

FILED FOR RECORD

1:48 PM

NOV 14 2016

*Nancy E. Ruster*

County Clerk, Williamson Co., TX

# Williamson County Bail Bond Board

## Rules

As of September 16, 2016

# Table of Contents

Article I, Bail Bond Board Membership and Meetings .....	1
Rule 101, Board Members .....	1
Rule 102, Meeting Times .....	1
Rule 103, Meeting Locations .....	1
Rule 104, Notice.....	1
Rule 105, Quorum.....	2
Rule 106, Certain Board Member Elections; Board Officer Assignments; Designees..	2
Rule 107, Secretary Responsible for Application Forms.....	3
Article II, Bondsman Licensing.....	3
Rule 201, Bondsman Application.....	3
Rule 202, Application Attachments .....	3
Rule 203, Assumed Name .....	3
Rule 204, Application Requirements .....	3
Rule 205, Bondsman Investigation.....	3
Rule 206, Bondsman Appearance .....	4
Rule 207, Application Consideration .....	4
Rule 208, Tentative Approval & Security Requirements .....	4
Rule 209, License Expiration .....	5
Rule 210, License Renewal .....	5
Rule 211, Convictions.....	5
Rule 212, Change in Information .....	5

Rule 213, Attorney Exemption.....	6
Article III, Employees .....	6
Rule 301, Employee Application.....	6
Rule 302, Secretary as Designee of Board .....	7
Rule 303, Application Requirements.....	7
Rule 304, Employee Investigation and Secretary Approval.....	7
Rule 305, Employee Appearance.....	7
Rule 306, New and Renewal Employees .....	7
Rule 307, Employee List .....	7
Rule 308, Notice of Employee Termination .....	7
Article IV, Giving and Making Bail .....	8
Rule 401, Bond Requirements.....	8
Rule 402, Bondsman and Employee Restrictions .....	8
Article V, Exemptions .....	9
Rule 501, Oath of Exemption.....	9
Rule 502, Certification of Attorney/Client Relationship.....	9
Article VI, Records of Licensees .....	9
Rule 601, Record of Bonds .....	9
Rule 602, Inspection of Records .....	9
Rule 603, Monthly Reports.....	10
Article VII, Complaints.....	10
Rule 701, Complaint Requirements.....	10
Rule 702, Filing a Complaint .....	10
Rule 703, Processing a Complaint .....	10

Rule 704, Notice of Complaint.....	10
Rule 705, Disqualification.....	10
Rule 706, Subpoenas .....	10
Rule 707, Suspension or Revocation of a License.....	11
Article VIII, Automatic Suspension.....	11
Rule 801, Security Requirements .....	11
Rule 802, Record of Outstanding Bonds.....	11
Rule 803, Violation of Security Requirements .....	12
Article IX, Licensee and Employee Information.....	12
Rule 901, Bondsman List.....	12
Rule 902, Advertising Location.....	12
Rule 903, Advertising.....	13
Rule 904, Advertising Restriction.....	13
Rule 905, Office Location.....	13
Article X, Miscellaneous.....	13
Rule 1001, Effective Date.....	13
Rule 1002, Severability .....	13
Rule 1003, Conformity Clause .....	13

# **Williamson County Bail Bond Board Rules**

Pursuant to the provisions of V.T.C.A. Occupations Code Chapter 1704, as amended September 1, 2001, the Williamson County Bail Bond Board Rules, hereinafter "Rules," are promulgated to govern the giving and making of bail bonds in Williamson County, Texas. All references to the "Act" are references to V.T.C.A. Occupations Code Chapter 1704, as amended September 1, 2001.

## **Article I, Bail Bond Board Membership and Meetings**

### **Rule 101, Board Members**

Williamson County shall have a bail bond board known as the "Williamson County Bail Bond Board", hereinafter "Board," consisting of the following persons:

- (A) The County Sheriff or a designee from the Sheriff's office;
- (B) A District Judge of the county having jurisdiction over criminal matters, designated by the presiding judge of the administrative judicial district;
- (C) The County Judge, a member of the Commissioners' Court designated by the County Judge or a designee approved by the Commissioners' Court;
- (D) A Judge of a County Court or a County Court-at-Law having jurisdiction over criminal matters, designated by the Commissioners' Court;
- (E) The District Attorney or an Assistant District Attorney designated by the District Attorney;
- (F) A licensed bail bond surety in the county elected by other county licensees, or an alternate as elected by the other county licensees;
- (G) A Justice of the Peace;
- (H) The District Clerk or the Clerk's designee;
- (I) The County Clerk or the Clerk's designee;
- (J) A presiding judge of a municipal court located within the county, appointed by the Board;
- (K) The presiding municipal judge of the county's principal municipality; and
- (L) The County Treasurer or the Treasurer's designee.

### **Rule 102, Meeting Times**

The Board shall meet regularly, at 11:30 a.m., on the third Friday of each month, or the first Friday thereafter if such date be an official holiday, and on call of the chairman.

### **Rule 103, Meeting Locations**

The Board shall meet in the County Attorney Training room on the 2nd floor of the Williamson County Justice Center, located at 405 South Martin Luther King Boulevard, Georgetown, Texas, unless notice is posted otherwise.

### **Rule 104, Notice**

All notices shall be posted on the bulletin boards at the Williamson County Justice Center in Georgetown, Texas in accordance with the Texas Open Meetings Act. The office of the Board shall be the regular office of the member serving as Secretary of the Board, unless notice is

posted to the contrary.

**Rule 105, Quorum**

Four members of the Board shall constitute a quorum for the conduct of business. All action by the Board shall require the vote of a majority of the members present.

**Rule 106, Certain Board Member Elections; Board Officer Appointments; Designees**

**(A) Certain Board Member Elections**

- (1) At the regular January meeting of each year, the Board shall conduct a secret ballot election to elect the members of the Board who serve as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys.
  - (a) The representative of licensed bail bond sureties must be a licensed bail bond surety or agent for a corporate surety in Williamson County. Each individual licensed in Williamson County as a bail bond surety or agent for a corporate surety is entitled to cast one (1) vote for each license held.
  - (b) The representative of the criminal defense attorneys must be a criminal defense attorney who is practicing in Williamson County. Each attorney who has a principal place of business located in Williamson County and who is not legally prohibited from representing criminal defendants in Williamson County is entitled to cast one (1) vote.
- (2) At the regular January meeting of each year, each elected justice of the peace in Williamson County is entitled to cast one (1) vote to elect the justice of the peace board member.

**(B) Board Officer Appointments**

- (1) At the regular January meeting of each year, the Board shall choose one of its members to serve as Chairman until the next such annual election. The Chairman shall serve as the presiding officer.
  - (2) In like manner, the Board shall choose a Vice-Chairman who shall act in the temporary absence of the Chairman. In the event the Chairman is disqualified for any reason before the end of the term, the Vice-Chairman shall automatically become the Chairman. In such event, or if the Vice-Chairman becomes disqualified, at the next regular meeting a new Vice-Chairman shall be chosen.
  - (3) In like manner, the Board shall choose a Secretary who shall act in the temporary absence of the Chairman and the Vice-Chairman. The Secretary shall be responsible for supervising the receipt of applications; the preparation of agendas, the preparation and certification of records and transcripts of proceedings, the maintenance of records and minutes of meetings, the publication or posting of notices, and the general office affairs not otherwise specifically assigned by these Rules. The Board may designate by resolution an Assistant Secretary, who need not be a member of the Board, to assist the Secretary in the discharge of the Secretary's duties. The Assistant Secretary shall have no authority to bind the Board. In the event the Secretary becomes disqualified for any reason before the end of the term, a new Secretary shall be selected.
  - (4) The Sheriff of Williamson County or designee shall be the bailiff of the Board.
- (C) Designees:** Prior to the January elections, the current Secretary shall, by letter, request the appropriate authority to designate in writing the person who shall serve as a Board member for the succeeding calendar year.
- (D)** All proceedings not governed by a specific statutory provision or by rule of the Board shall be conducted in accordance with Robert's Rules of Order. The presiding officer shall be ex-officio parliamentarian."

### **Rule 107, Secretary Responsible for Application Forms**

The Secretary is authorized by the Board to publish and modify the application forms for new employees, renewal employees, new bond licenses, and renewal bond licenses. In the event that the Board wishes to modify the application promulgated by the Secretary, the Board will instruct the Secretary to make those changes during a meeting of the Board. The application must be in compliance with these Rules, all state laws, and actions previously taken by the Board.

## **Article II, Bondsman Licensing**

### **Rule 201, Bondsman Application**

Any person desiring to act as a bondsman in any court of Williamson County shall first file with the Board a sworn, completed application on a form approved by the Board and provided by the Secretary. Any person desiring to act as a corporate bondsman must file a separate application for each agent operating under a corporate power of attorney.

### **Rule 202, Application Attachments**

If the application for a bondsman's license requires an enclosure or an appendix, same shall be firmly affixed to the application and included within the oath as if set forth in the body of the application.

### **Rule 203, Assumed Name**

If an applicant proposes to do business under an assumed name, the applicant shall provide proof showing registration of said assumed name with the County Clerk of Williamson County. A person who operates as a bail bond licensee in an individual capacity may, in addition, be licensed as an agent for a corporate surety. They may operate in the same place of business, use the same telephone numbers, the same employees, and the same advertising. However, a bail bond board is not authorized to grant more than one license to any individual surety, so an individual may not operate under more than one assumed name as if the person had more than one license.

### **Rule 204, Application Requirements**

Applications shall be submitted to the Secretary of the Board with an original paper copy. Applications must be received not later than the first working day of the meeting month at which the application is to be considered. The application shall be accompanied by payment of a fee of \$500.00, one recent passport-sized photograph of the applicant, a DPS certified copy of applicant's criminal history, and a set of fingerprints of the applicant taken by a law enforcement officer on a form approved by the Board and provided by the Sheriff.

### **Rule 205, Bondsman Investigation**

- (A) Upon receiving an application, the Secretary shall conduct an investigation of the applicant to determine whether the applicant meets the requirements of the Act and the Rules.
- (B) Upon completion of such investigation, the Secretary shall furnish a digital copy of all reports and a digital copy of the application to each member of the Board when the Agenda is posted for the upcoming meeting at which the application is to be considered.
- (C) Applications shall be considered at each regular meeting of the Board.

**Rule 206, Bondsman Appearance**

Each applicant shall be notified by the Secretary to appear in person, or in the case of a firm or corporation by designated representative, before the Board on the date the application is to be considered for such interrogation under oath as the Board or any of its members shall deem proper. The Board shall not approve an application unless the applicant has appeared before the Board on at least one occasion.

**Rule 207, Application Consideration**

Discussion of applicants and applications by the Board shall be in open session.

**Rule 208, Tentative Approval & Security Requirements**

(A) The Board shall vote on each application. The Board shall not approve an application unless the applicant has complied with the requirements of the Act and these Rules.

(B) Upon notice from the Board that an application has been tentatively approved, the applicant shall then:

- (1) Deposit with the Williamson County Treasurer a cashier's check, an automatically renewable certificate of deposit (which shall include an assignment, on a form approved by the Board, of the principal to the "Williamson County Bail Bond Board"), cash, or cash equivalent in the amount indicated in the licensee's application, but in no event less than \$50,000.00, to be held in a special fund to be called the "Bail Security Fund," subject to the provisions of the Act (see Rule 208(E) regarding deposits in excess of \$250,00.00 and FDIC deposit insurance coverage);
- (2) Execute to and file on behalf of the Board deed(s) of trust to the property listed by the applicant on the application, which property shall be valued in the amount indicated on an appraisal 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, but in no event less than \$50,000.00 valuation. The conditions of the trust shall be that the deed(s) may be recorded to satisfy any final judgment forfeitures that may be made in bonds on which the licensee is surety after such notice and upon such conditions as are required by the Code of Criminal Procedure, in bond forfeiture cases. The deed(s) of trust, duly acknowledged, shall be filed in the Deed Records of the County in which the property is located. The applicant shall swear in such deed(s) of trust that the property is free and clear of any and all liens and encumbrances, and that the applicant will keep said property clear of any and all liens and encumbrances so long as it is used as security hereunder. Applicant shall pay the filing fee for the filing of the instrument(s); or
- (3) If the applicant is a corporation, it may, in lieu of cash or other cash equivalent, furnish to the Sheriff an irrevocable letter of credit to satisfy any final judgment of forfeiture that may be made on any bonds on which the corporate licensee is surety. The corporation shall file a power of attorney, designating and authorizing the named agent of such corporation to execute bail bonds, with the County Clerk and present a certified copy of the power of attorney to the Secretary of the Board.

(C) Failure of the applicant to keep the property described in Rule 208(B)(2) free and clear of any and all liens and encumbrances shall be grounds for revocation of the bondsman's license. The Board may waive certain liens and encumbrances which, in its discretion, it views as having an inconsequential impact upon the value of the property used as security.



(D) Applicant may, from time to time, request substitution of security. The Board, in its discretion, may approve the substitution of security for good cause.

(E) Applicant may present additional security in support of a license at any time. Applicant must deposit additional security in the same manner as described in Rule 208(B). In the event that a licensee presents additional automatically renewable certificate of deposits in support of a license in excess of \$250,000.00, the licensee shall ensure that the automatically renewable certificate of deposit accounts are maintained at separately chartered banks in order to meet the requirements of the FDIC's \$250,000.00 deposit insurance coverage. In no event, shall a licensee's automatically renewable certificate of deposit held by the Williamson County Treasurer increase the licensee's deposits at any one bank, or the branches or offices of the same bank, beyond the FDIC's \$250,000.00 limit. The treasurer shall maintain a list of securities held on behalf of licensees, clearly indicating the total security on deposit for each licensee, and present a copy of the list to the Jail Secretary and the Secretary of the Board immediately following the approval of a license and following any change in the security amount.

(F) Full or partial withdrawals of security by both current and former licensees must be in accordance with the Texas Occupations Code. All requests for withdrawal of security must be submitted in writing to the Board Secretary, and must disclose all outstanding judgments or bond liabilities, either actual or potential, or state that there are no outstanding judgments or bond liabilities. After receipt of such a request, the Board Secretary shall coordinate with both the Sheriff's Office and the County Treasurer to ensure that the requested withdrawal complies with the Texas Occupations Code and local rules. If so, the Board Secretary may authorize the withdrawal of security and will report that action to the Bail Bond Board at its next meeting. Bail Bondsmen are limited to two requests for withdrawal per year.

#### **Rule 209, License Expiration**

A license issued to a licensee or corporate agent under these Rules shall expire 24 months after the date of its issuance and may not be renewed unless a timely application for renewal is filed with the Board. A company that has been licensed for at least 8 consecutive years and not suspended will receive a license that expires in 36 months after the date of its issuance.

#### **Rule 210, License Renewal**

Renewal applications shall be received no later than 31 days prior to the expiration date of a license. Renewal applications shall have the same form, content and fee as an application for an original license.

#### **Rule 211, Convictions**

No person shall be issued a license or act as a corporate agent who has been convicted of any felony or a misdemeanor involving moral turpitude after August 27, 1973.

#### **Rule 212, Change in Information**

(A) All licensees shall inform the Board by affidavit of any change in the information contained in their original applications or renewal applications within ten days of the change. A licensee shall immediately inform the Secretary of the Board and the Sheriff in writing if the licensee ceases to be actively engaged in the bail bond business.

(B) All amending affidavits shall be made under oath by the licensee, stating specifically the provisions of the license sought to be amended, the reasons why said application should be amended,

and what the application, after amendment, shall state.

(C) All amending affidavits shall be submitted to the Secretary of the Board with an original paper copy.

(D) The procedure for consideration of amending affidavits shall be the same as that set forth for an original license under Article II of the Rules.

**Rule 213, Attorney Exemption:**

(A) A person not otherwise licensed may execute a bail bond or act as a surety for another person if the person:

(1) is licensed to practice law in the state of Texas; and

(2) at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record.

(B) A person executing a bail bond or acting as a surety under this section may not engage in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation. If the board determines that a person has violated this subsection, the board may suspend or revoke the person's authorization to post a bond under this section or may bar the person from executing a bail bond or acting as a surety under this section until the person has remedied the violation. Any action by the board to suspend or revoke the person's authorization to post bond under this Rule shall be made after notice and hearing in the same manner as required for suspending or revoking a surety's license under Chapter 1704, Occupations Code, and these local rules.

(C) A person executing a bail bond or acting as a surety under this section is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

(D) The Bail Bond Board Act permits an attorney to act as a surety for clients that he represents in a criminal case without being licensed by the bail bond board. If the board determines that the attorney violated this provision by executing bonds for individuals that he or she did not represent, then the bail bond board can revoke or suspend that attorney's ability to write bonds.

**Article III, Employees**

**Rule 301, Employee Application**

(A) All employees of licensees must first be approved by the Board or the designee of the Board. Any person desiring to act as an employee for a bondsman licensed in Williamson County shall first file with the Board a sworn, completed application.

(B) No licensee shall employ any person who, after August 27, 1973, commits or has committed an offense for which he has been finally convicted, such offense being any felony or a misdemeanor involving moral turpitude. "Employee" as used in the Rules, means any person hired by a licensee or corporate agent who performs any of the following duties:

(1) Meets or negotiates with members of the public for the purpose of executing bail bonds;

(2) Receives anything of value as a fee or as collateral for bail bonds;

(3) Presents bail bonds to the Sheriff's Office for approval or

(4) Interviews or takes information from persons who have been or will be released from jail pursuant to a bond provided by the licensee

**Rule 302, Secretary as Designee of Board**

The Secretary of the Board will act as the designee of the Board to act on behalf of the Board to approve employees in compliance with Article III of these Rules. If the Secretary is not able to approve the employee in compliance with these Rules, the employee must go before the entire Board to have his or her application approved. The Secretary shall report all approved employees since the previous Board meeting at each Board meeting.

**Rule 303, Application Requirements**

Applications shall be submitted to the Secretary of the Board with an original paper copy. The application shall be accompanied by payment of a fee of \$10.00, one recent passport-sized photograph of the applicant, a DPS certified copy of applicant's criminal history, and a set of fingerprints of the applicant taken by a law enforcement officer on a form approved by the Board and provided by the Sheriff.

**Rule 304, Employee Investigation and Secretary Approval**

Upon receiving an employee application, the Secretary shall conduct an investigation of the applicant to determine whether the applicant meets the requirements of these Rules. Upon completion of such investigation, the Secretary shall approve or disapprove the application. If the Secretary approves the application; the employee is approved for all purposes. If the Secretary disapproves the application, the Secretary shall furnish a complete digital copy of all reports and a digital copy of the employee application to each member of the Board at the time of the posting of the Agenda for the meeting at which the application is to be considered.

**Rule 305, Employee Appearance**

Each employee applicant denied approval by the Board Secretary and sponsoring licensee shall be notified by the Secretary to appear in person, or in the case of a firm or corporation by designated representative, before the Board on the date the employee application is to be considered for such interrogation under oath as the Board or any of its members shall deem proper.

**Rule 306, New and Renewal Employees**

Upon approval of an employee application, the Sheriff shall create an electronic profile for that employee in Odyssey. All employee profiles issued in any one year shall automatically expire on the last day of the month of February of the succeeding year unless renewal applications are timely filed.

**Rule 307, Employee List**

All licensees shall file a written list of the employee(s) acting on the licensee's behalf with the Secretary of the Board by the tenth day of each month.

**Rule 308, Notice of Employee Termination**

If a licensee fires an employee, or if any employee terminates his employment with the licensee, the licensee shall give immediate written notice of such action to the Secretary of the Board and the Sheriff, and the licensee shall provide the Secretary of the Board with a written account of the specific reasons that the employee was fired or terminated.

## **Article IV, Giving and Making Bail**

### **Rule 401, Bond Requirements**

- (A) No person required to be licensed as a bondsman under the Act or the Rules may execute a bail bond without a license.
- (B) No person required to be authorized to act as an agent of a corporate bondsman under the Rules may execute a bail bond without such authorization.
- (C) A licensee, agent of a corporate licensee or employee must present a Texas Driver's License or a Texas Identification Card each time the person presents a bail bond for the release of a prisoner. An Attorney must present their Texas Bar License. No person other than a licensee, agent of corporate licensee, approved attorney or employee may present a bail bond for the release of a prisoner.
- (D) All bonds must be signed by and in the name of the licensee, corporate agent, or attorney bondsman.

### **Rule 402, Bondsman and Employee Restrictions**

- (A) No licensee, agent of a corporate licensee or employee may, by any means, recommend or suggest to any person for whom the bail bond surety executes a bond the name of any particular attorney or firm of attorneys for employment in connection with a criminal offense.
- (B) In the course of conducting bail bond business:
  - (1) No licensee, agent of a corporate licensee or employee may promise to provide an attorney to any person seeking bail; and
  - (2) A licensee, agent of a corporate licensee or employee may not recommend or suggest to any attorney or agent of an attorney the name of any person seeking to employ counsel in connection with a criminal offense.
- (C) No person in the bonding business shall, either directly or indirectly, give, donate, lend, contribute, or promise to give, donate, lend or contribute any money or property to an attorney, police officer, sheriff, deputy, constable, jailer, or employee of a law enforcement agency for the referral of bail bond business.
- (D) No attorney, police officer, constable, deputy, jailer, employee of a law enforcement agency, judge, employee of a court, public official, employee of a related agency or any person not shown in the records of the Board to be an agent or employee of the bondsman may accept or receive from a bondsman any money, property, or other thing of value as payment for the referral of bail bond business.
- (E) No police officer, sheriff, deputy, constable, jailer, employee of a law enforcement agency, judge or employee of a court, public official or employee of a related agency may recommend to any person the name of any particular bondsman. In all places where prisoners are examined, processed, or confined, a list, as approved by the Board, of licensed bondsmen of that county may be displayed.
- (F) No licensee, agent of a corporate licensee or employee may solicit business in a police station, jail, prison, detention facility, or other place where persons in the custody of law enforcement officials are detained.
- (G) No person may advertise as a bondsman who does not hold a valid license under these Rules.

(H) No licensee, agent of a corporate licensee or employee may receive money or other consideration or thing of value for issuance of bond or undertaking of a surety obligation without issuing a receipt indicating the name of the person paying the money or transferring the property, the amount received or the estimated value of the property received and briefly identifying it, the suit, action, or matter for which it is received or is to be applied, and the name of the person receiving it. The licensee, corporate agent of a licensee or employee shall retain a duplicate copy of the receipt which shall be available for inspection by representatives of the Board of any county in which the bondsman is licensed or by the appointed representatives of a court in which the bondsman agrees to make bail or undertake other surety obligations.

(I) No person shall falsify any records required to be kept under the Act or the Rules.

## **Article V, Exemptions**

### **Rule 501, Oath of Exemption**

If any unlicensed person attempts to post bail under an exemption authorized by law, the Sheriff shall first obtain written proof under oath of the exemption. The Sheriff may require further evidence if not fully satisfied as to the sufficiency of the security.

### **Rule 502, Certification of Attorney/Client Relationship**

Attorneys posting bail shall certify that the attorney/client relationship arose under conditions not in violation of the canons of ethics or the published rules and regulations of the State Bar of Texas.

## **Article VI, Records of Licensees**

### **Rule 601, Record of Bonds**

A bondsman licensed under the Act shall maintain a record of each bond on which the bondsman appears of surety and shall maintain a separate set of records for each county in which the bondsman is licensed. The records shall include the following information for each bond executed and enforced:

- (A) The style, indictment number, information number, complaint number, arrest number or other identifying number to distinguish this bond from other bonds which may have been made for the same person, and the court in which it is executed;
- (B) The name of the defendant released on bond;
- (C) The amount of bail set in the case;
- (D) The amount and type of security held by the bondsman, together with a statement as to whether the security was taken for payment of a bail bond fee or for assurance of the principal's appearance in court and the conditions under which the security will be returned.
- (E) The conditions under which the security will be returned.

### **Rule 602, Inspection of Records**

The records required under Rule 601 shall be:

- (A) made available for inspection and copying at the board's expense on demand by the board or an authorized representative of the board;
- (B) maintained at the license holder's location at the county; and
- (C) maintained for not less than four years after the conclusion of the case of which the bond was given.

**Rule 603, Monthly Reports**

Not later than the tenth day of each month, each licensee shall e-mail the Secretary of the Board complete information regarding outstanding bonds on a form approved by the Secretary.

**Article VII, Complaints**

**Rule 701, Complaint Requirements**

The Board may, on its own motion, and shall, on receipt of sworn complaint providing reasonable cause to believe that a violation of the Act or the Rules has occurred, or on request of a Court, investigate the actions and records relating to such complaint against any bondsman it has licensed. All complaints, other than those considered by the Board on its own motion or at the request of a Court, shall be made under oath and be in writing.

**Rule 702, Filing a Complaint**

The Secretary of the Board is designated as the agent of the Board for the receipt of complaints.

**Rule 703, Processing a Complaint**

Upon receipt of a complaint, the Secretary shall send a copy to each member of the Board. The Board shall consider said complaint at the next regularly scheduled meeting of the Board, unless considered earlier at a special or emergency session called by the Chairman of the Board, and shall make such orders as it deems appropriate respecting the investigation and prosecution of said complaint.

**Rule 704, Notice of Complaint**

The Secretary shall give notice to the accused licensee by certified mail at least ten days prior to the date of a hearing on the complaint. The notice shall specify the charges of violation made against the licensee, and the hearing shall be limited to those charges.

**Rule 705, Disqualification**

If the complaint relates to a licensee who is also a member of the Board, said licensee shall be disqualified as a member of the Board to consider said complaint. The Chairman shall call a special session of the Board as soon as practicable for the purpose of election, by a majority of the licensees present at said meeting, of a licensee to serve as a member of the Board in the place and stead of the licensee Board member complained against. The newly elected licensee Board member shall serve at all meetings of the Board respecting such complaint and shall, upon a vote of the majority of the members of the Board, serve as the bail bondsmen's representative on the Board at all meetings of the Board pending the final disposition of the complaint.

**Rule 706, Subpoenas**

The Board vests authority to issue subpoenas upon the request of any interested person in the Chairman, Vice-Chairman or Secretary of the Board.



### **Rule 707, Suspension or Revocation of a License**

The Board may, after notice and hearing, suspend or revoke a license or the authority of an agent for:

- (A) Violation of a provision of the Act or the Rules during the term of a license sought to be suspended or revoked or during any prior licensing period;
- (B) Fraudulently obtaining a license under the provisions of the Act or the Rules, making a false statement or misrepresentation in an application for an original or renewal license or in any hearing before the Board, or refusing to answer any question submitted by the Board in a hearing relevant to the license or the conduct or qualifications of the licensee or applicant;
- (C) Final conviction under the laws of this or any other state or of the United States of a misdemeanor involving moral turpitude or of a felony committed after August 27, 1973;
- (D) Being adjudged bankrupt or becoming insolvent;
- (E) Being adjudged mentally incompetent;
- (F) Failing to pay within 30 days any final judgment rendered on any forfeited bond in any court of competent jurisdiction within the county of the licensee or any other county in Texas;
- (G) Paying of commissions or fees or dividing commissions or fees or offering to pay or divide commissions or fees with any person, company, firm, or corporation not licensed under the Act or the Rules to execute bonds;
- (H) Soliciting bail bond business in any building where prisoners are processed or confined;
- (I) Recommending to any client the employment of a particular attorney or firm of attorneys in a criminal case;
- (J) Falsifying records required to be maintained under the Act or the Rules, failing to keep records, or failing promptly to permit the inspection of the records at any time requested by the Board or its representatives or agents;
- (K) Operating as a bondsman while the license is suspended or after it has expired and before it is renewed; or
- (L) On more than one occasion failing to maintain the minimum amount of security required by this Act or misrepresenting to any official or employee of the official the limit supported by the amount of security to obtain the release of any person on bond.

## **Article VIII, Automatic Suspension**

### **Rule 801, Security Requirements**

No bondsman may execute bail bonds that in the aggregate exceeds ten times the value of the property held as security on deposit or in trust. Nor may a bondsman execute bail bonds when the bondsman's total liability on judgments nisi is equal to or greater than two times the amount which he has on deposit or in trust as security. It shall be the duty of each bondsman to keep account of the amount of bail bonds that he or his agents have written and to keep account of the amount of judgments nisi outstanding against him so as to insure his compliance with these requirements. A bondsman may, at any time, post additional security to increase his limits.

### **Rule 802, Record of Outstanding Bond**

The Board shall designate the Jail Secretary of the Williamson County Sheriff's Office to maintain a current total of all licensees' potential liability on bonds in force.

### **Rule 803, Violation of Security Requirements**

(A) If the Board's designee determines that a licensee has failed to maintain security at the proper ratio as required by the Act and the Rules, the Board's designee shall immediately notify the licensee and the Secretary. The Chairman shall call an emergency meeting of the Board to consider suspension of the licensee's license. If the Board is satisfied that the licensee is in violation of the security requirements of the Act or the Rules, the Board shall enter an order suspending the license while the violation continues. If the Board finds that licensee not to be in violation of the security requirements of the Act or the Rules, it shall so find and the licensee may thereafter write bonds.

(B) Execution of bail bonds by the licensee or his agents after service upon the licensee of written notice of the Board's action in suspending the license, while the suspension remains in effect, shall be grounds for revocation of the license.

(C) Whenever the Board's designee determines that a licensee whose license has been suspended hereunder is no longer in violation of the security requirements of the Act or the Rules, the Board's designee shall immediately notify in writing the Secretary and the licensee. Any order of suspension hereunder shall automatically terminate upon filing of written notice by the Board's designee that the licensee is no longer in violation of the security requirements of the Act and the Rules.

## **Article IX, Licensee and Employee Information**

### **Rules 901, Bondsman List**

(A) The Bail Bondsman that is a member of this Board shall publish a list of licensees and corporate agents by proper name and showing the business address and telephone number of each licensee. The Bail Bondsman that is a member of this Board is responsible for rotating that list on the first of the month and providing it to the jail. The Board shall maintain a list of employees of licensed bondsmen according to the alphabetical listing of licensees. Only those lists approved and supplied by the Board shall be posted. These lists, once posted, are subject to examination by any member of the Board as deemed necessary.

(B) The published list of licensed bondsmen and their agents shall be furnished to and posted by each Court in the County having jurisdiction of criminal cases and each local official responsible for the detention of prisoners in the County.

(C) No Sheriff, peace officer, or his deputy or employee or clerk or deputy clerk of any court will permit any identifying mark to be made on such published list. If the published list be so marked it shall be the responsibility of said peace officer or clerk to obtain a new unmarked list for display.

(D) If, as, and when a new license is issued, the new licensee may be added to the published list in an inconspicuous manner until the next list be published by the Bail Bondsman that is a member of this Board.

(E) No unlicensed person (even those exempt from licensing) may be placed on the list.

### **Rule 902, Advertising Location**

No bondsman (licensed or exempt) shall place or permit to be placed, any advertising at any place where prisoners are examined, processed or confined. The dissemination of personal or professional cards shall be deemed advertising.



**Rule 903, Advertising**

Any and all advertising for licensees shall be listed in the proper name of the licensee and may contain assumed or corporate name.

**Rule 904, Advertising Restriction**

Advertising for a licensee shall not contain any representation that he is associated with any attorney or any firm that engages in investigative services.

**Rule 905, Office Location**

(A) A licensee shall maintain an office in Williamson County.

(B) Not later than the tenth day after the date a licensee opens a new office or moves an office to a new location, the licensee shall notify in writing the Secretary of the Board of the new location.

**Article X, Miscellaneous**

**Rule 1001, Effective Date**

The Rules and any amendments shall be effective ten days after being approved and posted by the Board.

**Rule 1002, Severability**

If any provision of these Rules or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Rules which can be given effect without the invalid provision or application, and to this end, the provisions of the Rules are declared severable.

**Rule 1003, Conformity Clause**

It is the purpose of the Rules to conform in their entirety with the Act. If there be any conflict between the Rules and the Act, the Act shall control.