

ALABAMA PROFESSIONAL BAIL BONDING BOARD
ADMINISTRATIVE CODECHAPTER 153-X-8
HEARING PROCESS

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153-X-8-.01 Hearing Officer. The Board may appoint a hearing officer to preside at hearings, and the hearing officer shall prepare a written recommendation to the Board. The Board will review such report within thirty (30) calendar days to render a decision. The hearing officer is selected pursuant to the Alabama Administrative Procedures Act, Chapter 22 of Title 41, Code of Ala. 1975.

Author: Alabama Professional Bail Bonding Board

Statutory Authority: Code of Ala. 1975, §15-13-216.

History: New Rule: Published June 30, 2020; effective August 14, 2020; operative upon approval by Joint Committee on November 10, 2020. **Amended:** Filed June 21, 2022; **Amended:** Filed September 20, 2022; Effective November 14, 2022.

153-X-8-.02 Hearing, Revocation or Suspension Of License.

(1) All hearings shall be conducted in the same manner as hearings held by the Board under the Alabama Bail Bond Regulatory Act, Chapter 13 of Title 15, Code of Ala. 1975, unless otherwise stated.

(2) At the discretion of the investigative committee, should a violation be found, the Executive Director may offer a consent agreement. The licensee that is the subject of a complaint may request a formal hearing before the Board. All consent agreements entered into by the Executive Director must be submitted for Board approval at the next regularly scheduled meeting of the Board.

(3) Under the Alabama Administrative Procedures Act, Chapter 22 of Title 41, Code of Ala. 1975, regarding contested complaints, the Board's Presiding Hearing Officer may subpoena witnesses, administer oaths and affirmations, examine any individual under oath, require and compel production of books, papers, contracts and other documents. Subpoenas of witnesses shall be served in the same manner as if issued by a circuit court and may be served by certified mail.

(4) Notice of the time and place of the all hearings stating the matters to be considered shall be given in writing not less than thirty (30) calendar days in advance.

(5) The Board shall allow any party to a hearing to appear in person and with counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence and examine witnesses, to present evidence in support of his/her interest, and to have subpoenas issued by the Board to compel attendance of any witness and production of any evidence on his/her behalf.

(6) The Board may suspend a license for up to twelve (12) months or revoke any license if the Board makes a valid determination that the licensee has violated any provisions of the Alabama Bail Bond Regulatory Act, Chapter 13 of Title 15, Code of Ala. 1975.

(7) If the Board finds that grounds exist for the suspension or revocation of any license, the Board may request that formal charges be filed against the violator and that the penalties set out in Alabama Bail Bond Regulatory Act, Chapter 13 of Title 15, Code of Ala. 1975 be imposed.

(8) The Board shall have the discretion to issue a license to any person whose license has previously been revoked, following a review of the previous revocation and a majority vote by the Board.

(9) If the Board determines that the public health, safety, or welfare requires emergency action and incorporates a finding to that effect in its order, an emergency suspension of a licensee may be ordered, pending a formal hearing before the Board, which shall be promptly instituted.

(10) A licensee may appeal any order of the Board as a matter of right. All appeals of the Board shall be taken to the Circuit Court of Montgomery County, Alabama, by filing written

notice of said appeal and immediately serving a copy of the notice with the Board within thirty (30) days after issuance of the Order.

(11) The Board may suspend or revoke on an Emergency basis the license of a Licensee failing to report his or her arrest to the Board within ten (10) days. The Board may suspend or revoke any licensee under Temporary Emergency basis if the Licensee has been arrested for an act affecting moral turpitude, endangerment to the public or consumer, or other felony arrest that would impact the licensee's ability to receive or renew his or her license.

Author: Alabama Professional Bail Bonding Board

Statutory Authority: Code of Ala. 1975, §15-13-207.

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