

# MONTGOMERY COUNTY



## BAIL BOND BOARD LOCAL RULES

ADOPTED

04-20-2022

## **MONTGOMERY COUNTY BAIL BOND BOARD LOCAL RULES**

SECTION 1: GENERAL PROVISIONS.....	1
SECTION 2: APPLICATION FOR LICENSE AND LICENSE RENEWALS.....	2
SECTION 3: QUALIFICATIONS AND ELIGIBILITY FOR BAIL BOND EMPLOYEES .....	4
SECTION 4: ARRESTS AND DISPOSITIONS-LICENSEES AND EMPLOYEES.....	4
SECTION 5: ADVERTISING.....	5
SECTION 6: SOLICITATION .....	5
SECTION 7: LICENSED SURETY AND AGENT LIST PHONE NUMBERS.....	5
SECTION 8: MEETINGS/ ELECTIONS OF CERTAIN BAIL BOND BOARD MEMBERS .....	6
SECTION 9: COMMITTEES APPOINTED OR NOMINATED BY THE BOARD .....	7
SECTION 10: PROCEDURAL RULES .....	8
SECTION 11: SIGNATURE PAGE .....	9
EXHIBIT A: SIGNAGE FOR LICENSEES.....	10
EXHIBIT B: PROCEDURES FOR LICENSEE ROTATION LIST .....	11
EXHIBIT C: LIST OF COURTS .....	12

# **MONTGOMERY COUNTY BAIL BOND BOARD LOCAL RULES**

## **SECTION 1 – GENERAL PROVISIONS**

### **1.1        AUTHORITY AND SCOPE OF RULES**

Pursuant to the authority granted by Chapter 1704 of the Texas Occupations Code, the following rules ("Rules") are adopted by the Montgomery County Bail Bond Board. Should a conflict exist, the statutory provision set out in Chapter 1704 shall prevail. All statutes referenced throughout these Rules may be presumed to be from the Texas Occupations Code unless otherwise identified. All investigations and enforcement of these Rules shall be done in accordance with Chapter 1704.

### **1.2        PURPOSE**

The purpose of these Rules is to supervise and regulate each phase of the bonding process in Montgomery County ("County") and to adopt and post local rules necessary to implement the Texas Occupations Code, Section 1704.101.

### **1.3        DEFINITIONS**

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

- A. "Administrator" means the Administrator employed by the Montgomery County Bail Bond Board.
- B. "Board" means the Montgomery County Bail Bond Board.
- C. "Licensee" means either a licensed bail bond surety (individual or corporation) or a licensed agent of a corporate surety, licensed in Montgomery County.
- D. "Employee(s)" means any person hired by a Licensee or corporate agent who performs any of the following duties:
  - 1) Meets or negotiates with members of the public for the purpose of executing bail bonds;
  - 2) Receives anything of value as a fee or as collateral for bail bonds;
  - 3) Presents bail bonds to the Montgomery County Sheriff's Office ("Sheriff's Office") for approval;
  - 4) Interviews or takes information from person(s) who have been or will be released from jail, pursuant to a bond provided by the licensee.

## **SECTION 2 – APPLICATIONS– LICENSE AND LICENSE RENEWALS**

2.1 All applications for a license must be submitted on the form(s) approved by the Board and in accordance with Section 1704.154. The application shall be delivered to the Administrator by appointment only. An initial hearing on a properly completed sworn application for a new license with all required attachments will generally be held no later than ninety (90) days after the complete application has been received by the Administrator.

A. Properly completed sworn applications for renewal of a license must be filed and delivered to the Administrator by appointment only, and at least thirty-one (31) days before the expiration of a license. The sworn applications must meet the criteria of Sections 1704.154 and 1704.162.

B. Incomplete applications will not be placed on the Bail Bond Board agenda.

C. Applicants and license holders are required to attend the Bail Bond Board meeting and will be subject to questioning by the Board when their application is considered and prior to a vote by the Board on that license application or license application renewal.

2.2 Licensees in Montgomery County are required to obtain a FBI Criminal History Background Check (“Background Check”). A new application or renewal application must meet the following requirements:

A. Fingerprints shall be completed by the Montgomery County Sheriff’s Office in accordance with 1704.154(b) (4) (F) for new applicants and for any renewals whose fingerprints are not on file.

B. Background check reports with fingerprints for Licensees and all employees must be submitted with all applications and renewals. The Background check must have been completed within the previous one year (1 year) prior to date of application.

2.3 **RECOMMENDATION LETTERS**

The following applies to new and renewal applications and is in addition to the requirements in Section 1704.154 (b) (C). Three (3) Recommendation letters are required and they must be from individuals that have known the applicant for three (3) or more years.

A. Recommendation letters will include the following:

1. Name
2. Address
3. Phone number
4. Email address
5. Legible signature and printed name

- B. The letters cannot be from a family member falling within the third degree by consanguinity or within the second degree by affinity or an employee of the Licensee or applicant.
- C. If the Administrator is unable to verify the recommendation for any reason, this may result in a license suspension, revocation, or denial of issuance of a license in accordance with Section 1704.252.

## 2.4 **ASSUMED NAMES**

- A. Each Licensee or agent for a corporate surety who uses an assumed name must submit a copy of the assumed name certificate on file with Montgomery County Clerk's Office to the Board.
- B. A Licensee or agent for a corporate surety shall not use an assumed name that is the same as, or deceptively similar to, an assumed name that is already being used by a Montgomery County Bail Bond Licensee or corporate surety.
- C. A Licensee or agent for a corporate surety **may** use a similar assumed name for its **own** additional licenses.
- D. Licensees should avoid filing legal documents that could create confusion or potentially result in a misrepresentation of their ownership interest in other active bail bond organizations.

## 2.5. **COLLATERAL DEPOSIT, SUBSTITUTIONS AND WITHDRAWAL**

Collateral and additional collateral requirements include the following:

- A. Collateral for a new license must meet all the requirements of Section 1704.160 and be in a single form of collateral.
- B. Additional collateral requirements must meet all the requirements of Section 1704.203:
  - 1. In the event a Licensee chooses to add collateral in the form of real property deeded in trust to the County, the property must meet the criteria of Section 1704.155. If the Licensee chooses to add collateral other than real property it must meet the criteria of Section 1704.160(b). **If Licensee wishes to add collateral it may be in any form.**
  - 2. In the event a Licensee wishes to substitute property for the property used as collateral, it must also meet the requirements of the applicable Occupations Code Section.
  - 3. If the Licensee wishes to substitute collateral for the original collateral pledged it must be in the same form and meet or exceed the minimum collateral

required.

4. Licensees may substitute or withdraw collateral only upon the Board's approval.
5. All documents for property being presented as collateral must be included in the application packet. This includes, but is not limited to, tax statements, insurance documents, and proof of no liens.

## **SECTION 3 – QUALIFICATIONS & ELIGIBILITY FOR BAIL BOND EMPLOYEES**

### **3.1 BAIL BOND EMPLOYEES**

Licensees in Montgomery County are required to obtain FBI Criminal History Background Checks ("Background Check") on their Employees, and maintain and provide these records to the Administrator.

- A. New employees are required to obtain a background check in accordance with this section. If a new employee has been working for another Montgomery County licensed bondsman and their background check can be verified, is not more than one year old, and is already on file with the Administrator, it will be accepted.
- B. The forms for new employees must be submitted to the Administrator within thirty (30) calendar days of employment. Upon receipt of the Background check, a copy shall be submitted to the Administrator.
- C. No Licensee shall employ any person who:
  1. after August 27, 1973 commits or has committed an offense for which they have been finally convicted of a felony or a misdemeanor involving moral turpitude, or:
  2. is also employed by a law enforcement or judicial agency; for the purpose of this Rule, "law enforcement agency" shall include any local, county, state or federal officer, police, constable, sheriff department, prosecutor's office, probation department, parole division, or any other department involved in the investigation or prosecution of criminal offenses; or
  3. is also employed by any city or county agency or department that has a representative serving on the Bail Bond Board.

## **SECTION 4 – ARRESTS AND DISPOSITIONS – LICENSEES AND EMPLOYEES**

- 4.1 Licensees must notify the Board in writing within three (3) days of an arrest of a crime of moral turpitude or a felony. Licensees shall also provide to the Board details of the final disposition within three (3) days.

- 4.2 Licensees must notify the Board in writing within three (3) days of knowledge of an arrest of a crime of moral turpitudes or a felony of any employee. Licensees shall also provide to the Board details of the final disposition within three (3) days.
- 4.3 Sureties must notify the Board within ten (10) days if an employee becomes ineligible. Qualifications or disqualifications for employees are set forth in Section 1704.302 of the Texas Occupations Code.

## **SECTION 5 – ADVERTISING**

- 5.1 To protect the public from fraud or misrepresentation, each Licensee shall use and advertise only one assumed name per license.
  - A. The assumed name must be on file with the Montgomery County Clerk's Office in accordance with Chapter 36 of the Texas Business Code and/or the Texas Insurance Code.
  - B. A certified copy of the Assumed Name Certificate must be on file with the Administrator and in accordance with the Texas Occupations Code Chapter 1704. This name must match the name on the application for the Licensee in compliance with 1704.154(b)(2)(c).
  - C. Advertising must comply with Section 1704.303(b). For licensees who are licensed and advertise in multiple counties, advertising must comply with Sect. 1704.303(b).

## **SECTION 6 – SOLICITATION / CONSENT OF PRINCIPAL**

- 6.1 To eliminate and reduce confusion of principals and their families, no Licensee shall present any bond to the Sheriff's Office without the authorization of the principal or by an individual acting with the consent of the principal.
  - A. To the extent allowable by law, solicitations are prohibited pursuant to Sections 1704.109 and 1704.304.
  - B. Licensees and their employees shall comply with all federal, state, and local laws when using skip tracing services including the Driver's Privacy Protection Act (DPPA) and the Gramm-Leach-Bliley Act (GLBA).
  - C. Unauthorized use, including for the use for solicitation purposes, or disclosure of any information obtained from a skip tracing provider or subscription based service provider/database that maintains personal or confidential information, is prohibited.

## **SECTION 7 – LICENSED SURETY AND AGENT PHONE NUMBERS**

### **7.1 ROTATION LISTS**

- A. Section 1704.105, the Administrator shall prepare a list of each Licensee in the County. This list is displayed at each location where prisoners are examined, processed or confined. The list includes the phone number for the licensee. Each Licensee may

choose the phone number to be displayed on the list. If the Licensee wants to change the phone number on the list, it must be on the Licensee's letterhead and signed by the Licensee that appears on the list.

- B. Licensees and employees must clearly state the full name of the organization for all inbound and outbound communications to eliminate confusion by the public.
- C. For additional information including the Rotation List procedures and locations, please see Exhibits "B" and "C".

## **SECTION 8 – MEETINGS / ELECTION OF CERTAIN BAIL BOND BOARD MEMBERS**

### **8.1 SURETY REPRESENTATIVE/LICENSEE**

- A. The Board shall conduct a secret ballot election annually to elect Board members who will serve as representatives of Surety Representative or Licensees and criminal defense attorneys. The election for the Licensees and the criminal defense attorneys will be held prior to the annual Board meeting in January. The Administrator shall maintain a register of eligible Licensees. Each Licensee in the County is entitled to cast one vote for each license held.
- B. The election for Surety Representative/Licensee will be conducted as follows:

Balloting will be scheduled and held in the method prescribed by the Board. Ballots and register will be provided to the election office by the Administrator. All voting will take place at the election office. The election office will return the register along with the ballots in a sealed envelope to the Administrator after the election. The Surety Representative to the Board shall be announced at the Board meeting immediately following the election. In the event of a tie, a runoff election will be scheduled by the Board.

### **8.2 CRIMINAL DEFENSE ATTORNEY REPRESENTATIVE**

- A. The election for the criminal defense attorneys' representative will be conducted as follows:

The Administrator will provide ballot forms and register to the election office. The ballot register will include an acknowledgment signed by the attorney before the Board will be given the ballots. The election office will return the register along with the ballots in a sealed envelope to the Administrator. The criminal defense attorney representative winner shall be announced at the Board meeting immediately following the election. In the event of a tie, a runoff election will be scheduled by the Board.

### **8.3 ELECTION OF PRESIDING OFFICER AND VICE PRESIDING OFFICER**

- A. The Board shall elect one of its members annually as Presiding Officer and Vice-Presiding Officer at the first February Board meeting. The Presiding Officer shall preside at all Board meetings. In the absence of the Presiding Officer, the Vice-Presiding Officer shall preside at the Board meetings. In the absence of both the Presiding Officer and the Vice Presiding Officer, the chain of succession will follow as outlined in Section 1704.053 and Exhibit D attached to these Local Rules, Rules of Order, and Section III. The Vice-Presiding Officer shall become the Presiding Officer in the event the Presiding Officer resigns or is removed before the end of their term. The Board will then elect a new Vice-Presiding Officer at the meeting immediately following the resignation of the current Vice-Presiding Officer before the end of current Presiding Officer's term.
- B. The Presiding Officer or Vice-Presiding Officer may be removed by a two-thirds ("2/3") majority vote of the remaining Board members upon a showing of a gross misfeasance or indictment for a criminal act of either Officer.
- C. The Board positions eligible to have designees under Section 1704.053 must provide written notification of their designee to the Board before the designee will be eligible to constitute a quorum or vote.

#### 8.4 **RULES OF ORDER**

The Bail Bond Board typically follows an abridged version of Robert's Rules of Order.

### **SECTION 9.0 – COMMITTEES APPOINTED OR NOMINATED BY THE BOARD**

#### 9.1 **COMPLAINT SUBCOMMITTEE / SWORN COMPLAINTS**

- A. At the annual February meeting of the Board, the Board shall choose or appoint a Complaint Subcommittee ("Complaint Subcommittee") for the year.
- B. The Complaint Subcommittee shall consist of three (3) Board members.
- C. The purpose of the Complaint Subcommittee shall be to review the complaint against the Licensee and present a recommendation to the Board.
- D. The Complaint Subcommittee may consult with the County Attorney to assist with complaints. All recommendations must be presented to and voted on by the Board during an open meeting.
- E. Sworn complaints may only be completed and submitted by the complainant and shall be filed with the Administrator (see "Exhibit A"). Upon receipt of the complaint the Administrator will send a copy of the complaint and appropriate documents to the licensee or Bond Company and request a response within 72 hours. All complaints and licensee responses will be reviewed by the Subcommittee within a timely manner. Following the subcommittee's meeting to review any complaint, the subcommittee shall present a summary of the complaint, and the Complaint Subcommittee's recommendation at the next scheduled meeting. At the direction of the Presiding Officer, the Administrator may issue notice of meeting to both the complainant and the respondent stating they are required to appear at the next Board meeting to answer questions before taking the matter

into consideration, including whether a formal hearing needs to be set.

F. Posting requirements - Licensees in the County are required to post a public notice in their offices regarding the complaint protocol against a Licensee. An example of this notice is attached as Exhibit "A". All new Licensees must post the required notice in their offices within thirty (30) days after a new license is approved. See Section 1704.102(a)(3) for enforcement authority which provides that the Board shall suspend or revoke a license for a violation as outlined in Chapter 1704 or a Rule adopted by the Board under that Chapter.

## **9.2 COMPOSITION AND RULES FOR LOCAL RULES SUBCOMMITTEE**

- A. At the annual February meeting of the Board, the Board shall choose or appoint a Local Rules Subcommittee ("Rules Subcommittee") for the year.
- B. The Rules Subcommittee shall consist of three (3) Board members.
- C. The purpose of the Rules Subcommittee shall be to review, discuss, and present recommended amendments to these Local Rules, as well as, other governing documents to the Board for consideration.
- D. The Rules Subcommittee may consult with the County Attorney to assist with these recommendations. All recommendations must be presented and voted on by the Board during an open meeting.

## **SECTION 10 – PROCEDURAL RULES**

### **10.1 DECISION OR ORDER IN A CONTESTED CASE**

- A. A decision or order rendered by the Board in a contested case must be rendered in accordance with Chapter 1704, Subchapter F, and the Texas Government Code, Chapter 2001, Sections 2001.053 through 2001.057; 2001.059 through 2001.060; and 2001.081 through 2001.103.
- B. Form of Decision - A final decision or order made by the Board that is adverse to a party in a contested case must be in writing or recorded in the minutes at the Board meetings.
- C. Notification of decisions and orders - A party in a contested case shall be notified of any decision or order made by the Board via first class mail. The decision or order shall be sent to a party's attorney of record if a party is represented by counsel. The Board shall keep a record of the mailing to said party or attorney of record. A party or attorney of record notified is presumed to have been notified on the third (3<sup>rd</sup>) day after the date the notice is mailed.
- D. Time for Rendering Decision - A decision or order rendered by the Board in a contested case must be rendered no later than the fiftieth (50<sup>th</sup>) day after the date on which the

hearing is finally closed.

Additionally, the following modification of the language of Chapter 2001 of Texas Government Code is adopted to wit:

All references to "state agency" are hereby construed and adopted to include Montgomery County Bail Bond Board as an agency or entity for application of these Local Rules adopted on 4-20-22 in replacement of all previously adopted Rules and are effective on the first (1st) day after they have been posted for ten (10) days in an appropriate place at the Montgomery County Courthouse.

Date Approved: 4-20-22.

<u>Daren Bailey</u> Presiding Officer	<u>J. Minkowski</u> Defense Attorney Representative
<u>Vanessa Q. Wink</u> District Attorney or Designee	<u>County Sheriff or Designee</u>
<u>Tim J. Sart</u> District Judge	<u>J. Minkowski</u> County Judge or Commissioner's Court Designee
<u>Phares Phurzle</u> County Court at Law Judge	<u>Justice of the Peace</u>
<u>Daren Bailey</u> County Clerk or County Clerk's Designee	<u>Presiding Judge of Municipal Court</u>
<u>Melle</u> District Clerk or District Clerk's Designee	<u>Tiffany Dree</u> Treasurer or Designee
	<u>Alexis W. Sart</u> Surety Representative

**MONTGOMERY COUNTY BAIL BOND BOARD  
LOCAL RULES**

**EXHIBIT A**



THIS COMPANY IS LICENSED AND REGULATED BY THE  
**MONTGOMERY COUNTY BAIL BOND BOARD**  
COMPLAINTS SHOULD BE DIRECTED TO THE:

**MONTGOMERY COUNTY BAIL BOND BOARD  
ATTN: BOARD ADMINISTRATOR  
501 N. THOMPSON, ROOM 201  
CONROE, TEXAS 77301**

PHONE: 936-538-3520  
FAX: 936-760-6960  
EMAIL: [jan.avery@mctx.org](mailto:jan.avery@mctx.org)

**MONTGOMERY COUNTY BAIL BOND BOARD  
LOCAL RULES**

**EXHIBIT B**

**Procedures for Licensee Rotation List**

1. Work up a schedule of monthly posting dates for the New Year prior to the December meeting to present to the Board for review.
2. Posting should be for 30 days or as close to that as possible taking into consideration holidays and weekends.
3. When preparing the new month's list, the name that is currently at the top is moved to the bottom which results in all the others moving up one slot.
4. Write on the outside of all the envelopes the date the list needs to be posted and highlight it.
5. A copy is emailed to Central Jail Records, Attention Kim Pardue, she laminates them and has them posted in the Holding tanks and the back where prisoners are held.
6. The other lists go either in Inter-office mail or regular mail. There are 32 (at this time) other copies to be sent to courts.
7. The Interoffice are for the local courts and Justice of Peace's that pick up their mail in the mailroom. The municipal courts should be mailed. Allow 2-3 days prior to the required posting date to mail. Send the interoffice copies 2 days prior to the required posting date. All the interoffice and mailed copies need to be laminated and also put the notation on the outside of the envelope the required posting date and highlight that.
8. Perform random checks on the court to be sure the current list is posted.
9. Scan a copy of the approved list and post it on the Bail Bond Board website.

**MONTGOMERY COUNTY BAIL BOND BOARD  
LOCAL RULES**

**EXHIBIT C**

**List of Municipal, JP, District and County Courts**

City of Conroe Municipal Court	County Court at Law # 1
City of Oak Ridge North Municipal Court	County Court at Law # 2
City of Shenandoah Municipal Court	County Court at Law # 3
Town of Cut & Shoot Municipal Court	County Court at Law # 4
City of Stagecoach Municipal Court	County Court at Law # 5
City of Willis Municipal Court	9 <sup>th</sup> District Court
City of Magnolia Municipal Court	221 <sup>st</sup> District Court
City of Patton Village Municipal Court	284 <sup>th</sup> District Court
City of Montgomery Municipal Court	359 <sup>th</sup> District Court
City of Splendora Municipal Court	410 <sup>th</sup> District Court
City of Roman Forest Municipal Court	418 <sup>th</sup> District Court
Justice of the Peace, Pct. 1 Willis, Texas	435 <sup>th</sup> District Court
Justice of the Peace, Pct. 1 Montgomery, Texas	457 <sup>th</sup> District Court
Justice of the Peace, Pct. 2	Drug Court Care Program
Justice of the Peace, Pct. 3	OCA Director
Justice of the Peace, Pct. 4	Sheriff's Office – Central Jail Records
Justice of the Peace, Pct. 5	