



ALABAMA PROFESSIONAL BAIL BONDING BOARD

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MINUTES Board Meeting

February 17, 2023

The Alabama Professional Bail Bonding Board met on Friday, February 17, 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), Mr. Barry Johnson (member), Mr. Gustavius Maxie (member), Ms. Jennifer Collard (member), Mr. Victor Howard (member) and Judge Spiro Cheriogotis (member). Board member absent was 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. Karen Harlow (Legal Assistant), Mr. Randy Barrows, Ms. Brenda Holden (Licensing Specialists) and Ms. Renee' Reames (recording secretary).

Mr. McNeil, Board Chairman, called the meeting to order at 10:25 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 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 February 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: Mr. Maxie made a motion to approve the February meeting agenda as presented. The motion was seconded by Judge Cheriogotis 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 December 13, 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. Johnson made a motion to dispense with the reading of the minutes and approve the September minutes as presented. The motion was seconded by Mr. Maxie and unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

BOARD CHAIRMAN REPORT

Chairman McNeil indicated that he had no new business to report at this time.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending January 31, 2023, and he provided copies of the cash reconciliation report and detailed list of obligations vs. budget. He commented on the recent Executive Orders from Governor Ivey and the procedures to be developed to comply with those directives.

Mr. Warren reported that the supplemental appropriation request, approved by the Board, had been submitted for an increase in the Board's budget to \$250,000,000. He indicated that the annual meeting travel expenses would be held until later in the fiscal year to determine available Board funds to reimburse expenses. He also reported on outstanding bills, submitted through the Board of Adjustments, that had been paid.

MOTION: Mr. Lay made the motion to accept the financial report as presented. The motion was seconded by Ms. Woodall and unanimously accepted by the Board.

Mr. Warren reported on the current number of licenses by categories, which totaled 637 licensees and presented a list of expired licenses. He also reported on the number of complaints received in fiscal year 2022 and 2023. He recommended that a committee be established to make recommendations regarding licensing-related matters. He indicated that applicants who reported and were found to have a felony on their criminal history would be presented to the Board for approval, and applicants with a Class A misdemeanor or violation of moral turpitude would be submitted to the committee, along with any evidence provided by the application about restoration of rights.

Mr. Warren reported that Board terms would expire in October, and the State Association would be nominating candidates for the Governor to appoint.

LEGAL COUNSEL REPORT

Ms. Hetzel reported that the Investigative Committee (I.C.) had met and asked Mr. James, Board Investigator, to report on the recommendations of the Committee. Mr. James reported on the following cases and Chairman McNeil and Judge Cheriogotis abstained from voting on the actions by the Board.

Case 2023-004: Recommendation to close case due to another's jurisdiction.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to close the case due to another's jurisdiction. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2023-003BR: Recommendation to accept surrender of license.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to accept the surrender of license and close the case. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

Case 2023-006: Recommendation to issue consent with \$500 fine and 1-year probation for violation of working with an expired license.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to offer a consent agreement with fine and probation. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

Case 2023-007 and 2023-009: Recommendation to close as unfounded with insufficient evidence. The complaints were on the same matter.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to close the case due to insufficient evidence. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-008: Recommendation to accept withdrawal of the complaint by the complainant.

MOTION: Ms. Woodall made the motion to approve the recommendations of the I.C. to accept the withdrawal of the complaint and close the case. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2023-010: Recommendation to issue a letter of concern to owner/company regarding being unlicensed, issue a cease and desist and include warning about giving out legal advice due to violations of having not paid bond money back in a timely manner.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to issue a letter of concern about being unlicensed with note about giving legal advice and issue a cease and desist order. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2023-011: Recommendation to close as unfounded with insufficient evidence.

MOTION: Ms. Collard made the motion to approve the recommendations of the I.C. to close the case as unfounded due to insufficient evidence. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-012: Recommendation to accept withdrawal of the complaint by the complainant.

MOTION: Ms. Howard made the motion to approve the recommendations of the I.C. to accept the withdrawal of the complaint and close the case. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-013: Recommendation to issue letters of concern to the two respondents in the case for violations of being unlicensed and issue a cease and desist.

MOTION: Judge Cheriogotis made the motion to approve the recommendations of the I.C. to issue a letter of concern about being unlicensed and issue a cease and desist order. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2023-14BR: Recommendation to issue letter of concern to unlicensed person and issue a cease and desist order.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to issue a letter of concern about being unlicensed and issue a cease and desist order. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

Case 2023-015: Recommendation to close the case as unfounded.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to close the case as unfounded. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-016: Recommendation to send to the Background Committee due to an expired license in October 2022, arrested in November 2022, and arrest not reported when license renewed in January 2023.

MOTION: Mr. Lay made the motion to approve the recommendations of the I.C. to refer to the case to the Background Committee. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-017: Recommendation to refer the matter for further investigation by obtaining a copy of the contract/bill of sale, showing what was actually purchased with the sale of the company through the contract/promissory note.

MOTION: Ms. Collard made the motion to approve the recommendations of the I.C. to refer the case for further investigation. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2023-018BR: Recommendation to issue a letter of concern about being unlicensed and issue a cease and desist order.

MOTION: Mr. Maxie made the motion to approve the recommendations of the I.C. to issue a letter of concern about being unlicensed and issue a cease and desist order. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2023-019BR: Recommendation to offer a consent agreement with a \$500 fine and 1-year probation for violation of not reporting an arrest.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to offer a consent agreement with fine and probation. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

Ms. Hetzel presented the Administrative Law Judge (ALJ) Recommendations concerning the Administrative Hearing held in the matter of licensee, John K. Robinson. She reported that the ALJ had recommended that the license be revoked. A copy of the Recommendation was provided to the Board members to review prior to the meeting.

MOTION: Ms. Woodall made the motion to uphold the ALJ recommendations to revoke Mr. Robinson's license as a professional bail bondsman, professional surety, and/or recovery agent. The motion was seconded by Mr. Maxie and unanimously approved by the Board. The Board concurred that a copy of the revocation order be mailed to the three counties where Mr. Robinson was licensed to do business, along with the clerks, Judges and District Attorneys of the three counties and Mr. Robinson's employer(s).

Ms. Hetzel recommended that the Board consider, at a future meeting, establishing a rule regarding receipts and escrow/collateral and commented on requirements and timeline to refund money to clients. She also commented on modifying the bond form to indicate reasons for re-processing a bond.

Legislative Committee Report: Chairman McNeil reported that he had update at this time from the Association's Legislative Committee and reported that the committee would meet after members returned from the annual conference.

OLD BUSINESS

Chairman McNeil called for any old business to discuss. Judge Cheriogotis requested that the Investigative Committee meetings be held on Monday, the week of the Board meeting, at 3:00 p.m. to better fit his schedule.

NEW BUSINESS

Background Committee: Chairman McNeil appointed Victor Howard to the new Background Committee to serve with the Executive Director to review licensing matters, as previously discussed earlier in the meeting in the Executive Director's report.

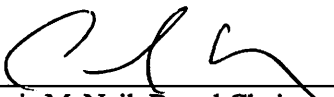
OTHER BUSINESS AND ANNOUNCEMENTS

Chairman McNeil called for any other business and there were none.

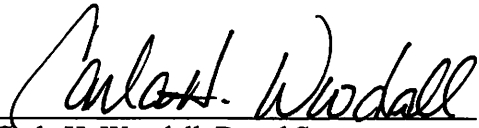
Next Board Meeting: Chairman McNeil reminded the members that the next meeting of the Board was scheduled May 26, 2023, at 10:00 a.m. at the Board's office. The Board agreed to reschedule the meeting to May 12, 2023 at 10:30 a.m.

Adjournment: There being no further business, Mr. Lay made the motion to adjourn the meeting. The motion was seconded by Mr. Howard and unanimously approved by the Board. Chairman McNeil adjourned the meeting at 11:24 a.m.

Respectfully Submitted,



Chris McNeil, Board Chairman
/rr



Carla H. Woodall, Board Secretary