



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

Date: May 20, 2009

Time: Noon

Place: Copper Room, East Building.

(Attendees = x)

Board Members

xDominic Sanone, <u>Chairman</u>	xWayne Carlos, <u>Vice-Chairman</u>
xClayton A. Simms, LLC	xMichael Weddington
Camille L. Neider	Bert Christenson
xMickey Braun	Megan I. Corrent

Insurance Department Staff

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

Public

Mike Whitlock	Randy Smart
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MINUTES

General Session (Open to the Public)

- **Welcome and Introductions** / Dominic Sanone, Chair
Dominic started the meeting at 12:10pm.
- Mike made a motion to move to Executive Session, Wayne seconded it and the vote was unanimous.

Executive Session (Open to the Public)

General Session 12:53pm

- **Adoption of Minutes of Previous Meeting**
Mike made a motion to approve the minutes without change, Wayne seconded it and the vote was unanimous.
- **Approval of Recommended Actions from Executive Session**
No actions to approve.
- **Application** / Mickey Braun - None
Tara received one incomplete application, which she returned.
- **Old Business**
 - Bond Exoneration - Possible change to 77-20-7(2) / Mike
- **New Business**
 - **Member Terms Expiring 6-30-09.**
Dominic said Megan and another person would apply. Tara said Dustin Norman would apply. Mickey reported on those that had applied so far. Applications due June 30.
 - **Mike Whitlock/American Surety Insurance Company**
 - Dominic Welcomed Mike Whitlock (Mike W), Vice President of American Surety (AS), and Randy Smart, their representative.

- Mike W said the company had run into problems with the way they were handling bail bonds. A copy of AS's power of attorney was passed out.
- Randy Smart said the issue was the faxing of powers to jails. Thomas Hatrick's girlfriend told AS that Thomas would use one power to release several defendants from jail in the same day and charge each a premium. Thomas said he lost or voided them.
- Suggested Resolution:
 - ✓ Disallow faxed powers or require original within 24 hours.
 - The company can't tell powers are being used multiple times because agents are not sending copies to the surety. Hatrick kept separate set of books at home.
 - Dominic suggested using the same number on the power as on the bond. Randy said Hatrick didn't always take the same one to the same jail.
 - Mike W said AS will stand behind the bonds.
 - Dominic said they tried for several years to get jails to accept faxed bonds. Not all jails now accept faxed bonds. They cut down on time in jail and paper work.
 - Mike S suggested having courts accumulate powers before sending them to the insurers each month.
 - Mike said businesses were going green and paperless.
 - Randy said a fraud complaint had been filed with the attorney's office.
 - Mike suggested that AS ask the courts to send information about filed powers to them. Clayton did not think faxing was the problem.
 - Perri asked if the department notified the surety when there was an unpaid forfeiture. Tara notifies the agency, not the surety. Mickey said the department could require agencies to send insurers a copy of what they wrote. The department has no authority over courts.
 - Mickey said the law could be changed so notices could be sent to the surety. Mike W said this would help them discover when a similar fraud was perpetrated. Mike thought courts might be amenable to sending forfeiture notices to the surety.
 - Dominic suggested AS ask the courts not to allow faxed bonds or powers. That could be put on the face of the bond.
- **Bond Processing Fees in Weber County** / Dominic

Dominic received a letter from Weber County regarding a bond processing fee that was previously denied. He asked if the jail could implement the fee. Wayne said they think they can. Terry Thompson got the idea from jails outside of Utah. He wanted to know what bail bond people thought of it. Wayne said they were collecting input until May 25th. Mickey said bail bond agencies would need to disclose the fee on their forms or on an attached rider if the fee goes into effect. Wayne said the sheriffs were not behind the plan. Tracy said Rule R590-196 would need to be changed as well.
- **June Meeting Changed to June 24.**
- Mike made a motion to adjourn, Clayton seconded it and the vote was unanimous.
- *Adjourned.*

2009 Meetings

Copper Room, East Building

Jun 24

Jul 15	Aug 19
Sep 16	Oct 21
Nov 18	Dec 16