

**ELLIS COUNTY BAIL BOND BOARD
BOARD OF DIRECTORS MEETING
MINUTES**

Friday, November 22, 2013, 1:00 P.M.

Ellis County Courthouse, 2nd Floor Courtroom, 101 W. Main Street, Waxahachie, Texas

Directors Present: Cheryl Chambers, County Treasurer
Vance Hinds, District Attorney Designee
Bob Carroll, District Judge
Capt. Terry Ogden, Designee for the County Sheriff
A. Gene Calvert, Jr., Judge County Court at Law No. 2
Richard K. Shinpaugh, Licensed Bail Bond Surety Designee

Directors Absent: Cindy Ermatinger, Criminal Defense Attorney Designee
Cindy Polley, County Clerk
Melanie Reed, District Clerk
Steve Egan, Justice of the Peace, Pct. 4
Joe Gallo, Municipal Judge
Sara Garcia, Designee for the County Judge

Also Present: Darla Chavez, CSR
Sue Taylor, Act Swift Bail Bonds
Lee Auvenshine, First Assistant District Attorney
Ann Montgomery Moran, Asst. County & District Attorney
Mandi Krasney, Financial Casualty & Surety, Inc.

CALL TO ORDER

Proper notice of the meeting having been given in compliance with the Open Meeting Laws of the State of Texas, and upon a motion by Director Chambers, seconded by Director Shinpaugh, the meeting was called to order at 1:03 p.m. and a quorum declared by Director Carroll. A copy of the posted written notice calling such meeting is attached to these minutes and marked as Exhibit A.

INVOCATION

The invocation was led by Director Shinpaugh, followed by the pledge of allegiance to the flag of the United States of America.

ADMINISTRATIVE

In accordance with Meeting Agenda Item 2.1 and upon a motion by Director Shinpaugh, seconded by Director Ogden the minutes of the last meeting held October 25, 2013, were unanimously approved.

In accordance with Meeting Agenda Item 2.2, and pursuant to Rule 603 of the Ellis County Bail Bond Board Rules, the receipt status of Monthly Bond Reports was reviewed by the Board.

In accordance with Meeting Agenda Item 2.3, and pursuant to Rule 602 of the Ellis County Bail Bond Board Rules, no action was required.

In accordance with Meeting Agenda Item 2.4, and pursuant to Article VII of the Ellis County Bail Bond Board Rules, no action was required.

In accordance with Meeting Agenda Item 2.5, the Board received the report from Ann Montgomery-Moran, designated agent for Ellis County Bail Bond Board, that no bond companies have been reported to the Sheriff for nonpayment of judgments since the last Board meeting.

In accordance with Meeting Agenda Item 2.6 and 3.8 combined, the Board received a verbal report from Vance Hinds, Committee Chair, of the Ellis County Bail Bond Board Rules Revision Committee concerning the committee's progress and intent to have any rule changes voted on by the end of the year with an effective date for the new rules of January 1, 2014.

Vance Hinds presented a Proposed County Bail Bond Board Rules (Revised as of January 1, 2014). A clean copy with no markup was provided to each Board Member present with attachments A-M. A copy with all of the changes to the current rules marked in red was also provided without attachments. Ann Moran provided attachment N to each Board Member. Vance Hinds stated that Attachment O would be provided through Kathryn Hooper, the Secretary's Assistant to the Bail Bond Board for dissemination to all of the Board Members.

Much discussion was had concerning the issue of the proposed language in Attachment G. The Ellis County District Attorney's Office recommends that the affidavit entitled Certificate of No Outstanding Final Judgments be unqualified and contain no language similar to "it is my belief" or "to the best of my knowledge." Lee Auvenshine, First Assistant County and District Attorney, for Ellis County advised the Board that an unqualified affidavit is needed for the Board to be able to make a decision on an application. Mr. Auvenshine also presented case law that a qualified affidavit is not valid and has no legal consequence.

Mandi Krasney, legal counsel and vice-president of Financial Casualty and Surety, Inc., spoke about the reality of signing a document to that effect for a large insurance corporation and that it is difficult or impossible to state unequivocally that there are no outstanding judgments. Judge Gene Calvert spoke about including a due diligence paragraph to the affidavit to demonstrate all of the actions performed by the Applicant to verify that there are no outstanding judgments before signing the unqualified affidavit. Ann Moran spoke in support of the Ellis County and District Attorney's Office's position. Sue Taylor spoke against the unqualified affidavit.

Judge Carroll requested that all interested parties present a proposed Certificate of No Outstanding Final Judgments for Attachment G to Kathryn before the next hearing to be discussed at that hearing. The proposed rules will be discussed and action taken at the next hearing in December. If approved, they must be posted immediately on that day to cover the ten-day requirement of posting before effective date.

APPLICATIONS

In accordance with Meeting Agenda Item 3.1, and upon a motion by Director Hinds, seconded by Director Chambers, the Ellis County Bail Bond License Renewal Application of **Financial Casualty & Surety, Inc., Rick Shinpaugh, Agent, d/b/a Ellis County Bailbond** was unanimously approved for three (3) years.

In accordance with Meeting Agenda Item 3.2 through 3.7, Act Swift Bail Bonds requested that **Miguel Avendano, Emanuel Alvarado Carachuri, Diana Barrientos, Maritza Gonzalez, Rebekah Balderas and Felicia Martell** applications be withdrawn from consideration.

ADJOURNMENT

Upon a motion by Director Chambers, seconded by Director Shinpaugh, the meeting was adjourned at approximately 1:52 p.m.



Vance Hinds, Secretary



Bob Carroll, Presiding Officer

NOTICE OF MEETING
ELLIS COUNTY BAIL BOND BOARD

Notice is hereby given that a meeting of the Ellis County Bail Bond Board will be held on **Friday, November 22, 2013 at 1:00 p.m., in the Ellis County Courthouse, 2nd Floor Courtroom, 101 West Main Street, Waxahachie, Texas**, at which time the following will be discussed and considered, to-wit:

Board Member: Capt. Terry Ogden, Designee for the County Sheriff
Board Member: Bob Carroll, District Judge
Board Member: Sara Garcia, Designee for County Judge
Board Member: Gene Calvert, Jr., County Court at Law No. 2 Judge
Board Member: Vance Hinds, Designee for the District Attorney
Board Member: Rick Shinpaugh, Licensed Bail Bond Surety Designee
Board Member: Steve Egan, Justice of the Peace, Pct. 4
Board Member: Melanie Reed, District Clerk
Board Member: Cindy Polley, County Clerk
Board Member: Joe Gallo, Municipal Judge
Board Member: Cheryl Chambers, County Treasurer
Board Member: Cindy Ermatinger, Criminal Defense Attorney



1. OPENING MEETING

- 1.1 Presiding Officer of the Board will call the meeting to order, declare quorum if at least four members of the Board are present, declare notices legally posted pursuant to Open Meetings Act.
- 1.2 Motion to Open Ellis County Bail Bond Board Meeting.
- 1.3 Invocation and Pledge of Allegiance.

2. ADMINISTRATIVE

- 2.1 Consideration and action as may be appropriate to approve minutes of the October 25, 2013 meeting.
- 2.2 Review of Monthly Bond Reports.
- 2.3 Pursuant to Rule 602 of the Ellis County Bail Bond Board Rules, consideration and action as may be appropriate to demand an inspection of records of any licensed bondsman who fails to submit to the Board the required monthly reports.
- 2.4 Pursuant to Article VII of the Ellis County Bail Bond Board Rules, consideration and action as may be appropriate to initiate a formal complaint against any licensed bondsman who fails to submit to the Board the required monthly reports, and report of any other formal complaints received against any licensed bondsman.

- 2.5 Receive report from Ann Montgomery-Moran, designated agent for Ellis County Bail Bond Board, concerning any bond company that has been reported to the Sheriff for nonpayment of judgments.
- 2.6 Receive and review report from Vance Hinds and the Bail Bond Board Rules Revision Committee concerning revisions of the Bail Bond Board Rules.

3. **APPLICATIONS**

- 3.1 Consideration and action as may be appropriate to approve Ellis County Bail Bond License Application received from **Financial Casualty & Surety Inc., Richard Shinpaugh, Agent, doing business as Ellis County Bailbond.**
- 3.2 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Miguel Avendano, an employee of Act Swift Bail Bonds.**
- 3.3 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Emanuel Alvarado Carachuri, an employee of Act Swift Bail Bonds.**
- 3.4 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Diana Barrientos, an employee of Act Swift Bail Bonds.**
- 3.5 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Maritza Gonzalez, an employee of Act Swift Bail Bonds.**
- 3.6 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Rebekah Balderas, an employee of Act Swift Bail Bonds.**
- 3.7 Consideration and action as may be appropriate to approve Ellis County Bail Bond Employee Application received from **Felicia Martell, an employee of Act Swift Bail Bonds.**
- 3.8 Consideration and action as may be appropriate concerning the proposed amendments to the Bail Bond Board Rules.

4. **ADJOURNMENT**

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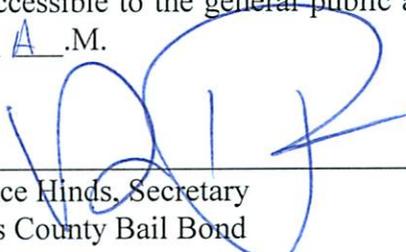
Signed this the _____ day of November, 2013.



Bob Carroll, Presiding Officer
Ellis County Bail Bond Board

I, the undersigned Secretary of the Board, do hereby certify that the above Notice of Meeting of the Ellis County Bail Bond Board is a true and correct copy of said Notice, that said Notice was posted at the

doors of the Ellis County Courthouse, a place readily accessible to the general public at all times, on the
18th day of November, 2013, at 11:30 A.M.



Vance Hinds, Secretary
Ellis County Bail Bond

If you or your Designee have a disability that requires special arrangements and you plan to attend this public meeting, please call (972)825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.