

# MINUTES

## Montgomery County Bail Bond Board

Judge Wayne Mack, Vice

Presiding Officer

Thursday, February 20, 2020

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 COMMISSIONERS COURT BUILDING, 501 N. THOMPSON, 4<sup>TH</sup> FLOOR, CONROE, TX 77301.

I. CALL TO ORDER

Time: 12:00PM

II. ROLL CALL

Board members present: Lt. Jeremiah Richards, designee for Sheriff Rand Henderson, Paul Damico, Designee for Judge Phil Grant, 9th District Court, Representative for District Courts and Judges, Jamie Meinkowsky, Designee for County Judge, Mark Keough, Vanessa Windham, Designee for District Attorney, Brett Ligon, Alexis van de Ven Seda, Surety Representative, Judge Wayne Mack, Justice of the Peace, Pct. 1, Representative for Justice Courts and Judges, Kelsey Padgett, Designee for Melisa Miller, District Clerk, Darin Bailey, Designee for Mark Turnbull, County Clerk, Amanda Webb, Defense Attorney Representative, Donna Walters, Designee for Judge Claudia Laird, Co. Court at Law #2, Representative for County Courts and Judges. Melanie Bush, County Treasurer came in at 12:03 p.m.

Board members not present: Judge Michael Davis, Conroe Municipal Court.

Non Board Members present: John McKinney, Asst. County Attorney and Legal Counsel to the Board and Jan Avery, Bail Bond Board Administrator.

I. a) Judge Wayne Mack, stated for the record the New Board members from the December election, Alexis van de Ven Seda Surety Representative and Amada Webb, Defense attorney Representative.

b.) A copy of the Local Rules Revision 02/01/2020 is in the packet, these were posted on 01/22/2020 for the required 10 days. The change is under VI. Solicitation, last sentence now reads: To the extent allowable by law, solicitations are prohibited pursuant to Texas Occupations Code Section 1704.109 and 1704.304.

Action by the Board: This revision to the rules was approved by the Board at the January 17, 2020 meeting and the revised rules need to be signed by the Board members that were present at that meeting.

### III PUBLIC COMMENT

(Note: Public must sign registration prior to the start of meeting in order to address the Board. Comments are limited to 3 minutes per speaker.)

There were no public comments.

### IV. MINUTES

- A. Read and approve the minutes from January 17, 2020 meeting.

Darin Bailey moved to accept the minutes as presented, Lt. Jeremiah Richards seconded. Amanda Webb, Vanessa Windham, Melanie Bush and Alexis van de Ven Seda abstained. All other Board members were in favor, the motion passed.

### V. TREASURER

1. Consider acceptance and take action on the Treasurer's report.

Melanie Bush presented the Treasurer's Report. Lt. Jeremiah Richards moved to accept the Treasurer's report as presented, Amanda Webb seconded. All Board members were in favor, the motion passed.

### VI. ADMINISTRATOR'S REPORT

1. Review funds received for the month of January 2020. – The fees collected for the month of February was \$1000.00, the report is attached.
2. Consider:
  - a) Updated List of Licensed Surety companies for posting, February 10, 2020 posting date.
  - b) License Expiration Report – updated 01/31/2020.
3. Consider, discuss and take action on appointing Alexis van de Ven Seda, Surety Representative to the Local Rules Committee taking Doug Wyrwich's place. The Local Rules Committee also has Darin Bailey and Melisa Miller on it. John McKinney is Legal Counsel and Jan Avery, Bail Bond Board Administrator.

Darin Bailey moved to add Alexis van de Ven Seda to the Local Rules Committee, Melanie Bush seconded. All were in favor, the motion passed.

### VII PRESIDING OFFICER

- 1) Elect a Presiding Officer to the Bail Bond Board for 2020 to serve until a replacement is elected. The elected Presiding Officer will assume the position at the March 19, 2020 meeting.

Alexis van de Ven Seda nominated Darin Bailey as Presiding Officer, Judge Wayne Mack seconded. All were in favor, the motion passed. Darin Bailey will assume the position of Presiding Officer at the March 19, 2020 meeting and until another is nominated.

- 2) Elect a Vice Presiding Officer to the Bail Bond Board for 2020 and to serve until a replacement is elected. The elected Vice Presiding Officer will assume the position at the March 19, 2020 meeting.

Darin Bailey nominated Alexis van de Ven Seda as Vice Presiding officer, Paul Damico seconded. All were in favor, the motion passed. Alexis van de Ven Seda will assume the position of Vice Presiding Officer as of the March 19, 2020 meeting and until another is nominated. The Vice Presiding Officer assumes the role of Presiding Officer in the absence of the Presiding Officer.

- 3) Hearing for license renewal application: John A. Lagway, agent Allegheny Casualty & Surety, dba Lagway's Bail Bonds – 2. License # 0076 expires 03/06/2020.

Swear in John A. Lagway and representative for Allegheny Casualty Insurance if present and proceed to a)

Judge Wayne Mack swore in John A. Lagway

- a) Conduct hearing on license renewal for John A. Lagway agent Allegheny Casualty & Surety, License# 0076.
- b) 1704.159 -- Enter an order on action taken on the license renewal application of John A. Lagway, agent Allegheny Casualty & Surety for license # 0076.

Darin Bailey moved to approve the license renewal application of John Lagway, agent for Allegheny Casualty & Surety, Alexis van de Ven Seda seconded. All were in favor, the motion passed. Judge Mack stated this was for license 0076.

- 4) Consider, discuss and take action on the complaint filed by Ashley Ashley against Jason Ayala and 1-Way Out Bail Bonds on 10/30/19. At the January 17, 2020 meeting Paul Damico motioned to defer the hearing on this complaint and take no action at that time.
- 5) Consider, discuss and take action, if any, on the complaint filed by Bryan Aaron Rocha against Wisom Muharib and All Access Bail Bonds on 11/07/19. At the January 17, 2020 meeting Paul Damico motioned to defer the hearing on this complaint and take no action at that time.

John McKinney, Legal Counsel to the Board explained the original 3 complaints were discussed in Executive Session at the January 17, 2020 meeting and there was a motion and second to defer to the next meeting. John also stated that he doesn't find anything in any of the 3 complaints that the Board has authorization to take further action on, as best as he can determine.

Darin Bailey said she believes we need clarification on the code for solicitation where it says contact has to be from the principal personally or an individual acting with consent of the principal. There seems to be a possible code/case law conflict on what constitutes giving authority to act on behalf of the principal. In the complaints it was stated that they contacted family members that the principal didn't want knowing about the circumstances. The Board needs some clear guidance on this.

Alexis van de Ven Seda motioned to defer Item 4, 5 and 6 to the next meeting and direct counsel to obtain an AG opinion. The motion wasn't seconded. There was further discussion by the Board.

After discussion Alexis van de Ven Seda amended the motion to defer Item 4 and 5 to the next meeting in March and ask John McKinney, Legal Counsel to research opinions on terms, verbiage, Local Rules vs Code and case law. Darin Bailey seconded the motion, Amanda Webb abstained, and all other Board members were in favor. This will be placed on the March meeting agenda.

- 6) Consider, discuss and take action, if any, on the complaint filed by Juan Carlos Hernandez against James Milo and On Time Bail Bonding on 11/12/19. At the January 17, 2020 meeting Paul Damico motioned to defer the hearing on this complaint and take no action at that time.
- 7) Consider, discuss and take action on the complaint filed by Blanca Stavropoulas against James Milo, On Time Bail Bonding on 12/23/19. This complaint was deferred from the January 17, 2020 meeting at the request of the Legal Counsel.

John McKinney, Legal Counsel stated that on the complaints against James Milo, the Board has no authority to take any action against the license, since his license was voluntarily surrendered by Bankers Insurance.

Melanie Bush motioned to dismiss Item 6 and 7, Donna Walters seconded. Discussion: Amanda Webb asked what happens if this person came back to get another license. John McKinney explained he would have to reapply and this would come up and the Board can take this into account. Bankers was prudent in surrendering the license. Amanda Webb abstained from the vote, all other Board members were in agreement. Items 6 and 7 are dismissed.

- 8) Consider, discuss and take action on the complaint filed by Blanca Stavropoulas against Jason Ayala dba 1 Way Out Bail Bonds on 12.23/19. This complaint was deferred from the January 17, 2020 meeting at the request of the Legal Counsel.

Darin Bailey moved to defer # 8 to the March meeting so John McKinney can research the Local Rules vs case law. She amended her motion to add that the County attorney's office investigate this in the same manner as Item 4 and 5 and bring results to the Board at the March meeting if possible. Melanie Bush seconded, all were in favor, the motion passed.

- 9) Consider, discuss and take action on the request by Les French to have property known as 15911 Rabon Chapel, Montgomery, Texas 77356 appraised at \$130,000.00 to the

Board released and replaced by property known as 310 Pinewood Drive, Conroe, Texas 77385 with a tax appraisal of \$192,460.00.

Melanie Bush moved to approve the request by Les French, Amanda Webb seconded, All were in favor, the motion passed.

VIII  
ADJOURN

Alexis Seda moved to adjourn the meeting, Lt. Jeremiah Richards seconded, and all were in favor, the meeting adjourned at 12:24.

THE AGENDA IS ON THIS BULLETIN BOARD AND MAY BE OBTAINED IN THE COUNTY CLERK'S OFFICE ON THE FIRST FLOOR OF THE COURTS BUILDING AT 210 WEST DAVIS CONROE, TX 77301 AND IN THE COMMISSIONER'S COURTROOM ON THE DAY OF THE MEETING.