



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: July 31, 2013 **Time:** Noon **Place:** Olmsted Room, East Bldg.

Board Members

(Attendees=x)

xBrad Jenkins (Chair)	xRyan Cooper (Co-Chair)
xGordon Wright	xCraig Crawford
xLt. Kati Booth	Lohra Miller
xPeter Stevens	xBrett Barratt (Non-voting Member)

Staff

Perri Babalis	Cathy Burton	xJilene Whitby
Suzette Green-Wright		

Public

Doug Pehrson	Wayne Carlos	Tom Papus
--------------	--------------	-----------

MINUTES

- **General Session (Open to the Public)**
 - **Brad welcomed attendees 12:10pm.**
 - **Adoption of Previous Meeting Minutes / Chair**

Brett noted that the co-chair is not Gordon as noted on the heading of the minutes, but Ryan. **Motion** by Peter to approve minutes with noted change, seconded by Ryan and the vote was unanimous.

 - Brett introduced Commissioner Todd Kiser.
 - **Introduce New Board Members / Brett**

Brad welcomed Kati Booth and had her introduced herself.
- **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 April through July / Brett**
 - Brett said Gordon's name is now on April's licensing list.
 - Pete said the licensing report should say April through July.
 - **Summary of Enforcement Reports / Brett**
 - Since Suzette and Cathy are not here questions about this report need to be deferred until next month.
 - Brett asked the Board if they needed enforcement information back to 2008. Information does show trends. Pete wanted to know if one violation could be tied to prior violations. **A new column showing past violations will be added.** Brad suggested that it be shown **on the Open Report.** **Show violations and outcomes.** Brett said outcomes could only be shown if there was a violation.
 - **Proposed Penalties for Boards Concurrence:** None
 - **Application:** None

- **Report on Visits to Jails and Courts / Brett**
 Brett was very proud of the work Cathy was doing. He reviewed the places she had visited. **Copies of the report will be emailed to the board.** Brad said this was exactly what the Board wanted the department to do. Wayne said the Bail Bond Association applauded what she was doing. Commissioner said Cathy was very excited about the visits. She has been well received.
- **Old Business**
 - **Amendments to R590-186-8, Investigating Unprofessional Conduct / Brett**
 - Handout of Rule R590-186-8 was provided. The wording has not changed since the last meeting.
 - Gordon noted that it says the Board may investigate then later takes away authority to investigate. Brett said Perri made the change to make it compliant with the code. Commissioner has subpoena power and the board does not. Board request a subpoena from the commissioner.
 - Gordon said the Board used to get a lot of information on complaints prior to changing the word “shall” to “may” in the code. Now the Board does not get anything. We should be able to investigate. Pete said no person should have information about allegations. Pete and Brett said issues of character and unprofessional conduct could be discussed in Executive Session. Brett read the minutes that told the reasons for changing “may” to “shall.” He then read the code regarding the board’s authority to investigate.
 - Wayne would like to see included in the rule, the requirement that the Department give a reason for not acting on a recommendation from the Board. Brad noted that the Board could provide information for investigations at an entirely different level than the Department with their knowledge of the business.
 - **Next month the Board would like a report on Peterson’s suicide and the Department’s findings. Was premium collected? Was there a co-signer. Cathy should report on this.** Members of the Board also noted the bail bond agency that wrote a \$2 million dollar bond on Peterson, paid no more than \$10,000 in premium. Ryan said the agency was not backed by a surety and probably not qualified to write the bond. Brad emphasized that this is why it is important to involve the Board. They can give background and information about a case the department doesn’t have. All Out Bail Bonds was the name of the agency that wrote the bond.
 - Brad said the Board needs to know what the complaint is about so they can give input and ask questions about the case.
 - Pete said the statute needs to be clear about what it takes to qualify to write a bond. Brad said Cathy knows what limit a licensee has authority to write.
 - Kati asked why the Board could not look at the complaint in anonymity. The Board should look at investigation before they are completed to make sure they are complete.
 - Wayne said the 10% premium on a lot of bail bonds is not being collected. Board discussed the pros and cons of charging 10% bail.
 - Kati suggested adding another subsection before (iii) to allow the Board to see investigations before their conclusion. **Brett suggested putting her change in (1)(c). All agreed. He will make sure the wording indicates that the Board is to be asked for their input in investigations.**
 - **Brett said Perri would go through the confidentiality agreement with Kati.**
 - Brad emphasized that information needs to flow both ways between Department and Board. The Board will see information about complaints and investigations

with names deleted. If the Board's recommendations are not followed by the Department then they will give an explanation as to why they were not.

- **New Business**
 - **Elect Chair & Co-Chair (31A-35-201(5)) / Brett**

The statute states that the Board shall annually elect one of its members as chair. Gordon proposed that Ryan be made co-chair and Brad be re-elected chair. Craig seconded it and the vote was unanimous.
- **Other Business**
 - **Doug Pehrson** said there was a problem with lists for jails created by the Bail Bond Association. Lists are divided into local and out of area bonding companies. He has talked with Mr. Pappas who said that the Association voted for this process. Mr. Pehrson has agents in all areas of the state. They should not be listed as out of area. He has told his agents that they have to work all bonds given to them, large and small, but they are not receiving calls. He may file a lawsuit.
 - Brett noted that the board has no authority over the Association. The department does have a responsibility to make sure lists used in jails are fair.
 - Wayne said there were two types of lists, electronic and paper. Mr. Pehrson said the out of area list is typed small and reader boards are not in blocks where in-mates have access to phones. Craig noted that the majority feel the system works. Brad said the Association updates the list and makes the system more uniform. Jailers have a problem getting in touch with anyone out-of-area.
 - Brad suggested he get a local number. Mr. Pehrson said he shouldn't have to.
 - Mr. Pehrson talked with the sheriff who agreed with him. He met with the county attorney who let him know that the sheriff is going to take the list over again. Jail commanders and attorneys are on his side.
 - Craig said the Davis County jail has taken everything out.
- **Adjourned 1:41pm**
- **Next Meeting:** October 9, 2013, Spruce Room, East Building

2013 Meetings

~~Jan 9~~

~~Apr 10~~

~~Jul 31~~

Oct 9