



## ALABAMA PROFESSIONAL BAIL BONDING BOARD

2777 Zelda Road  
Montgomery, AL 36106  
334-420-7225  
334-263-6115 fax

### MINUTES Board Meeting December 1, 2023

The Alabama Professional Bail Bonding Board met on Friday, December 1, 2023, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama. The following Board members were in attendance: Mr. Chris McNeil (Board Chair), Mr. Jimmie Lay (Board Vice Chair), Ms. Carla Woodall (Board Secretary), Judge Spiro Cheriogotis (member), Ms. Jennifer Collard (member), Mr. Gustavius Maxie (member) and Mr. Barry Johnson (member). Board members absent were Mr. Victor Howard (member) and Ms. Alesia Kyser (member). Others present at the meeting were Mr. Keith Warren (Executive Director), Ms. Tara Hetzel (Assistant Attorney General-Board Legal Counsel), Mr. Mike James (Investigator), Ms. Brenda Holden (Licensing Specialist), Ms. Karen Harlow (Legal Assistant), Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary).

Mr. McNeil, Board Chairman, called the meeting to order at 10:08 a.m. Mr. Warren called Board member roll and reported that a quorum was present to conduct Board business. An opening prayer was given at the beginning of the meeting. Mr. Warren read the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act. Chairman McNeil welcomed everyone attending the meeting.

Public notice of this regularly scheduled meeting was submitted to the Secretary of State [www.sos.alabama.gov](http://www.sos.alabama.gov) in accordance with the requirements of the Alabama Open Meetings Act and published on the Board's web site at [www.apbb.alabama.gov](http://www.apbb.alabama.gov).

#### APPROVAL OF AGENDA

Chairman McNeil presented a copy of the December meeting agenda for the Board's approval. A copy of the agenda was provided to the Board members prior to the meeting for their review.

MOTION: Ms. Woodall made a motion to approve the December 1, 2023 meeting agenda as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board (agenda available for viewing in the Board's Official Book of Minutes).

#### APPROVAL OF MINUTES

Chairman McNeil presented a copy of August 11, 2023, Board meeting minutes for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting for their review.

MOTION: Mr. Lay made a motion to dispense with the reading of the minutes and approve the August meeting minutes as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

#### BOARD CHAIRMAN REPORT

Chairman McNeil commented on the expiration of Board member terms and indicated that the State Association had submitted to Governor Ivey recommendations for Board member appointments. He thanked the members for their hard work and attendance at meetings.

Chairman McNeil also reported on proposed changes to the Board's statute based on the recent audit and that the Rules Committee would begin working on proposed changes to present to the Board for approval.

## EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending September 30, 2023, and he provided copies of the cash reconciliation report and detailed list of obligations vs. budget. He reported that FY 2024 budget was \$250,000. He also reported on new staff, Mr. Brannon Littleton and Mr. Gary Dopson, assisting with the Board's financial reporting.

Mr. Warren reported on the number of active licensees, as of November 29, 2023. A list of expired licenses was provided to the Board. Ms. Hetzel indicated that she would prepare a notice of expiration to licensees. The Board discussed potential violations of companies and licensees that continued to work without an active license.

Mr. Warren reviewed the status of complaints received in FY 23 and FY 24, and other activities performed by the staff since the last Board meeting held in August.

Mr. Warren commented on attending the licensee education program provided by the Association and planned to attend future training sessions. He indicated that the Board's website would be updated to include Educational Provider information.

MOTION: Mr. Lay made the motion to accept the financial report as presented. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

### Sunset Committee Update

Mr. Warren commented on the Sunset Audit findings and provided the Board with an updated report on resolved and unresolved findings.

### Potential Litigation

Ms. Hetzel presented information related to complaint case 2023-030-02 and recommended the Board go into Executive Session to protect the good name of the respondent. MOTION: Mr. Lay made the motion to adjourn into Executive Session for 10 minutes for the purpose of protecting the good name and reputation of the individuals in the case. The motion was seconded by Ms. Woodall. Ms. Hetzel certified that the Executive Session could be called for this purpose. Following a roll call vote, the motion was unanimously approved with the following members voting "aye," Mr. Lay, Ms. Woodall, Ms. Collard, Mr. Johnson and Mr. Maxie. Judge Cheriogotis abstained from voting as a member of the Investigative Committee and Chairman McNeil did not vote, unless in case of a tie. Chairman McNeil called the Board into Executive Session at 10:24 a.m. for 10 minutes.

MOTION: Ms. Woodall made the motion to adjourn the Executive Session. The motion was seconded by Mr. Johnson and following a roll call vote, the motion was unanimously approved with the following members voting "aye," Mr. Lay, Ms. Woodall, Ms. Collard, Mr. Johnson and Mr. Maxie. The Executive Session adjourned at 10:35 a.m.

Chairman McNeil reconvened the business meeting at 10:35 a.m.

### Proposed Rule Changes

The Board discussed employee definition. The Board considered the inclusion of "any communications by employee both verbal and written."

Chairman McNeil asked the Legislative Committee, comprised of Ms. Woodall, Judge Cheriogotis, Chairman McNeil and Ms. Hetzel, to review the matter further and present a recommendation to the Board about revisions to the definition of employee.

Mr. Warren distributed to the Board proposed revisions to Rule 153-X-9-.01 to include a \$125 late fee would be charged for licenses renewed after October 31<sup>st</sup>, no fee would be changed to replace/reprint a

license, and a schedule of fees were added (proposed rule available in official Book of Minutes). The Board discussed the expense of issuing a replacement license and assessing a fee based on current fee assessed by third-party vendor. Chairman McNeil referred consideration of these discussion to Ms. Hetzel for recommendations regarding Rules 153-X-3, 153-X-4 and 153-X-9.

Mr. Warren also commented on defining moral turpitude as a rule revision cited in the Board's statute as a violation for denial of license.

A discussion was held regarding the Sunset Committee's findings. Judge Cheriogotis expressed concern regarding lack of communication to Board members regarding the findings of the audit. Judge Cheriogotis further complemented Ms. Woodall's statements to the Sunset Committee on behalf of the Board, specifically regarding the Board's efforts to regulate the profession to ensure public protection. Mr. Warren affirmed that he and his staff would ensure that the Board was kept informed about all audit findings and the proposed remedies.

#### Ratification of Administrative Law Judge Service Agreement

A copy of the Administrative Law Judge (ALJ) Service agreement was provided to the Board for their review.

MOTION: Mr. Lay made the motion to approve the ALJ agreement as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Mr. Warren reported that the Examiners of Public Accounts had updated the Board member resource manual, and a copy of the manual would be sent to the Board via email. He introduced Ms. Angela Warr, Executive Assistant, who would assist with email distribution.

Mr. Warren reported that the administrative services contract would be reviewed at the December Contract Review Committee meeting. The Board discussed attending this meeting to answer any questions posed by the Committee.

#### LEGAL COUNSEL REPORT

Ms. Hetzel presented the recommendations from the Investigative Committee regarding eleven (11) cases. The following cases were reviewed:

- Case 2023-044 Offer of settlement to include surrender of license, \$1,000 fine and no reinstatement/licensing in profession.
- Case 2023-043 – Letter of concern for not giving proper notice to the Board regarding arrest.
- Case 2023-045 – Administrative close the case.
- Case 2023-040 and Case 2024-001 – cases withdrawn and closed.
- Case 2023-039, 2023-041, 2024-002 and 2024-003 – close cases as unfounded.
- Cases 2023-046 and 2023-047 – close cases due to no jurisdiction.

MOTION: Mr. Lay made the motion to approve the recommendations of the Investigative Committee. The motion was seconded by Mr. Johnson and unanimously approved by the Board with Ms. Woodall abstaining from voting.

Chairman McNeil called a 10-minute recess of the Board at 11:55 a.m.  
Chairman McNeil reconvened the business meeting at 12:11 p.m.

#### Background Committee Report

Mr. Warren reported that Mr. Howard was not available to review an application, and Judge Cheriogotis assisted in the review.

Judge Cheriogotis recommended the Board go into Executive Session to protect the good name of the applicant and potential litigation in the matter.

MOTION: Mr. Lay made the motion to adjourn into Executive Session for 20 minutes for the purpose of protecting the good name and reputation of the individuals in the case. The motion was seconded by Mr. Johnson. Ms. Hetzel certified that the Executive Session could be called for this purpose. Following a roll call vote, the motion was unanimously approved with the following members voting "aye," Mr. Lay, Ms. Woodall, Ms. Collard, Mr. Johnson and Mr. Maxie. Judge Cheriogotis abstained from voting as a member of the Background Committee and Chairman McNeil did not vote, unless in case of a tie. Chairman McNeil called the Board into Executive Session at 12:12. p.m. for 20 minutes.

MOTION: Ms. Woodall made the motion to adjourn the Executive Session. The motion was seconded by Mr. Lay, and following a roll call vote, the motion was unanimously approved with the following members voting "aye," Mr. Lay, Ms. Woodall, Ms. Collard, Mr. Johnson and Mr. Maxie. The Executive Session adjourned at 12:33 p.m.

Mr. Warren presented an application request from RNH and applicant BRC.

MOTION: Mr. Johnson made the motion to table further action on the RNH's application pending receipt of additional information. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

MOTION: Mr. Johnson made the motion to deny BRC's application based on background history. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

The Board discussed the licensing process:

Renewal applications received by October 1<sup>st</sup> each year.

Operate on current license October 1<sup>st</sup> to November 1<sup>st</sup>.

Double application fee on October 1<sup>st</sup> included as late renewal fee.

The Board discussed making changes on the Board's website about referencing the late renewal fee.

#### Proposed 2024 Board Meeting Schedule

Mr. Warren presented a list of dates in 2024 for the Board to conduct meetings. The members agreed to meet on January 12<sup>th</sup> as a special meeting to discuss legislation, and it was the consensus of the Board to conduct regular meetings on February 23, May 10, August 2, and November 1, 2024.

Chairman McNeil reported that educational training session would be held by the Association on January 11, 2024.

#### ANNOUNCEMENTS AND OTHER BUSINESS

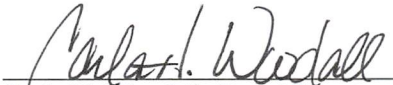
Next Board Meeting: Chairman McNeil reminded the members that the next meeting of the Board was scheduled January 12, 2024, as a special meeting to discuss legislation, and the regular business meeting would be held in February.

#### ADJOURNMENT

There was no further business of the Board, and Ms. Woodall made the motion to adjourn the meeting. The motion was seconded by Mr. Johnson and Chairman McNeil adjourned the meeting at 12:50 p.m.

Respectfully Submitted,

  
Jimmy Lay, Board Chairman

  
Carla H. Woodall, Board Secretary

Date Approved March 8, 2024 