

# **MINUTES**

## **Montgomery County Bail Bond Board**

**Darin Bailey**

**Presiding Officer**

**Wednesday, November 16,  
2022**

THE MONTGOMERY COUNTY BAIL BOND BOARD CONVENED AT 12:00 NOON ON THE DATE LISTED AT THE TOP OF THIS AGENDA, IN THE ALAN B. SADLER COMMISSIONER'S COURT BUILDING, 501 N. THOMPSON, 4<sup>TH</sup> FLOOR, CONROE, TX 77301.

EXECUTIVE SESSION: At any time during the meeting the Board may announce it will go into closed session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel or for any other lawful matters that are specifically related to items listed on this agenda. Prior to any such closed session the Presiding Officer, in open session, will identify the agenda item to be discussed and the section or sections of Chapter 551 under which the closed discussion is authorized.

I. CALL TO ORDER

TIME: 12:00

II. ROLL CALL

Bail Bond Board members present: Melisa Miller, District Clerk, Melanie Bush, County Treasurer, Alexis van de Ven Seda, Surety Representative, Darin Bailey, Designee for Mark Turnbull, County Clerk, Judge Vince Santini, 457<sup>th</sup> District Court, Representative for District Courts and Judges, Lt. Jeremiah Richards, Designee for Sheriff Rand Henderson, Judge Maryann Turner, County Court at Law# 4, Representative for County Courts and Judges, Vanessa Windham, Designee for Brett Ligon, District Attorney, Amanda Webb, Defense Attorney Representative, Jamie Meinkowsky, Designee for Mark Keough, County Judge.

Judge Wayne Mack, Justice of the Peace, Pct. 1, Representative for Justice Courts and Judges joined the meeting at 12:07p.m.

Board members not present: William Waggoner, Conroe Municipal Court.

Non Board members present: Daniel Plake, Asst. County Attorney and Legal Representative to the Board, Jan Avery, Bail Bond Board Administrator, Donna Whiteside, Court Reporter.

Judge Turner stated that Therese Pringle was in attendance as well as she has a jury trial going on and Therese will take her place if she has to leave.

The Presiding Officer moved public comment before the hearing:

#### PUBLIC COMMENT

Frank Powell addressed the Board stating he could provide testimony if needed, he is the attorney that cross examined Ms. Morris in a Houston County trial. Secondly he wanted to address codes referred to in the response by Ms. Morris' attorney.

### **III. EXECUTIVE SESSION – Presiding Officer**

- 1) The Board will recess for executive session pursuant to Texas Government Code Chapter 551, Subchapter D; Article 551.071 – Consultation with attorney.

The Board recessed to executive session at 12:07 p.m.

The Board returned from executive session at 12:46 p.m.

- 2) Take action, if any, on matters discussed in Executive Session – Proceed to Hearing.

### **IV. HEARING - Presiding Officer – Discretionary License Suspension**

- a) Conduct hearing per the hearing notices attached to the agenda.

This was a discretionary license suspension hearing on License 0104 for Sandi Morris. The only allegation being heard was on 1704.252 (9) on the complaint filed by Tonya Ramos Smith in July 2022.

Darin Bailey called Sandi Morris to the podium and swore her in.

Randy Adler asked to question Tonya Ramos Smith first as the Burden of proof on the complaint was on her. Darin Bailey said that Sandi Morris had been called first and they were going to proceed with questions for her. Mr. Adler said he would like to reserve the right to cross examine.

Darin Bailey asked her long she has been in the bail bond business and in what Counties. Is she familiar with Section 1704.252 of the Occupations Code. Melisa asked her to please speak into the microphone as we have a court reporter. It was asked if she required an employee agreement and a non-compete agreement upon hiring. It was asked if all employees had to complete the form within a reasonable amount of time. She answered in the affirmative.

Was Tonya Smith paid a salary and what is termed on their contract as commission? Ms. Morris stated that she did not pay commission on every bond that was executed. Melanie Bush asked what her definition of commission was. Ms. Morris stated that she paid commission on every dollar that came in the office, so technically it was based on gross income to the office.

Darin then called Ms. Smith, Darin swore her in, Tonya is who originally filed the complaint in July. How long did she work for Ms. Morris, she said approx. 4 months. The non-compete was executed in December and back dated to October. Darin asked if she had a copy of the non-compete agreement, she did not. She was told to put 10/26 on the document. Was she paid salary and commission and how often paid, she stated monthly. Tonya stated that everyone executed a non-compete agreement. Tonya said she made sure all documents were in files and posted in accordance with the Labor Laws. Melanie asked how long Tonya had been in the Bail Bond business, she answered approximately 3 years.

Tonya stated that she had asked for a breakdown of the commission and how the number came about. Nicole told her that Sandi gave her a number and that is what was paid as commission. Amanda asked her what duties she performed. She stated she was Office Manager and performed those type of duties.

Did she have knowledge of other employees receiving commissions, Tonya stated yes everyone was paid the same. Commission was based on anything that was brought in, if the business did well they may receive a bonus as well.

Melanie asked at first employment were they told they would receive a set commission or what. She answered compensation was a base salary, and a commission and was not told it was a set commission only that it was 5%.

Darin asked if Mr. Adler would like to cross. Ms. Smith moved to Daniel's chair.

She was never told how the commissions were calculated. On the sworn complaint filed by her in July 2022, Mr. Adler asked if she signed it and had it notarized, and did anyone help her file the complaint. She stated that she had done it and no one helped her.

The body of the complaint, says list the facts of the complaint –Ms. Morris pays commissions on bonds. She stated she did not know how the commissions were derived. Mr. Adler said she testified she had asked Nicole how it was calculated. Darin asked if she signed bonds, Tonya said no, she is not licensed.

Darin said that was all everyone had for Tonya at this time. Mr. Adler stated he would like to have Nicole testify.

Darin swore in Nicole. Mr. Adler asked her to state her name – Nicole Winters, she recently got married. He asked her about the commissions. Nicole stated that Sandi gives her the amount and she never asks how it is calculated. Commissions are paid 5% on every dollar that comes in the door (gross income). Commissions are paid to everyone, not just the ones writing bonds.

Melanie Bush asked Nicole how long she has been in the Bail Bond industry. Nicole stated 3 years and Sandi worked with her in the Livingston office and Cold Spring. Does she have prior knowledge of 1704.252, she said she did not.

Melanie stated that what was being described to her was not what

she would consider a commission. What was Nicole's understanding when she was hired, it is base salary and commission of 5% on every dollar that comes in the door.

What was discussed with Tonya on her employment, it was a base salary and the 5% plus bonuses at times. Judge Santini asked Nicole about the response, he said in reading the depositions this is the first time they are hearing about the gross income commissions. Nicole confirmed that they are paid once a month, the base salary is low but the commissions make up for it. Nicole explained that it was 5% of every dollar that came in the door no matter where from.

Melanie asked if Ms. Morris could come back up. Mr. Adler asked Sandi questions about the use of the word commissions. He understands why the board has angst. She has changed it on paystubs to Incentive pay, it is paid the same way.

It is not based on any one particular bond a person wrote but on the gross amounts brought into the company. Melanie stated there was confusion about how payroll is handled, Sandi said they keep 2 spreadsheets, one on all bonds, and another on all receivables. A report is run through their bonding software to compare to make sure everything is balanced. Darin mentioned we have not heard the term today that this is the industry standard. Is she aware of any legislature that may be in the works to change the wording commission? She was not aware of any legislature.

Darin Bailey called Patrick Steirman and swore him in. She asked how long he had been in the Bail bond business, he said since 2000. Has he ever paid commission of any kind to any employee? They have everyone as an hourly employee and do not pay commissions anymore.

Darin Bailey called Mari van de Ven and swore her in. How long has she been in the business, she stated since 1998. Does she pay commission to her employee's, she does not.

Darin Bailey called William Lee Nale and swore him in. Does he hold a license in Montgomery County, yes he does. Does he pay commissions to any employees, no he does not.

Darin then asked if they could recess to Executive Session. The Board recessed to Executive session at 1:51 p.m.

The Board returned from Executive session: 2:04 p.m.

Take action, if any, on matters discussed in Executive Session

Darin Bailey said she would entertain a motion: Melanie Bush moved that they take no action, Second from Vanessa Windham. Discussion – Judge Santini said that industry standard is important. The way the evidence presented today is that the commission was based on what was brought in. This is a gross revenue pay, not commission. Judge Santini voted yes to no action. What was proven was gross revenue. Melanie stated that she agreed with this, it is a gross revenue share.

Amanda Webb added that she agreed with what everyone said.

Darin called for a vote to take no action on the complaint. Show of hands shows unanimous to take no action.

## V. MINUTES

### A. Approve the minutes for the meeting October 19, 2022.

Darin entertained a motion to approve the minutes, Judge Santini made a motion to approve the minutes from the October 19, meeting, second by Alexis van de Ven Seda, 3 abstained, Melanie Bush, Judge Wayne Mack and Amanda Webb, all other board members were in favor, the motion passed.

## VI. TREASURER

### A. Consider, discuss and take action on the Treasurer's Report.

Darin entertained a motion on the Treasurer's report, Judge Mack motioned to approve the Treasurer's report, Amanda Webb seconded. All Board members were in favor, the motion passed.

## VII. ADMINISTRATOR'S REPORT

- A. Review funds received for the month of October 2022. Report attached.
- B. Consider:
  - 1. Updated list of Licensed Surety companies for posting, November 03, 2022.
  - 2. License Expiration Report – updated 10/31/2022.

## VIII. Complaint Sub-Committee

Nothing by the Complaint Sub-committee.

## VIII. PRESIDING OFFICER

- A. Hearing on license renewal application of Mari van de Ven, agent Allegheny Casualty, license 0100, dba A-1 Discount Bail Bonds.

Swear in and representative and proceed to a)

- a) Conduct hearing on license renewal application of Mari van de Ven, License 0100 agent for Allegheny Casualty Company, license 0100.
- b) 1704.159 – Enter an order on action taken on the license renewal application of Mari van de Ven, License 0100 agent for Allegheny Casualty Co.

Darin entertained a motion on the license renewal. Any questions, all are in order, motion by Melisa Miller, second by Melanie Bush to approve the license renewal, Alexis vane de Ven Seda abstained, all others were in favor, the motion passed.

- B. Consider, discuss, and take action on the request by U.S. Fire Insurance Company/The North River Insurance Company to release CD 42000668046 for \$50,000.00 drawn on New Iberia Bank. Per the list from jail all bonds have been cleared and License 0090 is showing -0- Outstanding Bond liability.

Alexis van de Ven Seda motioned to approve the release of the CD, Melanie Bush seconded. All were in favor, the motion passed.

## IX ADJOURN

Darin entertained a motion to adjourn, Motion by Melisa Miller, and a second by Amanda Webb to adjourn. The meeting adjourned at 2:14 p.m.

**The Agenda is on this bulletin board and may be obtained in the County Clerk's office on the 1<sup>st</sup> floor of the Court's building at 210 West Davis, Conroe, TX 77301 and in the Commissioner's Courtroom on the day of the meeting.**