

LOCAL RULES



Approved January 14, 2013

WASHINGTON COUNTY BAIL BOND BOARD
RULES AND REGULATIONS

SECTION 1 - GENERAL PROVISIONS

1.01 Name

The name of the board shall be Washington County Bail Bond Board, hereinafter "**BOARD**".

1.02 Authority and Scope of Rules

Pursuant to the provisions of Chapter 1704, Texas Occupations Code (hereinafter, the Code) as amended, the following local rules and regulations are adopted to supervise and regulate each phase of the bonding business in Washington County, Texas.

1.03 Computation of Time

- A. The computation of time shall be calendar days rather than business days, unless otherwise stated by statute.
- B. Unless otherwise required by statute, in computing time periods prescribed by these Rules, the period shall begin to run on the day after the act, event, or default in question. The day of the act, event or default on which the designated period of time begins to run is not included in the computation. The period shall include the last day of the designated period.
- C. Any deadline imposed pursuant to these Rules, shall extend to the next business day thereafter in the event that the stated date falls on a day that Washington County is not open for business.

1.04 DEFINITIONS

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise:

- A. Act: Chapter 1704 of Texas Occupations Code (TOC)
- B. Agent: an independent contractor licensed in Washington County as a bail bondsman and contracted by a Corporate Surety to issue bail bonds on behalf of the Corporate Surety.

- C. Applicant: a person who seeks to obtain or renew a Corporate Surety's Agent or Individual Surety license in Washington County, Texas.
- D. Board: means Washington County Bail Bond Board
- E. Bond: cash deposit and any other similar deposit or written undertaking to assure appearance.
- F. Company: an entity engaged in the bail bond business
- G. County: means Washington County
- H. Employee: any person who for hire or for any compensation performs work with or on behalf of a Licensee.
- I. Licensee: a person licensed hereunder either as an Individual Surety or as Corporate Surety's Agent.
- J. Person: an individual or corporation.
- K. Rules: the Washington County Bail Bond Board Rules

SECTION 2 - BAIL BOND BOARD

2.01 BOARD MEMBERS

A. The Board composition shall be as described by Texas Occupations Code, Chapter 1704.053

2.02 Licensed Bail Bond Surety Representative

A. Ballots for Licensed Bail Bond Surety representative shall be mailed by the Board to all licensees no later than December 1 of each year.

B. Each individual Licensee shall be entitled to cast one vote for each license held.

C. Executed ballots shall be returned to the Board no later than 5:00 p.m. December 28.

D. The Licensee with the largest number of votes will be selected as Licensed Bail Bond Board Surety representative beginning at the following January meeting.

E. The Board shall use a random selection method to resolve any ties for Licensed Bail Bond Surety representative.

2.03 Criminal Defense Attorney Representative

A. The name and business address of the criminal defense attorney representative shall be sent in writing to the Board Administration no later than December 1 of each year. The letter must state that the representative has been elected by other attorneys whose principal place of business is located in Washington County.

B. The Board shall use a random selection method to resolve any ties or multiple submissions for criminal defense attorney representative.

C. In the event that no representative is named by December 1, the current criminal defense attorney representative shall elect to serve or vacate the position. If vacated, the position shall remain unfilled until such time that the Bail Bond Board Chairman is advised that a new criminal defense attorney representative has been selected. The named nominee shall be submitted for approval by the Board at the next regularly scheduled meeting.

2.04 MEETINGS

A. The Board shall meet the following months: January, April, July, and October or/and at other times as determined by the Chair.

B. The Board shall post all meeting agendas in compliance with the Texas Open Meetings Act. Any interested person may request an item to be placed on the Agenda by presenting the request in writing to the Bail Bond Chair no later than 10 days before the Board Meeting at which it is desired to be discussed and acted upon. The decision to place an item on the agenda shall be made by the Chair.

C. Any request for a special or emergency meeting shall be by written request to the chair of the Board and shall be accompanied by all pertinent data including a written statement of why a special or emergency meeting should be called. The request for an emergency meeting shall comply with the Texas Open Meetings Act. The determination of the need for a special or emergency meeting shall be at the sole discretion of the chair.

D. License applications shall be considered only during regular quarterly meeting dates. It is the sole responsibility of an applicant to file within required time lines.

2.05 OPERATION OF THE BOARD

A. Annually in January, the Board shall choose one of its members to serve as Chairman (presiding officer) until the next annual election, unless he/she is sooner disqualified.

B. The Chair may vote on any Board matter.

1. The Chair may choose a vice chair, who shall act in the temporary absence of the Chair. In the event the Chair is disqualified for any reason before the end of his/her term, the vice chair shall automatically become Chair until a vote by the Board elects a replacement Chair at its next meeting.

B. Four members of the Board present shall constitute a quorum.

C. The Board shall utilize the County Attorney as its general counsel and may, if deemed necessary and approved by the Board and with the agreement of the County Attorney, retain a licensed attorney of its choice to serve as counsel for the Board with said counsel's compensation to be negotiable.

D. Any action by the Board shall require the vote of a majority of the members present.

E. The Board shall approve the creation of any committees and shall select the members to be appointed in accordance with requirements of the Texas Open Records Act.

F. All proceedings of the Board not governed by specific statutory provisions or rules of the Board, shall be conducted in accordance with Roberts Rules of Order and the Chair of the Board shall appoint a parliamentarian from the Board membership.

G. Persons authorized to designate the member of the Board in a particular category, as defined in TOC 1704.053, shall make such designation in writing and present it to the Board Chair prior to a meeting for the designee to be able to vote on agenda items.

H. In accordance with Chapter 551.005 and Chapter 552.012 of the Government Code: New Board members within 90 days of being seated on the Board shall provide a copy of education certificates pertaining to "Open Meetings" and "Public Information" training to be retained with Board records.

2.06 CHANGE IN RULES

A. These rules may be adopted, altered, amended or repealed by a majority vote of all the members present at a regularly scheduled meeting of the Board, provided at least 10 days written notice is given of the proposed adoption, alteration, amendment or repeal, by posting the proposed rules in the same manner of posting notice of meetings by the Board.

SECTION 3 - APPLICATION

3.01 INDIVIDUAL LICENSE

A. A properly completed application for a bail bond license, along with all required attachments, shall be submitted to the Bail Bond Administrator at least thirty-one (31) days before the expiration of a current license and thirty (30) days before the regularly scheduled meeting of the Board for all sureties and co-sureties who execute security bonds in Washington County. Only Board approved forms shall be used.

B. Applicant shall submit their complete original application, plus 15 additional copies of the completed application to the Bail Bond Administrator. Each copy shall be properly bound and each page shall be sequentially numbered. Incomplete applications will not be presented to the Board.

C. Applicant shall submit to TCIC/NCIC criminal background report performed by a federal, state or local Washington County law enforcement agency or by a facility specifically authorized by the Texas Department of Public Safety. This report shall be sent directly from the approved agency to the Bail Bond Administrator.

D. All letters of recommendation required by the Texas Occupations Code shall include the author's printed name, address, telephone number, title, and relationship to the applicant.

E. The Bail Bond Administrator shall issue an identification card to all Licensees approved by the Board.

3.02 CORPORATE SURETY AGENT LICENSE

A. A completed application for a bail bond license shall be submitted by the Corporate Surety's Agent, along with all required attachments, to the Bail Bond Administrator at least thirty-one (31) days before the next regularly scheduled Board meeting. Only Board approved forms shall be used.

B. The Corporate Surety's Agent shall submit a complete original, plus 15 copies of the application to the Bail Bond Administrator. Each copy shall be properly bound and each page shall be sequentially numbered. Incomplete applications will not be presented to the Board.

C. The Corporate Surety's Agent shall submit to a TCIC/NCIC criminal background report performed by a federal, state or local Washington County law enforcement agency. This report shall be directly from the law enforcement agency to the Bail Bond Administrator.

D. All letters of recommendation required by the Texas Occupations Code shall include the author's printed name, address, telephone number, title and relationship to the applicant.

E. When submitting an application for a Corporate License, an authorized corporate representative shall sign the application and include his/her official title. Additionally, a letter of authorization from the corporate officer shall be included with the application, designating the individual who will answer and act on behalf of the corporation, at the time the application is presented to the Board for approval.

- F. The Bail Bond Administrator shall issue an identification card to all Corporate Surety Agents approved by the Board.
- G. No Agent shall execute bonds for any Corporate Surety unless such Agent is individually licensed pursuant to the Regulation of Bail Bond Sureties. Such Agent shall also be specifically designated in the Surety's license application.
- H. A Corporate Surety may appoint more than one Agent; however for each such Agent a separate application shall be filed and all requirements of an individual license shall be met with respect to application fees and security deposits.
- I. Approved Corporate Surety Agents shall be issued an identification card by the Bail Bond Administrator.

3.03 BAIL BOND EMPLOYEE

- A. All employees of a Licensee shall submit an employee approval application to the Bail Bond Administrator to be placed on the Bail Bond Board agenda no later than the next regularly scheduled Board meeting following the employee hiring date.
- B. Applicant shall submit their completed application, plus 15 copies of the application to the Bail Bond Administrator. Incomplete applications will not be presented to the Board.
- C. Applicant shall ensure that a TCIC/NCIC criminal background report is performed by a federal, state or local Washington County law enforcement agency or by a facility specifically approved by the Texas Department of Public Safety . This report shall be sent directly from the law enforcement agency to the Bail Bond Administrator. Criminal background reports will not be accepted directly from the applicant.
- D. Upon request of the Licensee, approved employees shall be issued an identification card by the Bail Bond Administrator which will be labeled with the Licensee's license number.

3.04 FEES

- A. All application fees set by the statute shall be paid by the individual making application.
- B. Application fees are non-refundable.

3.05 FILING D/B/A (assumed name)

A. Each licensee who uses an assumed name shall submit to the Board a valid assumed name certificate or certified copy thereof properly filed with the Washington County Clerk's office, and shall list names of all owners or principles. Upon Board approval of a company name change, a new DBA shall be filed no later than the next business day.

3.06 ADDRESS/TELEPHONE NUMBER

A. Licensee and Corporate Agents shall use the business address and business telephone number that is listed on the original license application to be entered on the Licensed Bail Bond Surety list, unless otherwise approved by the Board. Such list shall be updated by the Bail Bond Administrator or its designee and posted at the jail and other required locations each month.

B. A license holder or agent answering a telephone call to a bail bond surety's office telephone number shall identify the actual or assumed business name of the surety to the caller.

SECTION 4 - RENEWAL

4.01 PROCESS

A. The application shall have the same form and content as an application for the original license. The applicant shall include a copy of any certificate of deposit and a copy of the recorded CD assignment. The CD must be issued by an institution chartered by the United States of America. If real property is pledged, the applicant shall include a copy of the recorded deed of trust and all other documents pertaining to real property that are required in an original application.

B. It is the responsibility of the license holder to apply for renewal. If a renewal application is not timely filed and the current license expires, the license holder shall not execute bail bonds until a license is issued.

C. If a renewal application is not timely filed, an original application is required. If the application is granted, the license holder has the same Bail Bond Limits as any other newly licensed individual, as identified in the Texas Occupations Code, Section 1704.201 (f)(1) with no credit given for the expired prior license.

D. The Board shall not renew a license if the current license is under suspension or revoked.

E. If a license is finally suspended, expired, or otherwise revoked, the person will, under scrutiny by the Board or its designate, cease and refrain from using any and all listed advertising and related advertised telephone numbers associated with that license.

4.02 FEES

The fee to renew a license is the same as the original license application. Application fees are non-refundable.

SECTION 5 - DEPOSIT AND WITHDRAWAL OF COLLATERAL

5.01 REAL PROPERTY

A. Before a Licensee can rely on non-exempt real estate as collateral (in whole or in part), the Deed of Trust shall be presented to the Board for approval. If the Board votes to accept the deed of trust, the Board shall issue a value for the property for the sole purpose of determining the bail bond limit for the Licensee.

B. The Deed of Trust shall:

1. Be submitted only on a form approved by the Board; and,
2. Name the Board as trustee.

C. The Board shall record a copy of the Deed of Trust with the County Clerk of the County where the property is located. Licensee shall reimburse the Board for the actual cost to file the Deed of Trust before the property may be added to the Licensee's Bail Bond Limits.

- D. The original recorded Deed of Trust will be held by the Board.
- E. If the subject property is (or becomes) subject to any liens of any kind, the Licensee shall provide a certified copy of the lien document to the Board no later than the next business day that the lien is filed with any County Clerk.

5.02 CASH OR CERTIFICATE OF DEPOSIT

- A. A Licensee that relies upon collateral other than real property, shall submit at least Fifty Thousand dollars (\$50,000.00) in cash, or cash equivalent styled in the name of the Washington County Treasurer and issued by a financial institution insured by the federal government in one of the following forms:
 - 1. A cashier's check which shall be cashed and deposited by the Washington County Treasurer.
 - 2. A Certificate of Deposit that
 - a. is automatically renewable,
 - b. is a negotiable instrument, and,
 - c. is issued by an institution chartered by the United States of America.
- B. A signed and completed Assignment of Security form approved by the Board shall accompany all Certificates of Deposit. The Bail Bond Board shall submit a copy of the assignment to the issuing bank and the Washington County Treasurer.
- C. All Certificates of Deposit are subject to being confirmed with the issuing, federally chartered institution for validity.

5.03 COMBINATION

- A. Licensees can rely on a combination of cash and property to execute bonds; however, each type of security shall independently meet the statutory minimum security requirement.

5.04 WITHDRAWAL

- A. A license holder shall withdraw security only as provided by the Texas Occupations Code, Section 1704.210, or by these rules.
- B. No license holder shall withdraw security from deposit, or make changes to the nature, location, identification or amount of security deposited, without the Board's knowledge and approval.
- C. If a license holder's liability, actual or potential, falls below the amount of security pledged, the license holder may, with the Board's approval, withdraw security to the extent that the remaining security is sufficient to cover the license holder's liability.

- D. The license holder may, with Board approval, substitute one form of security for another, provided that the security remains sufficient to cover the license holder's actual or potential liability.

SECTION 6 - ACTIVITY OF LICENSEE/AGENT/EMPLOYEE

6.01 BOND FORMS

- A. Any surety bond filed in Washington County shall show on its face the date of expiration of the license and license number.
- B. All information on bonds shall be typed or clearly, legibly printed.
- C. All bonds written in Washington County shall contain the following language and shall be notarized: "We, each of us, _____ do swear that we are worth in our own right, at least the sum of _____ dollars after deducting from our property all that which is exempt by the Constitution and Laws of the State of Texas from forced sale, and after the payment of all debts, of every description, whether individual or security debts, and after satisfying all encumbrances, upon our property which are known to us; and that we reside in the County of _____ and have property in the State liable of execution worth:

SURETY _____ SUM OF _____ Dollars
 (signature)

SURETY _____ SUM OF _____ Dollars
 (signature)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____

 NOTARY PUBLIC, STATE OF TEXAS
 (added July 7, 2014)

 Expiration of Notary

6.02 ACTIVITY REPORTS

- A. Every licensee must have a completely filled out monthly report submitted to the Bail Bond Administrator no later than 5:00 o'clock P.M. on fifth day of every month, which shall include the licensee's full payment of the longevity fees. If a licensee had no activity during the said month, a blank report shall be submitted stating "**NO ACTIVITY**". Licensees who do not submit a complete activity report shall be subject to a temporary suspension of its bonding privileges in Washington County. The Board shall set the term for suspension at its next meeting.

B. In order for a licensee to be relieved of liability on a misdemeanor bond, the licensee shall provide the Bail Bond Administrator with written proof of final disposition or dismissal from the Washington County Attorney or from the Washington County Clerk or from a Justice of the Peace office in which the case was filed. For felony bonds, the Licensee shall provide the Bail Bond Administrator with an "Affidavit of Discharge" that has been verified by the Washington County District Attorney. Proof of payment of bond forfeiture on felony bonds will also release Licensee from bond. The Bail Bond Administrator is authorized to accept an affidavit from a Licensee when Licensee has done due diligence, but cannot prove an official discharge from a court of jurisdiction as evidence of discharge. The Licensee is obligated to amend its affidavit, if the bond is later shown to be in full force and effect.

6.03 BAIL BOND LIMITS

A. It is the responsibility of the Licensee to provide government verification to the Bail Bond Board Administrator when a case has been dismissed or a defendant is deceased in order to update the amount of security available to the Licensee.

B. The Bail Bond Board Administrator shall notify the Sheriff and the Board Chair of any Licensee that has executed a bond in excess of the Licensee's Bail Bond limits.

C. The Bail Bond Administrator shall notify the District Attorney that the Licensee's bonds may be insufficient in the event that a Licensee is deceased or becomes incapacitated.

D. If a Licensee is suspended by the Board for any reason, the Licensee will be removed from the Licensed Bail Bond Surety List. Upon reinstatement of the license, the company name will be placed at the bottom of the List.

6.04 JUDGMENTS

A. Upon notification that a Licensee or attorney has failed to pay a final judgment, the Bail Bond Board Administrator shall notify the Sheriff as provided by Texas Occupations Code 1704.204(a).

B. The Bail Bond Administrator shall also send a notification of the failure to pay a final judgment to the County Treasurer , the County Attorney and any other County department that issues payment (Local Government Code 154.025 and 262.0276)

SECTION 7 - ADVERTISING REQUIREMENTS

7.01 ADVERTISING

All advertising on behalf of a bail bond surety in print, on electronic media or internet media, including but not limited to billboards, business cards, promotional items, signage, bus bench advertising, etc., shall contain enough information to identify the surety, including, but not limited to the following information:

7.02 INDIVIDUAL LICENSEE

* For an individual, the proper name of the licensee, the Washington County license number, the counties in which he or she is licensed;

7.03 CORPORATE LICENSEE

* For a corporate license, the proper name of the corporation's agent for writing bonds, the corporation's license number relating to that agent, and the county in which the license was issued for that agent; and,

7.04 ATTORNEY SURETY

* For an attorney surety, the proper name of the attorney.

7.05 GENERAL INFORMATION

A. Such advertisements may contain additional information that is not misleading, including, as permitted by law or other applicable regulation, an assumed name that is properly registered with the Washington County Clerk's Office.

B. Attorney sureties must comply with all applicable statutes and the rules of the State Bar of Texas regarding attorney advertising.

- C. If an attorney surety chooses to advertise in the section of the telephone directory or internet yellow pages that relates to bail bond sureties, such advertisement must clearly indicate that the attorney is writing bonds as an attorney surety, and that an attorney may only write bonds for persons he/she represents in criminal cases for which the bond is given.
- D. Advertisements may not misrepresent the authority of a surety.

SECTION 8 - COMPLAINTS TO BOARD

8.01 PROCESSING COMPLAINTS

- A. The Board may, on its own motion, and shall, on receipt of sworn complaint have cause to believe that a violation of the Act or the Rules has occurred, or on request of a court, investigate the actions and records relating to such complaint against any bondsman it has licensed. All complaints, other than those considered by the Board on its own motion or at the request of a Court, shall be made under oath and on a Board approved form. The Bail Bond Administrator will forward copies of the written, sworn complaint to all Board members for review. The decision to place a complaint on the meeting agenda shall be made by request of at least two (2) members of the Board.
- B. The Board Administrator is designated as the agent of the Board for the receipt of complaints.
- C. Upon receipt of a complaint, the Board shall give notice to the accused licensee by certified mail at least ten days prior to any hearing on the complaint. The notice shall specify the charges of violation made against the licensee, and the hearing shall be limited to those charges.
- D. If the complaint relates to a licensee who is also a member of the Board, said licensee shall be disqualified as a member of the Board to consider said complaint. The Chair shall call a special session of the Board as soon as practicable for the purpose of election, by a majority of the licensees present at such meeting, of a licensee to serve as a member of the Board in the place and in the stead of the licensee Board member complained against. The newly elected licensee Board member shall serve at all meetings of the Board respecting such complaint and shall, upon a vote of the majority of the members of the Board, serve as bail bondsmen's representative on the Board at all meetings of the Board pending the final disposition of the complaint.

D. The Board vests authority to issue subpoenas in the Chair and Vice Chair.

SECTION 9 ENFORCEMENT PROVISIONS

9.01 GOVERNING STATUTES

A. Any Procedures and Practices not specifically covered by these Rules shall be governed by Chapter 1704 Texas Occupations Code and the Texas Code of Criminal Procedure, and all licensees are hereby placed on notice that ignorance of the law is no excuse or defense to the Suspension of and/or Revocation of his/her license.


B. A violation of any of the Rules or Regulations of the Washington County Bail Bond Board or the Laws of the State of Texas as they relate to bail bond activities shall be considered as grounds for Suspension and/or Revocation of any license.

SECTION 10 - ADOPTION OF RULES AND REGULATIONS

The Rules shall be in full force and effect 10 days after being approved by the Board. All prior Local Rules in conflict with these regulations are hereby repealed.

PASSED AND APPROVED this the 14th day of January, 2013.

WASHINGTON COUNTY BAIL BOND BOARD



Washington County Bail Bond Board Chair
Roy May

ATTEST:



Rebecca Ballard, Bail Bond Administrator