

MONTGOMERY COUNTY BAIL BOND BOARD
RICK BRASS, PRESIDING OFFICER
MINUTES
THURSDAY, NOVEMBER 21, 2019

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, 4TH FLOOR, CONROE, TEXAS.

1.0. CALL TO ORDER **TIME: 12:00**

2.0 ROLL CALL

Board members present: Paul Damico, designee for Judge Phil Grant, 9th District Court, representative for District Courts and Judges, Jason Millsaps, designee for Judge Mark Keough, County Judge, Donna Walters, designee for Judge Claudia Laird, CCL# 2, representative for County Courts and Judges, Vanessa Windham, designee for Brett Ligon, District Attorney, Doug Wyrwich, Surety Representative, Kelsey Padgett, designee for Melisa Miller, District Clerk, Darin Bailey, designee for Mark Turnbull, County Clerk, Melanie Bush, County Treasurer, Rick Brass, Presiding Officer, Defense Attorney Representative.

Board members not present: Lt. Jeremiah Richards, designee for Sheriff Rand Henderson, Judge Wayne Mack, Vice Presiding Officer, Justice of the Peace, Pct. 1, Representative for JP Courts and Judges, Judge Michael Davis, Conroe Municipal Court.

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

3.0. PUBLIC COMMENT

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

Amanda Webb, Criminal Defense Attorney spoke to Board about 2 clients of hers that had multiple family members that were contacted on multiple occasions without permission of the client.

Randall Kallinen an attorney for Jason Ayala and 1-Way Out Bail Bonds distributed to the Board a summary argument and document on Pruettt v Harris County Bail Bond Board case.

Georgette Whatley spoke to Board on the fact they she had a lot of similar occurrences but her clients did not file a complaint.

4.0 MINUTES

- a) Read and approve minutes for the meeting October 17, 2019.

Darin Bailey moved to approve the minutes from the October 17, 2019 meeting, Melanie Bush seconded. Paul Damico and Jason Millsaps abstained as they were not present. All other Board members were in agreement, the motion passed.

5.0. TREASURER

- a) Consider acceptance and take action on Treasurer's Report.

Doug Wyrwich moved to approve the Treasurer's Report, Donna Walters seconded. All Board members were in favor, the motion passed.

6.0. ADMINISTRATOR'S REPORT

- 1) Review funds received for the month of October 2019. – The fees collected for the month of October was \$-0-, the report is attached.
- 2) Consider:
 - a) Updated List of Licensed Surety companies for Posting. November 08, 2019 posting date.
 - b) License Expiration Report – updated 10/31/2019.
- 3) Reminder- Elections set for week of December 9 – 13th, at the Elections office. Local Rules states the election is held prior to the January meeting and the results are announced at the January meeting. The elected Surety Representative and Defense Attorney representative will take their place on the Board at the February meeting.
- 4) Copy of Election Ballot and Registry enclosed for Surety Representative and Defense Attorney Representative to the Board for 2019. Both will be announced at the January meeting and take their place on the Bail Bond Board at the February meeting.

7.0. PRESIDING OFFICER

John McKinney, Legal Counsel to the Board stated several times that this was not a hearing on any of these complaints. In accordance with our Local Rules, Section XI (A) sworn complaints against licensees shall be filed with the Administrator and shall be placed on the agenda for consideration and action to set a hearing, if deemed necessary.

- 1) Consider, discuss and take action, if any, on the complaint filed by Ashley Ashley against Jason Ayala and 1-Way Out Bail Bonds on 10/30/19. A letter along with a copy of the complaint was sent to Jason Ayala dba 1-Way out Bail Bonds and Ashley Ashley the complainant.

Darin Bailey asked if the complainant was present. Ashley was noticed on the meeting but lives in Arlington, Texas so was not present.

Mr. Ayala was present for 1-Way Out Bail Bonds.

Judge Paul Damico swore in Jason Ayala.

Darin Bailey stated to Mr. Ayala that one of the conditions on an application is that you have read and agree to abide by the rules, is that not right? Mr. Ayala answered yes. Darin asked if he had read and understood Section 6.0 of the rules, to which he answered yes. Darin asked Mr. Ayala how he became aware of the client. He said it wasn't him in this instance but they get the list from the jail, Darin asked how the information was obtained on the family members, was it a skip trace or data trace program and if so was it allowed by the companies with the programs to use their program to obtain information on family members. Mr. Ayala was not aware, Doug Wyrwich stated that he knows for a fact those companies do not allow anyone to use the information obtained to grow their bond business. In this instance the principal nor a representative of the principal had contacted 1-Way Out Bail Bonds.

After discussion Darin motioned to set this for an investigation and hearing. Melanie Bush stated point of order to have Jan Avery, the Administrator set up who would do the investigation and set time for it. Darin Bailey seconded, all were in favor, the motion passed.

- 2) 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. A letter along with a copy of the complaint was sent to Wisom Muharib dba All Access Bail Bonds and Bryan Aaron Rocha the complainant.

Darin asked if the complainant was there, Mr. Rocha was in attendance, he was, so she asked that the complainant be heard first.

Judge Paul Damico swore in Bryan Aaron Rocha.

Mr. Rocha explained to the Board that he was a client of Amanda Webb who had set up a walk through with a Bond company. He was arrested prior to the walk through on an Instanter. Within 1 hour of the time he was arrested he and several family members were

contacted by All Access Bail Bonds. He thought it was the bond company Amanda Webb had set up for him.

Wisom Muharib, All Access Bail Bonds and Ken Good an attorney was there for Financial Casualty to discuss any legal issues. Mark Font was also there and stated this issue was litigated in Harris County in Pruet vs Harris County Bail Bond Board and found to be unconstitutional.

After discussion, Darin Bailey moved to have the Administrator set the complaint for investigation and hearing, Jason Millsaps seconded, all Board members were in favor the motion passed.

3) 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. A letter along with a copy of the complaint was sent to James Milo dba On Time Bail Bonding and Juan Carlos Hernandez the complainant.

Amanda Webb said Marissa Hernandez, wife of the client was there to speak for her husband. Judge Paul Damico swore in Marissa Hernandez, who was actually the person that filled out the complaint.

Marissa explained that she had cancelled the payment because they had kept her credit card for \$10,000.00, kept Juan's residence card and threatened to send her to jail, she later approved the charge. They put an ankle monitor on Juan for 30 days, which they had to pay \$225.00 for 1 month and said it was because they were uncertain of his citizenship.

After discussion by the Board, Melanie Bush moved to set for investigation and hearing and have the administrator set up the investigation, Darin Bailey seconded, all were in favor, the motion passed.

8.0 ADJOURN

Doug Wyrwich moved to adjourn, Paul Damico seconded, and all were in favor, the meeting adjourned at 1:03 p.m.

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