



ALABAMA PROFESSIONAL BAIL BONDING BOARD

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MINUTES Board Meeting

December 13, 2022

The Alabama Professional Bail Bonding Board met on Tuesday, December 13, 2022, 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. Gustavus Maxie (member), Ms. Jennifer Collard (member) and Mr. Victor Howard (member). Members absent were Judge Spiro Cheriogotis (member) and 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 and Ms. Renee' Reames (recording secretary).

Mr. McNeil, Board Chairman, called the meeting to order at 10:05 a.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 December 13, 2022, 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 December 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 McNeil presented a copy of the September 16, 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: Ms. Woodall 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 reported that the annual meeting of the Professional Bail Agents would be held in February 2023 in Las Vegas. Mr. Warren indicated that funds would need to be available to reimbursement board members who planned to attend the meeting and explained about the submission of a request prior to traveling out-of-state and the reimbursement of actual expenses associated with the business portion of the conference. He also suggested that the Board consider submitting during the 2023 Legislative Session a request for \$250,000 in Supplemental Appropriations.

MOTION: Mr. Lay made the motion to approve the allocation of travel funds to attend the annual PBUS meeting. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Chairman McNeil also reported on the changes in the Rules regarding apprentice licensees and the Board's supervision letter that was sent in April. A copy of the April memo was distributed for the members to review.

MOTION: Ms. Woodall made the motion that Apprentice Licensees be added under Old Business on the Board's December meeting agenda. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Chairman McNeil reported that the Association had submitted funds to the Board for the November 2022 continuing education class.

A committee to consider proposed legislative changes was discussed by the Board. Chairman McNeil appointed the following to the Legislative Committee: Ms. Woodall, Mr. McNeil, Mr. Warren, Ms. Hetzel and Mr. James.

Chairman McNeil reported on the upcoming continuing education classes to be held in 2023 across the state. He indicated that this schedule would be posted on the Association's website.

Also reported were Board member terms that would expire in October 2023. Ms. Woodall indicated that she was interested in continuing to serve and additional information would be discussed at the next meeting.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending September 30, 2022, along with current fiscal year for the period ending November 30, 2022. He also presented a list of financial obligations vs. budget for the same reporting periods.

Mr. Warren reported that the Board had exceeded budgeted funds and September's travel expense reports would require Board of Adjustment approval.

MOTION: Mr. Howard made the motion to not submit the September travel expense reports for payment. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Mr. Warren reported that he had met with the IT vendor (Alabama Interactive) about continuation of services with the Board and status of outstanding invoices to be paid by the Board. The Board continued to discuss seeking a Supplemental Appropriation of funds to increase the Board's spending authority.

MOTION: Mr. Johnson made the motion to approve the financial report as presented. The motion was seconded by Mr. Lay and unanimously approved by the Board.

MOTION: Mr. Johnson made the motion to authorize the Executive Director to request Supplemental Appropriations on behalf of the Board. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Mr. Warren commented in the chairperson on the Legislative committees in seeking additional funds and the Board members contacting the legislators to support the request for funds.

Mr. Warren reported on the current number of licenses by categories, which totaled 787 licensees. He reported that expiration notices were late being mailed to expired license-holders, along with a notification mailed to their employer.

The Board discussed sending a copy of the list of expired licenses to the Administrative Courts, Sheriffs, District Attorneys, and related jurisdiction offices. The Board agreed that a letter would be drafted, with

the assistance of Ms. Woodall, Mr. Warren, Ms. Hetzel and Mr. James, to the head of the various state associations of these entities, requesting that they notify their membership.

Ms. Hetzel explained that the Board could issue a cease and desist letter to the expired license-holders, and sheriff offices and Judges' offices could be cc'd as notification. Mr. Warren explained that the Executive Director could initiate a complaint regarding unlicensed individuals performing bail bonding services. The Board discussed the effect on a company's active bonds and escrow agreements, in cases of issuing a cease and desist to unlicensed companies and bail bondsman.

Mr. Warren continued his report on activities of the Board and reviewed the number of complaints for fiscal year 2022 and 2023.

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 abstained from voting on the actions by the Board.

Case 2022-003BR: Mr. James reported that this matter had been previously reported and a consent issued, with no response from the Respondent nor his attorney. The I.C. recommended the case be administratively closed and the Respondent flagged in the database regarding no future licensing activities until the case was addressed by the Respondent.

Case 2022-012BR: Mr. James reported that Respondent was not providing bail bond services and has not all year. The I.C. recommended the case be administratively closed and the Respondent flagged in the database regarding no future licensing activities until the case was addressed by the Respondent.

Case 2022-040BR: Mr. James reported that this case had been previously reported and a consent issued. The respondent was no longer providing bail bond services and planned to move out of state. The I.C. recommended that the case be administratively closed and the Respondent flagged in the database regarding no future licensing activities until the case was addressed by the Respondent.

Case 2022-046BR: Mr. James reported that this case had been previously reported and a consent issued. The respondent was no longer providing bail bond services. The I.C. recommended that the case be administratively closed and the Respondent flagged in the database regarding no future licensing activities until the case was addressed by the Respondent.

MOTION: Mr. Johnson made the motion to approve the recommendations of the I.C. to administratively close the 4 cases. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2023-001BR: Mr. James reported that the licensed Respondent did not notify the Board within the 10 days about an arrest. The I.C. recommended a consent be issued, assessed a \$500 fine and placed on one-year probation.

Case 2023-002BR: Mr. James reported that the licensed Respondent did not notify the Board within the 10 days about an arrest. The I.C. recommended a consent be issued, assessed a \$500 fine and placed on one-year probation.

MOTION: Mr. Johnson made the motion to approve the recommendations of the I.C. to issue a consent agreement with the terms presented. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

Case 2023-047: Mr. James reported that the licensed Respondent solicited bail bond services at a jail facility. The I.C. recommended a letter of concern be issued to the Respondent and the jail facility be notified of Board action.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to issue a letter of concern. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2023-003: Mr. James reported that the licensed Respondent company owner was absent with unlicensed employees providing services. The I.C. recommended a consent be issued to the owner and assessed a \$2000 fine and placed on one-year probation, and one unlicensed employee be issued a cease and desist and assessed \$1000 fine, and one unlicensed bail bondman be issued a consent and \$1000 fine.

MOTION: Mr. Johnson made the motion to approve the recommendations of the I.C. to issue a consent agreement to the owner with the terms presented, along with a cease and desist and \$1000 fine to one unlicensed employee and a consent and \$1000 fine to one unlicensed bail bondsman. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2022-035: Mr. James reported that the licensed Respondent was previously reported to the Board. The I.C. recommended an immediate suspension of the Respondent's license for 90 days while the matter was being investigated and set for a hearing.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to immediately suspend the Respondent's license for 90 days, with notification to the employer company, and set the matter for a hearing. The motion was seconded by Mr. Johnson and unanimously approved by the Board. Mr. James reported that the Respondent would be arrested if he presented himself at the Board's office prior to the hearing.

OLD BUSINESS

Apprentice Supervision: - The Board discussed Rule 153-3-.05 allowing a licensed apprentice to deliver bonds and Rule 153-3-.03 stating that a licensed apprentice cannot act alone in bail recovery. Mr. Warren indicated that he would prepare a memo to be posted on the Board's website:

Administrative Rule 153-3-.05 Apprentice Licenses

(5) An apprentice shall be accompanied by a licensed professional bail bondsman, professional surety, or recovery agent, who is responsible for directing and overseeing the actions of the apprentice during the performance of his duties, except an apprentice may deliver written correspondence, documents, etc., to the Court, the Sheriff or other jail related facilities without physical supervision. The accompanying licensee shall be responsible and accountable for the actions of the apprentice.

Administrative Rule 153-3-.03 Licenses

(3) Any person acting as an apprentice to a professional bail bondsman, professional surety, and/or recovery agent shall first obtain a current bail bond apprentice license pursuant to Alabama Bail Bond Regulatory Act, Chapter 13 of Title 15, Code of Ala., 1975. An apprentice shall not act alone in bail recovery, failure to have an authorized licensee with you may result in suspension or revocation of license.

NEW BUSINESS

Approval of Change in Supervisor and/or Employer Form: Mr. Warren presented the new form regarding change in supervisor and/or employer for the Board's approval. Mr. Warren explained that this new form would be used by both licensed apprentices and licensed employees of bail bonding companies.

MOTION: Mr. Lay made a motion to approve the new reporting form as presented. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Proposed 2023 Board Meeting Calendar: Mr. Warren presented a list of proposed dates for the Board to meet in 2023. He reported that the Administrative Hearing to be scheduled in the Case 2022-035 would be held without the Board being present and the ALJ would be making a recommendation to the Board on this matter.

MOTION: Mr. Lay made a motion to approve the list of Board meeting dates, with future changes as needed: February 17, May 26, August 11, and December 1, 2023. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

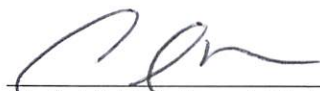
OTHER BUSINESS AND ANNOUNCEMENTS

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

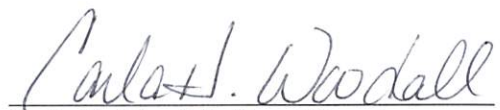
Next Board Meeting: Chairman McNeil reminded the members that the next meeting of the Board was scheduled February 17, 2023, at 10:00 a.m. at the Board's office.

Adjournment: There being no further business, Mr. Howard made the motion to adjourn the meeting. The motion was seconded by Mr. Maxie and unanimously approved by the Board. Chairman McNeil adjourned the meeting at 11:46 a.m.

Respectfully Submitted,



Chris McNeil, Board Chairman



Carla H. Woodall, Board Secretary

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