier	xTara Buehner
xBrad Tibbitts	xRobert Herrera	xJilene Whitby	

Public

Todd Harris	Reata Holt	Dustin Norman	Cody Dodgen
Mindy Starley	Jody Gutierrez	Kelly Martin	Larry Nowark

MINUTES

General Session (Open to the Public)

- **Adoption of Previous Meeting Minutes / Chair**
Gordon made a **motion** to adopt the minutes, Megan seconded it and the vote was unanimous.

Executive Session (Closed to the Public)

General Session (Open to the Public)

- **Approval of Recommended Actions from Executive Session (if needed)**
No recommended actions.
- **Applications / Tara**
 - Break Out Bail Bonds, LLC
Brad made a **motion** to accept the application, Craig seconded it and the vote was unanimous.
 - AAAA Aces Bail Bonds
Clayton made a **motion** to deny the application due to similarity of name with another agency, Megan seconded it and the vote was unanimous
- **Confidentiality/Etiquette Reminder / Tara**
Tara is preparing a form for board members to sign that they will keep information from the Executive Meeting confidential. Perri reviewed the reasons to have an executive session. Perri reminded Board members that they were not to use their position for personal gain.
- **Old Business**
 - Rule R590-196 - Results of Hearing
The Board will vote whether to put the rule changes into effect at the next meeting, April 14, after the comment period has ended.

- Form Letter for Order to Show Cause Withdrawal / Tara
Tara provided a letter with suggested wording bail bondsmen can use in the case of an Order to Show Cause Withdrawal.
- **New Business**
 - Mailed vs Served 77-20b-104, 31A-35-504 / Gordon
The legislature has passed SB252, Bail Bond Act Amendments that brings back the five day waiting period that gives bondsmen five business days to plead their case with the Insurance Department. When Tara receives notice of judgment she will notify bondsmen of the judgment and give them five days to take care of it. The law intends that notice be given by certified mail. It still says mailed, not certified.
 - Discuss Issue of Suspended Individuals Continuing to Write Bail / Mike
 - An individual is replacing a company name on bonds.
 - A phone can't be turned off when an agency is suspended. They still have to service their clients.
 - Tracy said financial requirements are different for a surety than a bail bond agency.
 - An agent can be appointed with more than one agency. If one of those agencies is cancelled the agent can work for the other agency.
 - What would it take to suspend an agency and its principle(s) in the case of a violation? Robert said that since the code speaks to the agency and not the individual it would require a statutory change.
 - Problems with How Complaints Forwarded to Respondents / Mike
 - Mike asked if complaints have to be filed with the department on a certain form? Tara said they must be filed in writing but not on a certain form.
 - What do we send to the respondent? Tara said they could see a copy of the written complaint but usually we give them a summary. Mike recommended the full complaint be given to the respondent anytime. Robert suggested that this would not be reasonable in the case of the complaint made by phone. Perri said that whatever change is made should be done with all claims, not just bail bond. **Perri suggested that Brad look into this.**
 - Legislation
 - Wayne reviewed three bills passed by the legislature that will affect bail bondsmen.
 - ✓ SB252, Bail Bond Act Amendments: Gordon discussed this earlier.
 - ✓ HB426, Bail Bond Licensee Representation Amendments: Allows a bondsman to wear a badge and jacket. They must be approved with enforcement. You can go without either but if a badge is worn a vest must also be worn.
 - ✓ HB348, Sherriff's Fees: Provides a process to bill fees back to an individual for cost of the jail. Currently the fee is \$5. This was added to the rule without a specific amount. So far only one agency has adopted this wording in their forms. All others will need to adopt the wording and refile their forms before changing this fee. The new wording can be found in Rule R590-196. No fee amount needs to be shown if follow this wording.
 - 78B-2-311, Statute of Limitations
How long does a judge have to make a judgment? Can they wait 20 years? Gordon said one year from a civil violation.
- **Other Business**
- **Adjourned:** Gordon made a **motion** to adjourn and Clayton seconded it at 1:27pm.
- **Next Meeting:** April 14, 2010, Copper Room, East Building

2010 Meetings (Copper Room)

May 12	Jun 9	Jul 14 Spruces
Aug 11	Sept 8	Oct 13
Nov 10	Dec 8	