



ALABAMA PROFESSIONAL BAIL BONDING BOARD

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MINUTES Board Meeting

June 2, 2022

The Alabama Professional Bail Bonding Board met on Thursday, June 2, 2022, at the Board's new 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), Ms. Alesia Kyser (member) Mr. Victor Howard (member), Mr. Barry Johnson (member) and Mr. Gustavius Maxie (member arrived at 3:13 p.m.). 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. Karen Harlow (Legal Assistant), Ms. Brenda Holden (Licensing Specialist), and Ms. Renee' Reames (recording secretary). Mr. McNeil, Board Chairman, called the meeting to order at 2:36 p.m. Mr. Warren called Board 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 in accordance with the requirements of the Alabama Open Meetings Act and published on the Board's web site at www.apbb.alabama.gov.

APPROVAL OF AGENDA

Chairman McNeil presented a copy of the June 2, 2022, 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: Judge Cheriogotis made a motion to approve the June agenda as presented. The motion was seconded by Ms. Woodall 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 the March 25, 2022, 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 March minutes as presented. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

BOARD CHAIRMAN REPORT

Chairman McNeil reported that the Association's in-person CE classes have begun and the schedule would be posted on the Association's website for licensees to register.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities for the period ending May 31, 2022. He reviewed a line-item budget of expenses and fund balance. Mr. Warren also reported on the number of licenses by categories which total 694 licensees.

Mr. Warren reviewed a list of activities regarding licensure, finance and compliance/complaint activities performed by the staff since the last Board meeting held in March (report available for viewing in the

Board's Official Book of Minutes). Mr. Warren reported on some outstanding payments indicated during the audit and he reported that he was working to clear up the payments and resolve the audit findings.

LEGAL COUNSEL REPORT

Ms. Hetzel presented the report on complaints and recommendations of the Investigative Committee. Investigations Committees members do not vote on Committee recommendations to the Board.

Case 2022-001 – Investigative Committee recommended that the case be closed due to lack of failure to follow complaint procedures.

MOTION: Mr. Lay made a motion to approve the recommendation of the Investigative Committee and close the case. The motion was seconded by Ms. Woodall and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-004 – Investigative Committee recommended case be closed due to unlicensed Respondent in the case was now in compliance.

MOTION: Mr. Howard made a motion to approve the recommendation of the Investigative Committee. The motion was seconded by Mr. Johnson and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-012 – Investigative Committee recommended that the licensee be assessed \$125 fine for not complying with the complaint procedure by responding within 30 calendar days concerning the complaint.

MOTION: Ms. Woodall made a motion to approve the recommendation of the Investigative Committee and assess a fine of \$125.00. The motion was seconded by Mr. Lay and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-020 – Investigative Committee recommended a fine of \$250.00 for the owner not licensed and operating a bail bond company.

MOTION: Mr. Lay made a motion to approve the recommendation of the Investigative Committee to fine the owner/respondent \$250.00. The motion was seconded by Ms. Collard and was approved by the majority of the Board, with Ms. Woodall voting nay and Judge Cheriogotis abstaining.

Case 2022-021 and 2022-022 – Investigative Committee recommended that a cease and desist letter be issued, with notification to the offices of the sheriff, district attorney, courts and county clerk's offices.

MOTION: Mr. Howard made a motion to approve the recommendation of the Investigative Committee to issue a cease and desist and notification to county offices. The motion was seconded by Mr. Johnson and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-023 – The Board discussed the matter of a company that had failed to refund the bond money, based on the circumstances as the case.

MOTION: Mr. Lay made a motion to assess a \$250 fine and require the Respondent to present evidence of having reimbursed the individual posting the bond. The motion failed due to lack of a second.

Mr. Maxie arrived at 3:13 p.m.

MOTION: Ms. Woodall made a motion to set an Administrative Hearing with an Administrative Law Judge in the matter of Case 2022-023. The motion was seconded by Mr. Johnson and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-027 and 2022-029 and 2022-030 – Ms. Hetzel reported that the three case involved the same Respondent and the same company. She reported that the Investigative Committee recommended a \$250 fine and 24-month probation.

MOTION: Mr. Lay made a motion to approve the recommendation of the Investigative Committee to fine the respondent \$250.00 and placed on a 24-month probation. The motion was seconded by Ms. Collard and was approved by the Board, with Judge Cheriogotis abstaining.

Case 2022-032 – Investigative Committee recommended a \$500 fine and one-year probation for failure to report arrest in a timely manner.

MOTION: Ms. Collard made a motion to approve the recommendation of the Investigative Committee to fine the respondent \$500.00 and placed on a one-year probation. The motion was seconded by Ms. Kyser and was approved by the Board, with Judge Cheriogotis abstaining.

Ms. Hetzel reported that the Investigative Committee was monitoring three cases where individuals were seeking limited relief to apply for licensure.

OLD BUSINESS

Update on Badges: Chairman McNeil reported that licensee badges were now available since a new vendor source had been found.

NEW BUSINESS

Adoption of Proposed Rules: Mr. Warren reported that the Board's Sunset Audit had been completed and the Emergency Rules previously adopted by the Board had not been promulgated as regular rules and the emergency rules were not valid as having not met the conditions for publication. A copy of the Emergency Rules was distributed to the Board (rules available for viewing in the Board's Official Book of Minutes) and would need go back through the publication procedures after Board approval.

The Board reviewed the proposed rules and discussed the apprentice license. It was the determination of the Board that an apprentice could not operate an office in another location from the supervising licensee's office.

MOTION: Mr. Lay made a motion to approve the Rule 153-X-3 with changes to 153-X-3-.05 Apprentice, as discussed. The motion was seconded by Ms. Kyser and unanimously approved by the Board.

The Board also reviewed Rule concerning definition of employees and the importance of their role in engaging the public and scope of service.

MOTION: Ms. Collard made a motion approve Rule 153-X-2-.01 Definitions with changes to 153-X-2-.01(18) as discussed. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

MOTION: Mr. Maxie made a motion to approve the previous Emergency Rules (September 2021), as amended, to be filed as Emergency Rules and Regular Rules to be published for public comments. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

Mr. Warren reported that the recent audit resulted in several findings, and that he and the Board's Legal Counsel were working with the auditors on these matters. He indicated that the goal was to eliminate as many findings as possible before the Sunset Committee meeting in July, with the hopes the Sunset Committee would recommend a full four-year continuation.


OTHER BUSINESS AND ANNOUNCEMENTS

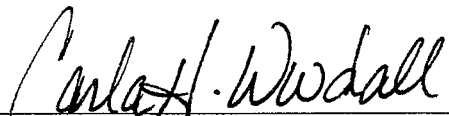
Mr. Warren announced that the Sunset Committee meeting was scheduled July 21, 2022 at 11:00 a.m. He indicated that a reminder notice would be sent to the Board members.

It was the consensus of the Board to meet at 1:00 p.m. at the Board's office on July 21, 2022.

There being no further business, Mr. Lay made the motion to adjourn the meeting. The motion was seconded by Mr. Howard and approved by the Board. Chairman McNeil adjourned the meeting at 4:03 p.m.

Respectfully Submitted,


Chris McNeil, Board Chairman


Carla H. Woodall, Board Secretary

/rr