



ALABAMA PROFESSIONAL BAIL BONDING BOARD

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

MINUTES Board Meeting

March 25, 2022

The Alabama Professional Bail Bonding Board met on Friday, March 25, 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. Gustavius Maxie (member) and Mr. Barry Johnson (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. 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 10:18 a.m. Mr. Warren called Board roll and reported that a quorum was present to conduct Board business.

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 March 25, 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: Mr. Johnson made a motion to approve the amended March agenda with the addition of the Investigative Committee under New Business. The motion was seconded by Mr. Maxie 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 February 10, 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 approve the February minutes as presented. The motion was seconded by Mr. Howard 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 a new vendor source had been identified and the Board was moving forward in having Board member badges made. He also reported that the Board had received \$33,900 check from the Continuing Education Provider, the Alabama Bail Bonds Association. He reminded the Board that renewal of licenses would begin in September and commented on the licensure continuing education class scheduled beginning in May.

Chairman McNeil reminded the members about the Board Training offered through the Department of Examiners of Public Accounts, which could be accessed online until May 1, 2022. He also reminded the Board about completing the online Board member survey in conjunction with the Board audit that was underway.

EXECUTIVE DIRECTOR REPORT

Mr. Warren welcome the Board members to their first meeting at their new board office. He presented the Executive Director Report to include the financial activities for the period ending February 28, 2022. He reviewed a line-item budget of expenses and fund balance. He indicated that the Board of Adjustment claims had been paid except for one remaining claim.

Mr. Warren also reported on the number of licenses by categories which total 669 licensees. A list of expired licenses as of October 1, 2020 and October 1, 2021 was presented to the Board (available for viewing in the Board's Official Book of Minutes). The Board discussed adding companies to the licensee database. The Board discussed notifying the courts about expired licenses and the differences in calendar rotation for the courts versus the Board's licensure renewal period. Ms. Woodall indicated that she would assist in obtaining a list to notify the courts.

Mr. Warren reported that the contract with ALEA for licensure background checks was being updated with Warren & Company and the Board had not received an invoice for ALEA. He stated that licensing activities were continuing with the licensee's attestation that the license would be surrendered if violations were reported when the background check was completed.

The members commented on technical difficulties to complete the Board Training and Mr. Warren reported that he would notify the Examiners of Public Accounts about activating the links. He reported that Board training was required and was reported during the Sunset audit cycle. He also reminded the Board about completing the Statement of Economic Interest on the Ethics Commission website.

Mr. Warren reviewed a list of activities regarding licensure, finance and compliance/complaint activities performed by the staff.

LEGAL COUNSEL REPORT

Ms. Hetzel presented the report on complaints and recommendations of the Investigative Committee:

Case 2022-002, 2022-016-2022-019: Respondent in case had applied for licensure and obtained a limited relief from the courts. The Investigative Committee recommended a Consent Agreement settlement and to issue license with a one-year probation. She explained that if the Respondent failed to accept the settlement agreement, the matter would be set for an Administrative Hearing.

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

Case 2022-003BR: Respondent failed to report arrest(s). The matter was involved in a civil litigation. The Investigative Committee recommended a Consent Agreement settlement to allow Respondent to surrender their license until the outcome was known from the civil case. Ms. Hetzel explained that if the Respondent was not convicted, he could reapply for licensure.

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

Case 2022-006: The Investigative Committee recommended the case be closed due to no probable cause. MOTION: Mr. Lay 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 from voting.

Case 2022-007: The Investigative Committee recommended the case be closed due to no probable cause. MOTION: Ms. Woodall 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 from voting.

Case 2022-008: The Investigative Committee recommended the case be closed due to no probable cause. 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 from voting.

Case 2022-009: The Investigative Committee recommended the case be closed due to no probable cause. MOTION: Mr. Johnson made a motion to approve the recommendation of the Investigative Committee. The motion was seconded by Ms. Woodall and was approved by the Board, with Judge Cheriogotis abstaining from voting.

Mr. Maxie left the meeting.

Case 2022-010: The Investigative Committee recommended the case be closed due to no probable cause. 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 from voting.

Case 2022-011BR: Respondent failed to report arrest(s) in the required time period as an active licensee. The Investigative Committee recommended a Consent Agreement settlement with a \$500 administrative fine, and the Respondent licensee will surrender their license if found guilty in any current pending litigations.

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

Judge Cheriogotis left the meeting.

Case 2022-013: The Investigative Committee recommended the case be closed due to no probable cause. 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.

Mr. Maxie and Judge Cheriogotis returned to the meeting.

Case 2022-014: Respondent was arrested, convicted, and plead guilty to charges related to performing bail bond business. The Investigative Committee recommended the license be revoked.

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

Case 2022-015: The case was listed as closed; however, there was no record of the matter in the Board minutes. The Investigative Committee recommended the case be closed as unfounded.

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 from voting.

Case 2022-024BR: Respondent failed to report arrest(s). The Investigative Committee recommended a Consent Agreement settlement with a \$500 administrative fine, and the Respondent licensee will surrender their license if found guilty in any current pending litigations.

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

Ms. Hetzel reported on a case where the Board Chairman had been sued and a license was issued to the Plaintiff in the matter.

Ms. Hetzel inquired about the Board giving the Executive Director the authority to file complaints. The Board discussed issuing Cease and Desist letters to companies operating without a license and notifying local prosecuting authorities, e.g., District Attorneys, Court Clerks, presiding Judges and Sheriffs, regarding Board action. The Board discussed modifications to Board Rules.

MOTION: Mr. Lay made the motion to grant full authority to the Executive Director to file a complaint. The motion was seconded by Ms. Kyser and approved by the Board.

MOTION: Judge Cheriogotis made a motion to authorize the Executive Director to issue cease and desist letters to companies operating without a license. The motion was seconded by Mr. Howard and approved by the Board.

MOTION: Judge Cheriogotis made a motion to authorize the Executive Director to notify local law enforcement and courts about violations based on probable cause. The motion was seconded by Ms. Woodall and approved by the Board.

Ms. Hetzel commented on the appeal process and decisions regarding the role of the Board and an Administrative Law Judge (ALJ). The Board considered having an ALJ make recommendations to the Board concerning an appeal.

MOTION: Mr. Lay made the motion to contact State Personnel to acquire services of an Administrative Law Judge (ALJ). The motion was seconded by Judge Cheriogotis and approved by the Board.

MOTION: Judge Cheriogotis made a motion to authorize the Executive Director to refer disputed matters to an ALJ prior to a full hearing of the Board. The motion was seconded by Mr. Lay and approved by the Board.

NEW BUSINESS

Rules Committee: Chairman McNeil appointed Mr. Howard and Ms. Collard to serve on the Rules Committee with the Board's Legal Counsel.

Investigative Committee: Chairman McNeil reported that Judge Cheriogotis and he would serve on the Investigative Committee.

Proposed 2022 Board Meeting Schedule: Chairman McNeil lead discussions about the Board's preference to meet on Fridays and it was the consensus of the Board to schedule the next meeting on June 2, 2022 at 2:30 p.m.

Mr. Warren reported that the Legislature was considering modifications to the Open Meetings Act about quorums through virtual participation versus onsite attendance. He indicated that he would keep the Board advised of any changes.

Approval of Applications:

MOTION: Ms. Woodall made the motion to authorize the Executive Director to review and approve applications according to the licensure qualifications in statute and Board rules. The motion was seconded by Mr. Lay and approved by the Board.

OTHER BUSINESS AND ANNOUNCEMENTS

Chairman McNeil reminded the members that the next regularly scheduled meeting of the Board was June 2, 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 11:51 a.m.

Respectfully Submitted,



Chris McNeil, Board Chairman



Carla H. Woodall, Board Secretary

/rr