



State of Utah

GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor
NEAL T. GOOCH
Insurance Commissioner

Insurance Department

Bail Bond Oversight Board Meeting

(http://www.insurance.utah.gov/producers/bailbond_board.html)

Date: June 8, 2011 **Time:** Noon

Place: Spruce Room
East Building behind Capitol

Board Members

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

Staff

xSuzette Green-Wright	xPerri Babalis	xTracy Klausmeier
xBrad Tibbitts	xJaimee George	xJilene Whitby

MINUTES

General Session (Open to the Public) 12:05am

- **Adoption of Previous Meeting Minutes / Chair**
Brad made a **motion** to accept the minutes, Clayton seconded it and the vote was unanimous.

Executive Session - Needed (Closed to the Public)

General Session (Open to the Public)

- **Approve Recommended Actions from Executive Session:** No Actions to approve.
- **Applications - None**

Old Business

- **Agency Financials - Qualifying Assets / Jaimee**
Department is rewriting Chapter 35 of the code. Need input regarding assets that qualify in agency financials. A subcommittee will be formed to discuss this. No changes will be made this year. Licenses will be renewed after all information received.
- **Responsibility of Credit Card Fees Over 5% / Jaimee**
Credit card fee must be on the bond form. Only allowed to charge 5%.
- **Statutory Wording Re: Wind Down of an Agency / Suzette**
There is no process to wind down a business. Subcommittee will discuss.
- **Update Re: Board Member Applications / Suzette**
Eight people applied for Board openings. Ryan Cooper, Lohra Miller (attorney member), and Pete Stevens (public member) accepted. They suggested changes. See handout.
- **Bonding Reports / Jaimee**
Agencies need to go through bonding reports and eliminate exonerated bonds. Know what your liability is. If you need a bonding report contact Jaimee. After July 17 she can pull information from all courts. Murray's justice court is now on line.
- **Courts/Cases Having Problems Exonerating Bonds / Jaimee**
If you have problems exonerating bond(s) or anything else, let Jaimee know. Email or fax the case #, defendant's name, problem, date bond should have been exonerated.

- **Operational Forms** / Brad
Suggested sharing forms and procedures to help the industry.

New Business

- **An Accounting of Fines & Renewal Fees. Where are they going?** / Gordon
Renewal fees go within a restricted account (31A-35-407). Suzette will see how much is in it, what it is used for. Can agents get a discount on their renewal fees?
- **Writing Bonds on Immigration Holds** / Jaimee
If INS does not want an immigrant they will release him/her. This is considered an "ICE hold." Jails in Richfield, Juab, and others southern counties, won't take bonds for ICE holds. They do allow bonds in Salt Lake City. There is no general procedure for ICE holds. Mike suggested educating agents regarding various scenarios. An agent must disclose that the bond may not result in the person's release. Metro has accepted bonds even when they know a person is to be deported.
- **Bond Premium** / Jaimee
Bond premium must be collected. A bond may not be revoked because of non-payment of premium. If a bond is revoked the entire premium must be returned. The code lists reasons for revoking a bond. It is extortion to arrest a person and put them in jail for nonpayment of premium. Use a collection agency. Keep paper trail of collection efforts. Department looks at patterns. Subcommittee will discuss. Premium must be 10% to 20%. Secure collateral.
- **Audit Trends, Concerns, Points** / Jaimee
Records need to be kept at principal place of business. Code violation if don't.
- **Courts and Judges Writing Bonds** / Jaimee
Give Jaimee name of judges acting as bondsmen. The Commission will meet with court administrators. Jails need this information too.
- **Surety Insurer vs Bail Bond Surety Agency** / Jaimee
A bail bond surety agency is different from a surety insurer. An agency is backed by its own collateral or an insurance company. A surety insurer has to qualify on a different level. An agency cannot have franchises or satellite offices.
- **Developing the Subcommittee** / Jaimee
Need 15 people for 3 subcommittees; education, operations, financial. Contact Jaimee if interested - jlgeorge@utah.gov / 801-537-9113. Must be of legal age. Can be on more than one committee if there is room.
- **BUF Accounts** / Jaimee
BUF accounts originate from sureties. The agency, not the agent, is 100% liable for the forfeiture.
- **Recognition of Retiring Board Members** / Suzette
Recognized Camille, Clayton and Mike for their service on the board with a plaque and letter from the Commissioner.

Other Business: None

Adjourned : Gordon made a motion to cancel July's meeting, vote was unanimous.

Next Meeting: August 10, 2011, Spruce Room, East Building

2011 Meetings

Jan 12	Feb 9	Mar 9	Apr 13	May 11	Jun 8
Jul 13	Aug 10	Sep 14	Oct 12	Nov 9	Dec 14