



ALABAMA PROFESSIONAL BAIL BONDING BOARD

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MINUTES Board Meeting May 10, 2024

The Alabama Professional Bail Bonding Board met on Friday, May 10, 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), 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.). Member absent was Ms. Jennifer Collard (member). Others present at the meeting were Mr. Keith Warren (Executive Director), Ms. Tara Hetzel (Assistant Attorney General-Board Legal Counsel), Ms. Karen Enriken (Investigator), Ms. Brenda Holden (Licensing Specialist), Ms. Karen Harlow (Legal Assistant), Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary) and guests.

Mr. Jimmie Lay, Board Chairman, called the meeting to order at 10:09 a.m. Mr. Warren called Board-member roll and reported that a quorum was present to conduct Board business. Board members present at the meeting submitted travel expense reports. 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 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 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 May 10, 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).

APPROVAL OF MINUTES

Chairman Lay presented a copy of March 8, 2024 regular meeting minutes and the January 12, 2024 amended minutes for the Board's approval.

MOTION: Mr. McNeil made a motion to dispense with the reading of the minutes and approve the March regular meeting minutes and the January amended meeting 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).

REPORTS

Board Chairman Report: Chairman Lay reported on the National conference of the Professional Bail Agents of the United States scheduled in Mobile July 28-31.

MOTION: Mr. McNeil made the motion to approve the travel expenses for board members and staff to attend the conference, extending an invitation to Ms. Hetzel and Mr. Warren.

Executive Director Report: Mr. Warren reported on the current number of licensees (#687), as well as bail bond businesses (#197). He reported on the number of complaints received in FY 2024 and FY 2023 and the status of disciplinary fines assessed in each of the fiscal years. He indicated that of the 46 complaints opened in FY 2024, thirty (30) disciplinary letters were sent to licensees that had an expired license and renewed their license late after the end of the renewal period.

Mr. Warren also presented the financial activities of the Board for the period ending March 31, 2024. A copy of the cash reconciliation report and detailed listing of obligations vs budget report was provided to the members (report available in official Book of Minutes).

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

Mr. Warren reported on the finding of the Sunset audit for the period of October 1, 2021 through September 30, 2022. Mr. Warren reported that the legislature approved the Sunset Committee's recommendation for a one-year continuation period, and another audit and meeting with the Sunset Committee would be scheduled in Fall of 2024. He indicated the Board was unsuccessful in proposing new legislation to resolve findings related to the Board's statute. He reported that the quarterly report for July 2024 will be submitted.

Mr. Warren indicated that the Board's website was being updated and a test-run of the web-platform of "Know My Hire" for background history information would be available tentatively in July. The new background vendor would provide a copy of the background history to both the applicant and the Board for licensure consideration. Ms. Hetzel recommended that the Board consider revisions to Rule 153-X-4-.01 concerning fingerprints.

Legal Counsel Report:

Ms. Hetzel presented a detailed list of the Investigative Committee (IC) recommendations (list available in the official Book of Minutes).

- Accept the withdrawal of the complaint by the complainant and close the file: Case 2024-027.
- Issue letter of concern: Case 2024-038.
- Close case as unfounded: Case 2024-042.
- Issue letter of concern (1st offense): Cases 2024-043BR
- Request Attorney General's opinion regarding bail bonding company ownership: Case 2024-044.

Ms. Hetzel explained that the out-of-state co-owner may be in conflict with the requirement that surety signees be a resident in the state.

MOTION: Ms. Woodall made the motion to approve the Investigative Committee recommendations as presented. The motion was seconded by Mr. McNeil and the motion was approved by the majority of the Board, with Judge Cheriogotis and Chairman Lay recused from voting and Mr. Johnson abstained from voting.

Ms. Hetzel reported that applicant JLC, with a criminal history, had applied for licensure as bondsman. She reviewed the applicant's criminal background. She reported that the applicant had received a limited relief order regarding their felony conviction and the Board inquired about the circumstances involving some of the criminal convictions, which included completion of a rehabilitation program.

MOTION: Ms. Woodall made the motion for the Board's investigator to obtain additional information to present to the Board regarding the applicant's employment history with two bail bonding companies, obtain a certified copy of criminal charges and determine if the applicant had any new charges: (a) when was the applicant employed at Company A, (b) what did she do at Company A, (c) does she work at Company B

and (d) what does she do at Company B, (e) obtain certified copy of criminal charges, and (f) are there any new charges. The motion was seconded by Mr. McNeil and approved by the majority of the Board, with Mr. Johnson abstaining from voting.

OLD BUSINESS

Chairman Lay called for any old business and there were none.

NEW BUSINESS

Board Training and SEI Compliance:

Ms. Woodall reminded the members to complete the Board member training videos posted on the Examiners of Public Accounts website and strongly encouraged 100% participation. Mr. Warren indicated that his staff would confirm with the Examiners about completion of training. He reported that two Board members had electronic difficulties completing video 7 and would verify with the Examiners about completion.

Mr. Warren distributed a copy of the Resource Manual for Alabama Regulatory Boards and Commissions, prepared by the Department of Examiners of Public Accounts, dated August 2023.

The Board also discussed completing the Statement of Economic Interest (SEI) on the Ethics Commission website, which was required annually in arrears. Mr. Warren suggested that the members verify on the Ethics website that the SEI had been filed for each of the years that they served on the Board. The Board discussed that it was the responsibility of each member to comply with the annual filing of a Statement of Economic Interest, and the Board discussed that a member had not filed the appropriate years of SEI and the member was asked contact the Ethics Commission about submitting the annual filings.

MOTION: Ms. Woodall made the motion that the matter of oversight regarding a member failing to file an SEI be disclosed to the Ethics Commission as a duty of the Board, and a statement of the Board's responsibility be added to the Board's rules. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

Mr. Maxie reported that he had contacted the Ethics Commission about his oversight and would complete the required SEI filings.

Public Records: The Board discussed the new Act 2024-278 pertaining to public records. Mr. Warren reported that each Board had a link on the Board's website that allowed the public to request public records. He explained that these requests were coordinated by the Executive Director with the Legal Counsel and his office maintained a log of these requests. He indicated that he and the Board Legal Counsel would provide more information on this matter at the next Board meeting.

Proposed Final Rule 153-X-4-.02 Renewal Application Deadlines:

Mr. Warren presented a copy of the proposed Rule 153-X-4-.02 Renewal Application. He reported that the proposed Rule had been published for public comments and no comments had been received. Chairman Lay called for comments from the floor and there were none.

MOTION: Mr. McNeil made the motion to amend the rule to indicate in item (3) to correct the late fee penalty amount from \$125.99 to \$125. The motion died for lack of a second.

The Board continued to review the Rule and corrections were suggested to mirror the statute and remove reference to the late fee penalty of \$125, to read in item (2) *the applicant will pay a renewal license fee of twice the amount otherwise required* along with the adding in item (3) *the applicant will pay a renewal*

license fee of twice the amount otherwise required. Said renewal licensee fee must be received at the Board's office when the completed renewal application form is received at the Board's office for the renewal application to be deemed properly submitted and subsequently processed.

MOTION: Judge Cheriogotis made the motion to approve Final Rule 153-X-4-.02 with the corrections to mirror the language in the Board's statute about failure to timely renew a license and remove references to the late fee penalty. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Proposed Final Rule 153-X-9-.01 Fees:

Mr. Warren presented a copy of the proposed Rule 153-X-9-.01 Fees. He reported that the proposed Rule had been published for public comments and no comments had been received. Chairman Lay called for comments from the floor and there were none.

MOTION: Ms. Woodall made the motion to approve Final Rule 153-x-9-.01 as published. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

Review of Rules 153-X-3 Licensure and 153-X-4 Licensure Renewal and Continuing Education:

The Board discussed the requirement for fingerprints in obtaining criminal background history for licensees renewing licenses. Mr. Warren reminded the members about the new vendor process to be implemented with "Know My Hire."

MOTION: Ms. Woodall made the motion to amend Rule 153-X-4-.02(1) by removing the word "fingerprint." The motion was seconded by Mr. Johnson and unanimously approved by the Board.

ANNOUNCEMENTS AND OTHER BUSINESS

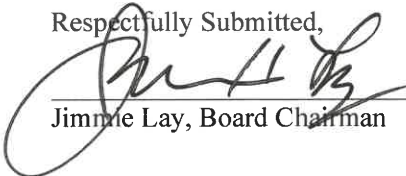
Chairman Lay called for other business and there were none

Chairman Lay reminded the members that the next meeting of the Board was scheduled August 2, 2024, at 10:00 a.m. at the Board's office. It was the consensus of the members to change the meeting date to August 9, 2024 at 10:00 a.m. based on conflicting schedules of some of the members.

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,



Jimmie Lay, Board Chairman



Carla H. Woodall, Board Secretary

Date Approved: 8/9/2024 