

RULES AND REGULATIONS OF THE WISE COUNTY BAIL BOND BOARD

Pursuant to the authority granted in Chapter 1704 of the Texas Occupations Code, the following rules and regulations are adopted to regulate the bail bond business in Wise County, Texas.

The Wise County Bail Bond Board, hereinafter the Board, will hold regular meetings on the third Thursday of each month, at 2:00 p.m., in the Jury Room on the second floor of the Wise County Courthouse on the square, unless otherwise specified by the Chairman of the Board. Notices of the meeting will be posted on the bulletin board, on the first floor of the Wise County Courthouse at least 72 hours in advance. In the absence of the Chairman, the Vice – Chairman will be the presiding officer. In the absence of the Chairman and Vice – Chairman, the presiding officer shall be a Board Member, designated by the Chairman in writing, for that purpose for that particular meeting. Such written designation shall be attached to the minutes of such Board meeting. It shall be the responsibility of the Bail Bondsman’s Representative to create, file and post the agenda accordingly and record the minutes of each meeting. All proceedings not governed by specific statutory provisions or by the Rules and Regulations, hereinafter the Rules, shall be conducted in accordance with Robert’s Rules of Order, and the presiding officer shall serve *ex officio* parliamentarian. The Board shall annually elect members to the offices of Chairman, Vice – Chairman, Bail Bondsman’s Representative and Criminal Defense Attorney.

1. A Bondsman shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation as it relates to their bail bond business.
2. Only licensed Bondsman's and their agents approved by the Wise County Bail Bond Board, may submit bonds to the Wise County Sheriff's Office.
3. A list of approved Bondsman's will be posted at the appropriate places at the Wise County Jail. The list will be rotated every month on the day of the Bail Bond Board meeting, by the Bondsman's Representative. The Bondsman at the top of the list will move to the bottom and each Bondsman then will move up one corresponding spot. This list cannot be altered without prior notice from the Bail Bond Board.
4. Only licensed Attorneys will be allowed to make bonds and non-Attorneys agents for Attorneys will not be allowed to act on the Attorneys behalf.

APPLICATIONS / RENEWALS

5. In discharging its responsibility for reviewing applications and renewals for license, the approach to be taken by the Board is generally to require the applicant or licensee seeking renewal to have at least \$50,000.00 unencumbered minimum collateral deposit.
6. License renewal requests and \$500.00 fees must be submitted for Board approval at the meeting 60 days prior to the expiration of the license. Renewal applicants under the Texas Occupations Code 1704.162(e), must file an annual financial report 30 days prior to the anniversary date of the issuance of the applicant's license for review by the Board.

All applicants for new license or renewals shall provide nine (9) copies plus the original application and submit to the Secretary of the Bail Bond Board. All applications will be approved or disapproved no later than 180 days after submission. This means that an applicant shall have no more than a maximum of 180 days from initial submission to provide supplemental or amended information before the Board approves or rejects the application. Once an application has been rejected, a subsequent application shall require payment of the appropriate application fee.

7. When a Bondsman renews his or her license and resubmits real property for collateral, the value may be determined by submitting the following to the Board: a complete appraisal as described in the Texas Occupations Code 1704.155(2)(B).
8. (a) Whenever a Bondsman is required to submit a financial statement, whether annually, as part of an original application for license, or pursuant to a renewal application, or for any other reason, the financial statement must be current as of a date which is within thirty days of the date of its submission to the board's secretary for the board's consideration. Such a financial statement should indicate on its face that it is "current as of [date]".

(b) Bondsman's who meet the statutory criteria for periodic renewal of their license every thirty-six months must submit an appraisal for each piece of real property that the Bondsman wishes to pledge as collateral for bail bonds during the period for which he is requesting a license renewal. This appraisal shall provide the net value of the property according to a current appraisal made by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program. A "current" appraisal, as the term is used herein, means an appraisal which is current as of a date that is within ninety days of its date of submission to the board's secretary for the board's consideration.

OFFICE PROCEDURES

9. A Bondsman shall not charge a fee for making a bond in an amount in excess of the amount of the bond.
10. (a) A Bondsman shall maintain a file on each principal for whom he writes a bond. The file shall contain the information required under Chapter 1704 of the Texas Occupations Code. Especially 1704.202 and 1704.305 as well as any information Required to be maintained by the Local Rules herein.

(b) Within 30 days after initial licensing as a Bondsman in Wise County or within 30 Days after the renewal of any license to act as a Bondsman issued by the Wise County Bail Bond Board, a licensee must submit a written designation to the secretary of the Bail Bond Board providing a Wise County address and phone number at which the bail bond business records shall be kept. These records shall remain accessible at the location to a representative of the Bail Bond Board in accordance with the laws of this state and the local rules of this board, unless and until the licensee submits an amended designation, in the same manner, stating a different address within the county.

11. (a) A receipt shall be given to the principal or person paying a bond fee. The receipt shall indicate whether the payment was for money or property. If property, a description of such property shall be included on the receipt, to include serial numbers, if any. A copy of such receipt shall be kept in the file required by Rule No. 10 (a).

(b) If the collateral is to be forfeited, the person giving said collateral shall be given ten (10) days notice of said intended forfeiture. The notice shall be sent by certified mail to the last known address. The property may be sold for its fair market value and the defendant's account credited for said amount. The defendant or party giving the collateral shall then be notified of the account balance and any surplus remitted to the person posting said collateral. A bondsman or Attorney may hold collateral in connection with a bail bond for only two purposes: securing payment of the bond fee, and securing the client's appearances in court. Collateral may not be held or forfeited for the violation of any other contractual provision between the surety and the client.

(c) If a Bondsman collects money from a client in order to pass that money on to anyone else providing professional service in connection with the client's arrest, release from jail, or criminal charges, the Bondsman must provide a receipt for these funds to the client or to the person paying the bond fee. The receipt must state the amount of the payment received from the client, the purpose of the payment, and the name of the service provider who will receive the funds. A copy of the receipt must be retained in the file required by Rule No 10 (a), along with written documentation that the amount of the money received from the client was properly disbursed. A bondsman's file should also reflect the method and date of this disbursement.

(d) "A Bondsman shall not collect legal fees to pass on to an Attorney. This prohibition applies even to situations in which the Bondsman passes 100% of the amount collected to the Attorney".

12. The Bondman has the responsibility of notifying the principal of all court settings. A record of such notice shall be kept in the file required by Rule No. 8(a). Such file shall be kept for a period of one year from the date the bond is discharged.

13. A Bondsman shall not accept as a fee anything of value, for obtaining a writ of habeas

corpus on behalf of any person incarcerated in any jail, nor may a Bondsman accept any form of referral fee from anyone in connection with any writ of habeas corpus which is obtained to release any inmate from any jail.

The normal rule prohibiting referrals to Attorneys {Texas Occupation Code Sec. 1704-304(a)} applies to referrals in connection with writs of habeas corpus.

ADVERTISING

14. (a) A licensed Bondsman (other than a corporation) may operate under only one "business name". This "business name" may be an assumed name or the Bondsman's real name (individual name).
- (b) A corporate surety may also operate under an assumed name or under its "real name" (the name of the corporation), as in (a) above. Instead of these alternatives, a corporate surety may choose to operate under the name of any of its licensed corporate agent (but not under the names of anyone licensed only as a Class A or B agent). Each corporate agent licensed to operate for a corporate surety may operate under only one business name. No more than one corporate agent per corporate surety may operate using the corporation name as its "business name". A corporate surety may operate under only one name for each corporate agent.
- (c) Each corporate agent and each licensed Bondsman (other than a corporation) must designate a "business name" that he or she intends to use whenever a license is obtained or renewed, or whenever he or she intends to change a "business name" between renewals. The Board may refuse permission to use any name that is confusing or misleading.
- (d) A licensed Bondsman must advertise under the proper "business name", as that term is defined above. However, all advertisements must also contain any corporate name (if different than "business name"), any corporate agent's name along with a designation naming the agent as such, the individual name of any non-corporate Bondsman, and the license number which the Bondsman operates. "Advertisement" includes billboard, telephone director ad, newspaper or magazine ad, handbill, business card, and any electronic or printed material used to solicit business.

(e) Class A and B agents may not advertise bail bond service in their own name but only in the business for whom they are agents. They may not, on personal business cards or otherwise, advertise using a phone number that does not belong to a licensed Bondsman.

15. No soliciting of bonds is permitted inside jail buildings, or at entrances thereto, by either licensed Bondsman's or their agents.

Because solicitation of bonds is limited by this rule and by other provisions of the Bail Bond Act, licensed sureties shall be prohibited from paying their agents additional compensation for successfully negotiating the acquisition of new or additional bond business.

16. No billboard or other type of advertising will be placed in a location where its content is discernibly visible by an inmate from inside a jail building as bail bond advertising.

17. If a Bondman purchases a bail bond business and intends to assume the seller's trade name, or telephone number(s) for any time period whatsoever, the agreement for such sale must be presented to the board and approved in order for the purchaser to receive any exemption from Local Rule 14. Any purchaser assuming a trade name or telephone number without receiving prior approval from the board shall be considered in violation of Local rule 14.

COLLATERAL

18. (a) No collateral will be added to a bondsman's maximum bond amount unless it is a minimum of \$1,000.00.

(b) If cash or certificate(s) of deposit are offered as collateral, they must remain in trust for at least one year. After the expiration of one year, certificates of deposit pledged as collateral may be released and substituted without Board approval by the secretary of the Board, provided that the substituted certificates of deposit are of equal value.

(c) If real estate is offered as collateral, the real estate may be released within ninety days provided that cash or certificate(s) of deposit in equal or greater amount are offered in lieu of the real estate. Cash or certificate(s) of deposit offered in place of real estate must remain in trust for one year. Any change in collateral under this

rule must be accompanied by a current financial statement.

(d) If real estate is offered as collateral in lieu of cash or certificate(s) of deposit, or in lieu of other real estate already pledged, or for any real estate offered as collateral, the Bondsman must present the following to the Board for approval:

1. "property description when real estate is used as surety" affidavit,
2. current appraisal, or certified value of the property according to the current tax appraisal rolls, and
3. current financial statement. If the Bondsman is licensed under Chapter 1704.162(e) of the Texas Occupations Code and an annual financial report has been filed within the last 12 months, no additional financial statement will be required under this Rule.
4. agrees to maintain insurance on any improvements on the property against damage or destruction in the full amount of the value claimed for the improvements as per Chapter 1704.155.(4)(c).

(e) When a surety or prospective surety provides real property to collateralize future bail bonds, he or she must elect to value the property via one of two methods: certified property tax appraisal value, or according to an appraisal from a qualified appraiser meeting the standards set forth in the Bail Bond Act. Once this election is made, the surety cannot change the method for valuing the real property collateral until he or she next renews his or her license.

19. On or before February 15 of each year, Bondsman's with real estate pledged as collateral for making bail bonds will provide a copy of paid tax receipts for each piece of real estate so pledged. These receipts must show proof of taxes paid in full by no later than the immediately previous January 31, and must show such payment for any county, city, school district and other *ad valorem* taxes which are due for the previous calendar year. Failure to comply with this provision will result in the applicable property being immediately deducted from posted collateral as of February 16 of the applicable year. If a Bondman provides proof that taxes were paid in full by January 31, but provides that proof after February 15, any collateral previously deducted by the Board's Secretary shall be immediately restored to the Bondsman's account without the necessity of further Board action.

If, however, a Bondsman fails to pay taxes in full by January 31, but makes a later

payment in full, he must make a request to the Board for reinstatement of collateral. Upon written request from a Bondsman received ten (10) days before a scheduled monthly meeting of the Board, a request to reinstate real estate which has been deducted from posted collateral for non-payment or late payment of property taxes as stated above shall be placed on the agenda for the Board's consideration. If the Bondsman provides proof at such a meeting that all property taxes and penalties have been fully paid as of that time, the real estate shall be immediately restored to a Bondsman's posted collateral.

BOND FORFEITURES

20. Bond forfeitures must be paid within 30 days following final judgment or the Bondsman will be suspended from the active bond list. Whenever a Bondsman has been suspended from the active bond list twice within any twelve month period, or whenever a Bondsman has been suspended from the active bond list for thirty straight days, the Secretary of the Board shall generate a complaint before the Board so that the Board may consider whether to take disciplinary action against the Bondsman.

21. A surety must pay all reasonable and necessary expenses incurred by any peace officers in re-arresting his or her clients in the event that the clients fail to appear before a court or magistrate as specified in their bail bond(s).

When a surety receives a bill for such re-arrest cost from any sheriff or peace officer, such bill must be paid within thirty days of the date indicated on the letter unless the surety provides proof to the Wise County Sheriff that he or she is contesting the expenses in court or that a bail bond forfeiture case in connection with the expenses has not yet been finally adjudicated.

In the event that there has been no final adjudication of a bail bond forfeiture case in connection with the expenses, or in the event that the expenses are otherwise contested in court, the surety must pay any such expenses approved by the court within thirty days of a final adjudication concerning the expenses.

If a surety fails to pay re-arrest expenses in accordance with this rule, he or she will be suspended from the active bond list by the Wise County Sheriff until such time as payments are current in compliance with this rule.

AGENTS

22. When a corporate bail bond agent executes a Wise County bond on behalf of a corporate surety, he or she is responsible for all the company's obligations to see that notice of future court settings is properly conveyed to the corporation's client, and he or she must obey all the other rules and regulations of this board and of the Texas Occupations code Chapter 1704 in dealing with this client.

(a) Class A agent shall mean any person hired by a Bondsman who performs either of the following duties

1. Meets and negotiates with members of the public for the purpose of selling bail bonds;
2. Presents bonds to the Sheriff's Department or another law enforcement officer or magistrate for approval.

(b) Class B agent shall mean any person hired by the Bondsman who performs the following duty

1. Meets and negotiates with members of the public for the purpose of selling bail bonds.

(c) The Board will not grant a license or a renewal as a Class A agent to any person, who after August 27, 1973, commits an offense for which he is finally convicted, such offense being a felony or misdemeanor involving moral turpitude.

The Board will grant a license or renewal as a Class B agent to such a person only under each of the following four conditions:

1. At least ten years have passed since the felony conviction or misdemeanor conviction involving moral turpitude;
2. At least ten years have passed since the release from any incarceration pursuant to the felony conviction or misdemeanor conviction involving moral turpitude;

3. During the ten years preceding the person's application, he or she must have received no further criminal convictions, probations, or deferred adjudications for any criminal matter other than Class C traffic violations; and
4. The person must not be on parole or mandatory supervision at the time he or she makes application for license.

In order to facilitate this inquiry, an applicant for a Class A or B agent's license shall provide one set of fingerprints with their application. After one set has been provided, no additional set will be required for further renewals.

- (d) No Bondsman may employ a person as either a Class A or Class B agent who is not licensed by the Board.
- (e) The fee for licensing an agent shall be \$25.00 for Class A and B licenses.
- (f) (1) Each Bondsman may employ up to three (3) Class A agents.

(2) Each Bondsman may have as many employees licensed as Class B agents as he desires.
- (g) In order to qualify for a Class A or B license as an agent, an applicant must show that he meets all requirements of the Act and these Rules other than the net worth and collateral necessary for applicants seeking a bail bond license. If an applicant appears to have previously violated the Act or these Rules or to have engaged in conduct unbecoming a Bondsman, the Board will not license the applicant as a Class A or B agent for any Wise County Bondsman.

Class A and B agents shall comply with the Act, and the Rules and Regulations of the Wise County Bail Bond Board. Upon showing that a Class A or B agent has violated either the Act, or the Rules and Regulations, or conduct unbecoming a Bondsman, the license(s) for such agent may be suspended or revoked for each Bondsman represented by such an agent.

- (h) Each Bondsman is responsible for the actions taken by those Class A and B agents hired by the Bondsman. Upon showing that a Class A or B agent has violated the Act or the Rules and Regulations while representing one or more specific Bondsman's, the license of the Bondsman may be suspended or revoked.
- (i) An applicant who has been denied a Class A or B license may not reapply for a period

(j) of six months from the date of the denial of his or her application for license.

23. The Chairman of the Bail Bond Board, in his or her discretion, may authorize a Bondsman to make temporary use of an “emergency” Class A or B agent, when the Bondsman encounters unusual circumstances depriving him or her of the services of his or her normal agents. Such an authorization shall be effective for only 72 hours.

This emergency authorization may occur no more than once in a calendar month.

Before using the temporary agent, the Bondsman must submit a written memo to the Sheriff’s office documenting the permission received for a particular individual to act as temporary agent, and the particular time period for which permission has been granted and signed by the Chairman of the Wise County Bail Bond Board.

A temporary agent under these rules must have a current agent’s license in good standing with one or more Wise County Bondsman’s to become a temporary agent for any additional Bondsman. A temporary agent who will serve as a Class A agent must possess a current Class A license for one or more Wise County Bondsman to serve as a temporary agent for any additional Bondsman’s.

24. The elected Bail Bondsman’s Representative may approve a Class A or B agent for a licensed Bondsman in Wise County for no longer than 60 days or until the next Bail Bond Board meeting, providing that the criminal back ground check is approved by the Sheriff’s Department’s Representative. The final decision will be made by the Wise County Bail Bond Board.

ELECTION OF BONDSMAN/ATTORNEY -- BOARD MEMBER

25. No later than November 12 of each year, ballots will be mailed to each licensed Bondsman by the Board. At the regular December Board meeting, the ballots will be counted by the Board members according to the instructions sent with the ballot to the licensed Bondsman. The duly elected representative of the licensed Bondsman will serve from January through December of each year.
26. At its regular meeting each December, the Board shall hold an election to select a member of the criminal defense bar to sit on the Board, or to name a designee to sit on the Board, for a one-year term beginning on January 1 of the following year.

The Board shall notify the Wise County Criminal Defense Lawyers Association and the Wise County Bar Association concerning the time and date of each such elections, and shall post separate notice of the election at each location at which its meeting agenda is posted in compliance with the Texas Open Meetings Act.

The Board shall accept written nominations for candidacy which have been previously presented to its secretary. It shall also accept verbal nominations at the December meeting. Either form of nomination must be made by someone eligible to vote in the elections. Candidates may nominate themselves. Any interested voter who cannot attend the election meeting in person may submit a ballot in advance to the Secretary of the Board, and that ballot shall be considered both a nomination and a vote; provided, however, that such a nomination and vote shall be subject to eligibility challenges by those present at the December meeting.

Voters and candidates must belong to the following group; they must be members of the State Bar of Texas whose licenses to practice law are in "active" status; they must have their principal offices in Wise County, Texas, and they must not be statutorily ineligible from representing criminal defendants.

Anyone who presents himself as an eligible nominator, voter, or candidate shall be accepted in this capacity unless someone at the meeting challenges the eligibility of the individual. The board shall inquire of those present at the December meeting concerning whether anyone present wishes to challenge the eligibility of any participant in the election. The Board shall adjudicate any such challenges. A challenger need not be personally eligible to vote in the election in order to challenge the eligibility of a nominator, candidate, or voter.

Election shall be held by secret ballot among those personally present to vote at the December meeting. Advance ballots submitted to the Board's Secretary shall also be counted, unless successfully challenged as described above. These ballots submitted in advance of the meeting, however, must not be secret ballots in order that voter eligibility may be determined at the meeting if and when a proper challenge to a voter's eligibility is raised. The candidate receiving the greatest number of votes from eligible voters present at the meeting shall be the winner. Only in the event of a tie shall a runoff be held. A tie resulting from a two way race or runoff shall be decided by lot in a manner to be determined by the presiding officer of the Board.

COMPLAINTS / HEARINGS

27. If a judicial determination is made that a Bondsman licensed by the Board has surrendered a principal without reasonable cause, the Board, upon receiving information that such determination was made, shall then take whatever action it deems appropriate, including revocation or suspension of the license of the Bondsman.
28. If a complaint against a Bondsman is submitted to the Board, it will first be screened to determine if it provides reasonable cause to believe that a violation of Chapter 1704 of the Texas Occupations Code or these local rules has occurred. All complaints received at least seven days before a regularly scheduled Board meeting shall be placed on the agenda for that meeting so that the Board can make this determination. A representative of the District Attorney's Office shall receive the complaint and make a recommendation to the Board on the issue of whether reasonable cause has been stated. If the Board decides that a complaint does not provide reasonable cause as described above, the Complainant and the Bondsman made the subject of the complaint shall be so notified in writing by the Secretary of the Board.

If the Board determines that a complaint does state reasonable cause as described above, it shall direct such investigation into the complaint as it deems necessary. This may include a testimonial hearing before the Board, but such a hearing shall not be required in every case. The complainant and the Bondsman named in the complaint shall be entitled to at least ten (10) calendar days written notice of a decision to hold a testimonial hearing before the Board convenes the hearing. This notice period shall commence on the date when the Board or its representative deposits written notice in the United States Mail by Certified Mail, Return Receipt Requested, addressed to the last business address provided to the Board by the bondsman. The hearing may be held no earlier than the eleventh day, counting the notice's mailing day as day one. A bondsman shall also be entitled to the same notice and time to answer if the Board chooses to investigate a complaint through other means, such as a request for affidavits, a request to produce evidence, or a request that an agent of the Board interview the bondsman or his agents. Provided, however, that nothing in this Rule shall operate to abrogate or diminish the Board's statutory right to inspect on demand, whether in person or via a representative, the records a bondsman must keep pursuant to the Texas Occupations Code Chapter 1704.202

Failure on the part of a Bondsman to testify at such a hearing, to answer any questions at the hearing, or to timely provide any other response or evidence requested by the Board pursuant to this Rule shall be considered in itself to be a violation of these Rules.

Once the Board completes its investigation, it shall take such action as it deems appropriate. Both the complainant and the Bondsman who was the subject of the complaint shall be sent written notice of the Board's decision.

29. (a) The Board may, on its own motion, or upon a showing of good cause supported by an affidavit, grant a continuance to a Bondsman and/or agent when a hearing is set to investigate the actions and records relating to any complaint filed against any Bondsman and/or agent. A continuance can be given on a month to month basis but it shall not exceed more than three (3) months.
- (b) If a motion for continuance is granted, and if the continued hearing is set beyond the expiration date of a Bondsman's and/or agent's license, the license may be temporarily extended beyond the expiration date of the license, thereby allowing the Bondsman and/or agent to sell bail bonds until the final disposition of the continued hearing. Whenever a continuance is granted, the Bondsman will remain liable for any and all obligations incurred on any bonds made during the original license or any extension thereof.
30. The Chairman or Vice-Chairman is authorized to act on behalf of the Board to conduct inspection of bail bond records pursuant to the Texas Occupations Code Chapter 1704.202(d). Either the Chairman or the Vice-Chairman may appoint agents to conduct actual inspection of records.
31. A license may be suspended after a hearing before the Board if real property pledged as collateral to the Board is subsequently encumbered.
32. When weed liens encumber real estate conveyed in trust to the Board to secure bonding business obligations, the Board may grant a month to month continuance of the Bondsman's license. The Board may require as escrow a cash deposit in an amount sufficient to pay all or a portion of the weed liens. If, during such continuance, the license of the Bondsman expires, the Board may temporarily extend the license and the Bondsman may continue as stated in Rule 27.b

The Bondsman or their Attorney must appear before the Board each month during such continuance and state the following:

Whether the weed liens will be paid and give an approximate date.

Whether a settlement or law suit is expected on the weed liens.

The status of payment, settlement, or lawsuit, and anything else requested by the Board.

SUPERVISION OF "ATTORNEY EXCEPTION"

33. When the Bail Bond Board convenes an evidentiary hearing as to whether a licensed surety, licensed agent, or Attorney has violated a Bail Bond Board Rule or any aspect of Chapter 1704 of the Texas Occupations code, the hearing shall commence with the Board's Attorney reciting the nature of the charge and the name of the sworn complainant initiating the inquiry.
34. Next, the Board shall swear in all anticipated witnesses and issue any rulings as to whether the witnesses shall be asked to leave the room when other witnesses are giving testimony. The subject of a complaint shall in every case be allowed to remain present for all testimony.
35. All witnesses, licensees, and Attorneys appearing before the Bail Bond Board shall have the right to counsel before the Board. This means that anyone accused of a violation of a Bail Bond Board Rule or any aspect of Chapter 1704 of the Texas Occupations Code shall have the right to address the Board on his own behalf or through counsel before the Board undertakes deliberation of its action in the matter. The time and manner of this address shall be subject to the reasonable control of the Chairman or other presiding Board member. Ordinarily, the subject of a complaint shall have the right to make a brief oral statement to the Board before evidence is taken. This statement may be made either by the subject, or their Attorney, but not both.
36. Receipt of evidence during a Bail Bond Board hearing shall be according to the following procedure:
 - (1) Witnesses shall be allowed to commence testimony in a narrative or through questioning from counsel.
 - (2) The Bail Bond Board's Attorney shall next be allowed to question each witness.
 - (3) After the Board's Attorney concludes questioning, the subject of a complaint shall

Be allowed to cross-examine each witness on their own behalf or through counsel.

(4) Finally, the Board members themselves will ask their questions of witnesses.

(5) Any further questioning shall continue in the order stated above.

(6) The conduct of all hearings, and any variation from the procedure above, is always subject to the control of the Board Chairman or other presiding member.

37. The Board may interrupt proceedings at any time to consult with its Attorney about any matter. Such a consultation may be in open or closed session in the discretion of the Board.

38. Similarly, a witness, including one who is the subject of a complaint, may request a break at any time to consult with counsel. However, counsel for a witness, including one who is the subject of a complaint, shall not be allowed to stand at the podium with his or her client during the client's testimony. During testimony, a lawyer must not make argument to the Board, but may assert any applicable legal privileges on behalf of his/her client. Lawyers representing parties who are not the subject of the complaint being heard shall not have the right to cross-examine witnesses.

39. Since the legislature has delegated to the Board the responsibility to determine whether a lawyer making bonds under the "attorney exception" (Texas Occupations Code Section 1704.163) "has engaged[ed] in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation", the Board will follow the same procedures for handling complaints against Attorneys who are making bonds under the "Attorney exception" that it follows for processing complaints against its licensees.

40. When the Board determines that an Attorney has engaged in conduct prohibited by Texas Occupations code 1704.163, it will also determine, in an individual case, what will constitute a remediation of the misconduct. Unless and until the conduct is remedied to the Board's satisfaction, it shall order the Sheriff of Wise County to suspend the Attorney's power to make bonds under the "attorney exception" pursuant to Section 1704.163 of the Texas Occupations Code. Additionally, or as an alternative remedy, the Board may refer Attorney misconduct to the State Bar of Texas when appropriate.

41. Any individual or corporation seeking a new license or the renewal of a license from the Board must appear before the Board prepared to answer questions about the application whenever consideration of the matter has been placed on the Board's agenda. The Board will not grant a license or renewal in the absence of such an

appearance.

A corporation may appear through any designated agent.

Any surety who is the subject of a complaint must bring all agents or employees connected to the subject matter of the complaint to any hearing concerning the complaint. He or she should also bring all agents or employees who were physically present in the bond office whenever the events described in the complaint occurred.

“License” as used herein includes a corporate surety’s license, a license to act as the local agent of a corporate surety, an individual’s license to be a bail bond surety, a Class “A” agent’s license, or a Class “B” agent’s license.

“CORPORATE SURETY” DISCLOSURE RULE

42. Whenever a licensee executes or will execute a bail bond as an agent for a corporate surety, he/she must inform the person paying them for the bond in a written notice that the bond will be made as an obligation of the corporate surety. The written notice shall name the particular corporate surety, and shall be kept in the licensee’s file in the same manner as the receipt for payment.
43. No one who is statutorily ineligible for employment in a bail bond business (someone who has been convicted of a felony or crime involving moral turpitude within the last ten years) may participate in the operation of the business in any way. “Operation” includes but is not limited to answering business phones or phone numbers, training, coordinating business with, or supervising employees or agents of the business, negotiating referrals to or from other bonding companies with or without fee splitting, supervising in any manner existing clients of the business, making and enforcing business policies, quoting prices, negotiating business with customers or prospective customers, handling business finances, delivering bonds to jails, settling or arranging for the settlement of bond forfeiture cases, filing documents with courts or court clerks or any other phase of the business’s in-office or out-of-office operations. It is the responsibility of each licensed surety to ensure that such ineligible persons do not participate in the operation of his or her business. A Bondsman’s purported ignorance of such an ineligible person’s activities in connection with the Bondsman’s business shall not exonerate the Bondsman from responsibility for ensuring compliance with this rule.

44. During any month in which a Bondsman makes any business related rental or purchase payment to a person who is statutorily ineligible for employment in a bail bond business, the Bondsman must file a sworn report of such payments with the Wise County Bail Bond Board within thirty days of the last date of such month. The report must state all payments made to the ineligible person, and describe the specific date and number of the financial instrument conveying the payment. A copy of the financial instrument (such as a check or money order) shall be attached to the report. No such payments may be made in cash. The report must contain a statement under oath certifying that the payments listed are the only bail bond business related payments made during the applicable month to the person who is statutorily ineligible for the employment in a bail bond business.

By way of example, but not limitation this rule would apply to the purchase of phone numbers or trade name from someone who has been convicted of a felony or crime involving moral turpitude within the last ten years, or to the lease of bail bond business premises from such a person.

45. When a Bondsman or an agent or an Attorney operating under the attorney exception takes money or property in exchange for making a bond, he or she must provide the following notice in English to the person paying the money or providing the property.

DRAFT

AFFIDAVIT OF COMPLIANCE

The Applicant is submitting this affidavit to the Wise County Bail Bond Board to induce the Board to issue to applicant a license as a Bail Bondsman in Wise County, Texas, as set forth in Chapter 1704 of the Texas Occupations Code, and applicant understands that he or she must abide by the provisions of said Chapter 1704 as well as the Rules and Regulations duly issued by the Wise County Bail Bond Board

WHEREFORE, premises considered, I, _____,
print full name

Applicant herein, having carefully examined the foregoing application, financial statement, appraisals, supporting documentation and the Rules & Regulations of the Wise County Bail Bond Board, do solemnly swear to abide by all as set forth, SO HELP ME GOD.

Signature

SUBSCRIBED and sworn to before me this _____ day of _____, 20____

Notary Public in and for the State of Texas

Printed Name of Notary

My Commission Expires

