



# Insurance Department

State of Utah

GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor  
TODD E. KISER  
Commissioner

## Bail Bond Oversight Board Meeting

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

**Date:** April 12, 2017

**Time:** Noon

**Place:** East Building, Copper Room

### BOARD MEMBERS

xBrad Jenkins (Chair)  
xGordon Wright (Co-Chair)  
xLt. Kati Booth  
Stephen Aina

Ryan Cooper  
Peter Stevens  
xClay Carlos  
xBrett Barratt (Non-Voting)

### DEPARTMENT STAFF

Todd Kiser, *Ins. Commissioner*  
Perri Babalis, *AG Counsel*

xSuzette Green-Wright, *MC Director*  
xSteve Gooch, *PIO Recorder*

xCathy Burton, *Examiner*

### PUBLIC

Bert Christenson  
Gerald Conder  
Mark White  
Robert May  
Tony Choate  
Skip Pappas

Patty Reed  
Jim Clark  
Wayne Carlos  
Steve Brown  
Clyde Stevens  
Jolene Marker

Jack Reed  
Vivian White  
Dyon Flannery  
Shayna Hoyt  
Oscar Gonzalez

## MINUTES — Approved

- **General Session (Open to the Public)**
  - Welcome (12:04 pm)
  - Adoption of Minutes for January 11, 2017 / Chair
    - Brad requests a change. On page 3, third bullet, Brad would like to add, "Brad asks, 'Do you have those statistics and did you ask how effective it was?' Keisa says, 'I'm sure they have that data, but I didn't ask.'"
    - **Motion by Gordon to adopt minutes with changes as long as they are consistent with the recording. Seconded by Clay. Motion passes 4-0.**
- **Executive Session - If Needed (Closed to the Public)**
- **General Session (Open to the Public)**
  - **Approve Recommended Actions from Executive Session** – Not needed
  - **Licensing Report for January through March** / Cathy
    - There was an agency license suspended in January, and an agency license was surrendered in February.
    - Cathy stresses that when agencies look at their producers' licenses, make sure that they've renewed and have not lapsed. She will send out letters and request the number of bonds that were written during the lapse. People complain about not getting the emailed letter, but the letter is a courtesy. She says people need to count on the fact that they know when

- their birthday is and that they have to renew in their birth month every two years. Agents can always call Cathy if they have questions.
- **Summary of Enforcement Reports / Cathy**
    - Agency Audit Update / Cathy
      - Cathy has been working on audits and she has added another one that she's working on. They should be done in a couple of weeks.
    - Enforcement / Cathy
      - There were quite a few cases with designation issues. It seems to subside the month after the Bail Bond Board meeting, then it increases again. Recently there have been quite a few failure to pay judgments. There are a few on this month's report and there will be more next month.
      - Clay says some prosecutors purge their files, identify that the judgment hasn't been paid, then immediately call Cathy rather than the bail bond agent. Cathy says in the cases she's had, there are those that have been sent directly to her. With the exception of one or two, the forfeiture judgments have been paid within 5 days. Clay just doesn't want it to look like the industry is starting to default on their judgments. Cathy says not at all. Her concern is helping the bail agencies with their records.
      - There are a few Ecases that have not been closed. One will be finished on the next report.
      - Complaints come and go, but if you notice something that isn't right or there are code violations, unless she has something in writing, it's just hearsay and she can't move forward on it.
    - Proposed Penalties for Board's Review: None
  - **New Business**
    - DPS and bail enforcement / Whitney Wilson, Dept. of Public Safety
      - Whitney is trying to help DPS understand bail better and to have bail better understand BCI. At BCI, they do PI licenses, bail licenses, concealed weapons, and other things. To be a bail licensee, they have to take a 16-hour course from an instructor approved by the board. There are three licenses:
        - Bail enforcement agent license — requires 2,000 hours, criminal justice degree or military police work or apprentice licensee and hours; this includes a form that must be filled out by day. The sponsor has to sign off on them.
        - Bail recovery agent — requires 1,000 hours, can't just walk in off the street, have to be willing to be a sponsor to help others; whenever a sponsorship expires or is revoked, they have to prove that they can get another one.
        - Apprentice — anyone can apply to be an apprentice. Requires a sponsor.
      - With all licenses, you must have little or no criminal record. State code says which offenses are lifetime bans and which are temporary.
      - Wayne Carlos asks about sponsors and their responsibility. Whitney says sponsors verify hours, get the work from bail bondsmen, and teach their apprentices. Bail enforcement agents acting as sponsors assign cases and teach their apprentices how to do the job.
      - Wayne asks hypothetically if a bail bond agency has a bail enforcement agent do some work on a failure to appear, if the agent commits an infraction of law, what liability does the agency have? Whitney says the agency shouldn't have any. Bail bondsmen are held liable for nothing; it's all on the enforcement agent.

- Anyone licensed in the bail enforcement industry can wear clothing that identifies them as a bail enforcement agent or bail recovery agent (dependent on their license). Apprentices can't have a badge, but enforcement and recovery agents can. This gives bail agents more visible authority and makes law enforcement more inclined to help.
- Brett asks about the levels of bail enforcement and what each level can do. Whitney says the only level that can contract with a bail bond company is an enforcement agent. Enforcement agents can sponsor other people because they have put in the hours and have learned good habits. Apprentices have to work directly with a recovery or enforcement agent. Brad asks if someone is in law enforcement and has done post, they can still only move into the middle level (recovery). Whitney says that's right. They skip the first level (apprentice), but they still need to learn how the bail industry works. Brad asks if they've gone through post, is there any expiration on it. Whitney says no.
- Gordon asks if someone lets their license lapse for a few years and want to get back in, are you grandfathered in. Whitney says no, under state statute there's no mechanism for that. Bail hours earned are only good for 10 years according to state statute. If you're beyond 10 years, you would have to restart as an apprentice.
- Wayne asks if a bail enforcement agent sponsors an apprentice and tells them they can only do the work the sponsor gives, but the apprentice works on his own things. If there's a violation, what would BCI do in that situation? Whitney says BCI would go after that specific person's license. A lot of times, sponsors find out before BCI does and the sponsor will revoke the sponsorship and turn documentation of the violations to BCI for investigation. Wayne says he had an apprentice who wanted him to verify 1,000 additional hours, but he couldn't do it. Whitney says she tells agents if they don't feel comfortable with something, then don't do it.
- Mark White asks if an apprentice can have more than one sponsor. Whitney says yes and no. State statute requires having only one sponsor, but it's OK for companies to share apprentices. The sponsor has to be OK with a shared arrangement, and someone has to sign off on the hours. The apprentice would need to be open with both agencies.
- Brett asks about the makeup of the Bail Bond Recovery Licensure Board and how people apply. Whitney says the board is appointed by the commissioner and applicants apply through the Governor's website. They have to supply a resume, which is passed on to the commissioner's office. The board is made up of:
  - 1 chief of police or sherriff
  - 1 attorney licensed in Utah
  - 1 public member
  - 1 bail enforcement agent, bail recovery agent or apprentice
  - 1 owner of a bail bond company
- Gordon asks if it is a regulatory board. Whitney says yes. That's the difference between the Bail Bond Recovery Licensure Board and the Bail Bond Surety Oversight Board.
- Brett asks how often the board meets. Whitney says once a quarter. Brett asks how many licensed bail enforcement agents we have in Utah. Whitney says it's somewhere around 70 across all three levels. Their webpage has a list of licensees by license number.

- Dyon Flannery says that a lot of states don't have licensing requirements. Utah is one of the most regulated states for bail. Brad notes that this gives companies some level of protection because you're at least contracted with someone who has qualifications and training. Dyon says if an Idaho company bails someone out and the guy runs to Utah, the company in Idaho has to contract with an agent in Utah to apprehend the guy. Having credentials like this also makes it easier for Utah agents to go out of state to get someone who's run because they can show that their licensed.
- Wayne asks when the Bail Enforcement Act was enacted. Whitney says 1998. Brett asks if that corresponded from when bail was moved from the courts to the UID. Suzette says yes.
- Cathy asks if enforcement agents have to work for an agency. Whitney says no, they work for themselves. They have to provide an agency name, so they can sponsor people under them. They don't have to be associated with anyone.
- **Old Business**
- **Other Business**
  - Recognize Brad and Gordon / Brett
    - Brad, Gordon and Kati's terms are expiring in June. Brad and Gordon have served 2 terms, which is all they can serve under statute. Kati may be reappointed.
    - On behalf of Commissioner Kiser, Brett awards Brad and Gordon with a token of the UID's appreciation and thanks them for their service to the UID and the industry.
    - Brett notes that there are 2 commission openings. The next meeting is July 12, and applicants may apply to join the board until May 30.
    - Brad thanks the UID for its support and says it has improved leaps and bounds since Cathy joined and began working with the bail industry.
  - Elect new chair and vice chair
    - **Gordon nominates Clay to be chair, and Ryan to be vice chair. Kati seconds. Motion passes 4-0.**
  - Update on pretrial committee / Brett
    - On March 16, the Pretrial Release Committee learned that all contracts and MOUs were signed. May 12 will be the first onsite implementation meeting. November 13 will be the go-live date, and will include Davis, Morgan, Weber, and Utah counties. Salt Lake County will be next, and then the others will roll out later.
    - The Harvard group will be doing a study of the effectiveness of PSA vs. slippery count (which is only used in Salt Lake County). Various subgroups are working on other pieces of the implementation. The Risk Assessment Tool and Monitoring Group is gathering data statewide in terms of resources, pretrial release efforts, and where they're getting funding.
    - The legislative audit on the bail bond industry highlights a lot of confusion with terms in the industry, especially with "cash bail," "cash-only bail," and "surety bail."
    - The next committee meeting is April 19. They are public meetings, but if you're not on the committee you can't sit at the table.
  - Wayne says SB 167, which is the equal bail bill, passed and it will be effective May 9.
  - Cathy reminds everyone to sign in before they leave, so they can get credit for attending.
- **Adjourned** (12:50 pm)
  - **Next Meeting:** **July 12, 2017** — Copper Room, East Building

**2017 Meetings** (Noon to 1:30pm)

<del>Jan 11, 2017</del>	<del>Apr 12, 2017</del>	<del>July 12, 2017</del>	Oct 11, 2017
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