



## ALABAMA PROFESSIONAL BAIL BONDING BOARD

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### MINUTES Board Meeting March 8, 2024

The Alabama Professional Bail Bonding Board met on Friday, March 8, 2024, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama. The following Board members were in attendance: Mr. Jimmie Lay (Board Chair), Judge Spiro Cheriogotis (Board Vice Chair), Ms. Carla Woodall (Board Secretary), Ms. Jennifer Collard (member), Mr. Chris McNeil (member), Mr. Gustavus Maxie (member), Mr. Barry Johnson (member), Ms. Alexis Wooden (member joining at 10:49 a.m.) and Mr. John Vaughn (member joining at 11:10 a.m.). Others present at the meeting were Mr. Keith Warren (Executive Director), Ms. Tara Hetzel (Assistant Attorney General-Board Legal Counsel), Ms. Karen Entriken (Investigator), Ms. Brenda Holden (Licensing Specialist), Ms. Karen Harlow (Legal Assistant), Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary).

Mr. Jimmie Lay, Board Chairman, called the meeting to order at 10:13 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. Chairman Lay reported that the meeting was open to the public and the meeting would be conducted under Roberts Rules of Order. Chairman Lay 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 Lay presented a copy of the 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. McNeil made a motion to approve the March 8, 2024, 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).

#### REQUEST TO APPEAR

Ms. Hetzel introduced Mr. Victor Calloway to the Board and indicated that he had asked to appear before the Board to appeal the decision to administratively deny his application for licensure as a bondsman. She reported on his criminal history and indicated that he had left the criminal history question blank on his application but had sent a separate email indicating to the licensing staff that he was not able to attach his arrests records to his application. The Board clarified to Mr. Calloway the necessity to answer truthfully all questions on the application and the requirements for full disclosure to the Board. Following some questions from the Board and explanations from Mr. Calloway, Mr. Calloway thanked the Board for the opportunity to meet with them and left the meeting at 10:40 a.m.

MOTION: Mr. Johnson made the motion to adjourn to Executive Session for approximately 10 minutes for the purpose of protecting the good name and reputation of the individual regarding an application denial. The motion was seconded by Judge Cheriogotis. 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,” Judge Cheriogotis, Ms. Woodall, Ms. Collard, Mr. McNeil, Mr. Maxie, and Mr. Johnson. Chairman Lay did not vote, unless in the case of a tie. Chairman Lay called the Board into Executive Session at 10:49 a.m. for 10 minutes, and to reconvene at approximately 11:00 a.m.

Ms. Wooden joined the meeting at 10:49 a.m.

Chairman Lay ended the Executive Session at 10:59 a.m.

Chairman Lay reconvened the business meeting of the Board at 10:59 a.m.

Chairman Lay called a recess of the Board for 5 minutes and to reconvene at 11:05 a.m. after the break.

Chairman Lay reconvened the Board at 11:05 a.m.

The Board discussed Mr. Calloway’s appeal for reconsideration for licensure and requested further investigation into the criminal charges for the Board’s consideration before making a decision in the matter.

MOTION: Judge Cheriogotis made a motion to require the applicant to obtain certified copies of criminal convictions and certified copies of the case file, with 30 days from request, and to refer the matter to investigators for additional information for the Board’s consideration. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

Mr. Vaughn joined the meeting at 11:10 a.m.

#### APPROVAL OF MINUTES

Chairman Lay presented a copy of December 1, 2023, regular meeting minutes and the January 12, 2024 special/called 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. McNeil made a motion to dispense with the reading of the minutes and approve the December and January Board 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 Lay presented for Board discussion on seeking the authority to issue inactive licenses and establishing criteria to reinstate a license from inactive status. The Board discussed the outstanding obligation of bonds and prior actions needed to adjudicate the cases through the courts.

#### EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending February 29, 2024, and he provided copies of the cash reconciliation report and detailed list of obligations vs. budget.

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

Mr. Warren reported on the number of licensees by designation totaling 657 active licenses.

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 November.

Mr. Warren reported that he had met with Tyler Technologies about changes to the licensee database to add apprentice licensees and companies on the website’s licensee search. He explained that the county designation was being removed in the licensee search on the Board’s website due to confusion over the

specific county authorized to do business. He reported that the courts maintain the list of individuals authorized to do business in the county and the courts provided the list to the county jails.

He also reported on Know My Hire, a vendor to obtain background histories, that allowed the applicant to pay online for the report and, within approximately 48 hours, a copy of the report would be provided to both the Board and the applicant, which would eliminate fingerprint cards. Mr. Warren reported that a test application would be conducted by Chairman Lay, Ms. Collard and Ms. Woodall before the final program was presented to the Board to launch.

#### Sunset Committee Update

Mr. Warren commented on the Sunset Audit findings and provided the Board with an updated report on resolved and unresolved findings. He indicated that this updated report was provided to the Sunset Committee. The Board discussed proposed SB140 regarding continuation of the Board until October 1, 2025.

Mr. Johnson reported that Internet Google posts regarding apprentice applications direct potential applicants to the prior board administrator. Mr. Warren reported that he would contact Google about removing the listing.

#### LEGAL COUNSEL REPORT

Ms. Hetzel presented a detailed list of the Investigative Committee (IC) recommendations. She reported on an increase in board review complaints concerning expired licenses as of December 31, 2023. She presented a list of recommended disciplinary action regarding late renewal of license:

- First offense: letter of concern due to results may have indicated extenuating circumstance.
- Second offense: offer of consent agreement, one year probation and twice the amount of license fee.
- Third offense: offer of consent, one year probation, \$500 fine and twice the amount of licensing fee.

MOTION: Mr. McNeil made the motion to approve the IC recommendation and adopt the disciplinary structure for late filing of renewal application as presented by Board Counsel. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

The Board discussed that some lapsed licenses are more serious in nature if services were provided during the lapsed period. Ms. Hetzel reported that cease and desist letters were sent to individuals with a lapsed license. A list of complaint cases with Investigative Committee recommendations was presented to the Board for approval:

- Offer of Consent Agreement: Cases 2023-030.01, 2024-005BR and 2024-22BR
- Refer to local prosecuting authority: Case 2024-004
- Administratively close: Case 2024-006
- Unfounded: Case 2024-007
- Letter of Concern: Cases 2024-008BR, 2024-009BR, 2024-010BR, 2024-011BR, 2024-012BR, 2024-013Br, 2024-014BR, 2024-015BR, 2024-016BR, 2024-017BR, 2024-018BR, 2024-019BR, 2024-020BR, 2024-021BR, 2024-023BR, 2024-024BR, 2024-025BR, 2024-026BR, 2024-028BR, 2024-029BR, 2024-030BR, 2024-031BR, 2024-032BR, 2024-033Br, 2024-034BR, 2024-035BR, 2024-036BR, 2024-037BR, 2024-039BR, 2024-040, and 2024-041.

MOTION: Ms. Woodall made the motion to accept all of the recommendations from the Investigative Committee as presented by Ms. Hetzel (list of cases with IC recommendations available for review in the official Book of Minutes). The motion was seconded by Ms. Collard and unanimously approved by the Board, with Mr. Lay, Mr. McNeil, and Judge Cheriogotis recused from voting.

Ms. Hetzel reported that the Court of Civil Appeals had affirmed to revoke the license of the respondent in Case 2022-035 as previously approved by the Board.

#### BACKGROUND COMMITTEE REPORT

Mr. Warren reported that the board member appointed to the Background Committee was no longer on the Board. Mr. Warren reported on the following two applications concerning background histories and reviewed the Board's statute § 15-13-215 concerning Board authority:

- Applicant with Class A misdemeanor conviction in last 12 months.
- Applicant with multiple convictions in 2021 and 2017, etc. and the applicant indicated on the application that he had no criminal history.

MOTION: Mr. Johnson made the motion to deny the two applications for licensure based on the background history of the applicants. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

MOTION: Mr. McNeil made the motion that the Investigative Committee be authorized to review applications when background histories warrant consideration and present to the Board for approval. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

#### OLD BUSINESS

##### Proposed Rule – Definition of Employee

Mr. Warren recommended that the proposed definition of an Employee, as a change in the Board's statute, be deferred pending recommendations from the Sunset Committee. Chairman Lay deferred further discussion of defining an employee as a proposed change to the Board's statute.

##### Proposed Amended Rule – Fees

Mr. Warren presented revisions to the Board's Rule 153-X-9-01 Fees. The Board reviewed the recommended fees (copy available to view in the official Book of Minutes) and Mr. Warren reminded the members that the recommended rule change was due to an audit finding.

MOTION: Mr. McNeil made a motion to approve the amended Rule 153-X-9-01 as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

##### Proposed Amended Rule – Renewal Application Deadlines

Mr. Warren presented revisions to the Board's Rule 153-X-4.02 Renewal Application Deadlines (copy available to view in the official Book of Minutes). He reminded the members that the late renewal fee was determined in the Board's statute § 15-13-217 and recommended rule modifications to reflect the late renewal amount. He also commented on CE requirements for a company owner cited in the same section of the statute and added to the proposed rule.

MOTION: Mr. McNeil made the motion to approve the amended Rule 153-X-4.02 as presented. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

The Board discussed adding on the licensure applications an inquiry about whether the applicant had information expunged from their criminal background history.

MOTION: Judge Cheriogotis made the motion to add to the licensing application the question if a conviction had later been expunged. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

#### ANNOUNCEMENTS AND OTHER BUSINESS

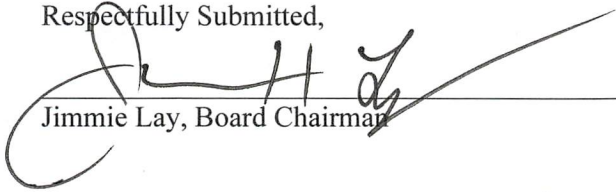
Mr. Warren reminded the Board about completing the Board training sessions listed on the Examiners of Public Accounts website. He also reminded the members to complete the annual Statement of Economic Interest on the Ethic Commission website. He indicated that both requirements were due by April 30, 2024.

Next Board Meeting: Chairman Lay reminded the members that the next meeting of the Board was scheduled for May 10, 2024.

ADJOURNMENT

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

Respectfully Submitted,

  
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Jimmie Lay, Board Chairman

  
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Carla H. Woodall, Board Secretary

Date Approved May 10, 2024 