

# **ELLIS COUNTY BAIL** **BOND BOARD RULES**

Revised as of January 1, 2017

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**Ellis County Bail Bond Board Rules**

Pursuant to the provisions of Texas Occupations Code Chapter 1704, the Ellis County Bail Bond Board Rules hereinafter “Rules”, are promulgated to govern the giving and making of bail bonds in Ellis County, Texas. All references to the “Act” are references to Texas Occupations Code Chapter 1704.

**Article I. Bail Bond Board Membership and Meetings**

**Rule 101. Board Members**

Ellis County shall have a bail bond board known as the “Ellis County Bail Bond Board” hereinafter “Board” consisting of the following persons:

- (a) The sheriff or a Designee from the Sheriff's Office who must be the Sheriff's Administrator or a Deputy Sheriff of the rank of at least Sergeant;
- (b) A District Judge of the County having jurisdiction over criminal matters and designated by the presiding judge of the administrative judicial district or a Designee of the District Judge who is approved by the Presiding Judge;
- (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 in the County having jurisdiction over criminal matters and designated by the Commissioners Court or a Designee of the Judge who is approved by the Commissioner's Court;
- (e) The District Attorney or an Assistant District Attorney designated by the District Attorney;
- (f) A licensed bail bond surety or agent for a corporate surety in the county elected under Section 1704.0535, or a bail bond surety or agent for a corporate surety licensed in the county who is designated by the elected surety or agent;
- (g) A Justice of the Peace;
- (h) The District Clerk or the Clerk's designee;
- (i) The County Clerk or the Clerk's designee, if the County Clerk has responsibility over criminal matters;
- (j) If appointed by the Board, a presiding Judge of a Municipal Court in the County;
- (k) If the county's principal municipality designates a presiding judge in the municipal

court system, the presiding judge or a municipal judge from the system designated by the presiding judge;

- (l) The County Treasurer or the Treasurer's designee, or, if appointed by the Commissioner's Court in a County that does not have a County Treasurer, the person designated by the County Commissioner's Court to perform the duties of the County Treasurer; and
- (m) a criminal defense attorney practicing in the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants or the designee of the criminal defense attorney.

### **Rule 102. Meeting Times**

The Board shall meet regularly, at 1:00 p.m., on the fourth Friday of each month, or if such date be an official holiday, then the regular meeting shall be on the third Friday of that month. Additional meetings shall be on the call of the chairman.

### **Rule 103. Meeting Locations**

The Board shall meet in the Grand Jury Room, 2<sup>nd</sup> Floor of the Ellis County Courts Building, 109 S. Jackson St., Waxahachie, Texas, unless notice is posted otherwise.

### **Rule 104. Notice**

All notices shall be posted on the bulletin board at the Ellis County Courthouse and on the Ellis County Website.

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.

Any items to be considered on an Agenda of the Ellis County Bail Bond Board must be submitted to the Secretary of the Bail Bond Board at least ten (10) business days prior to the next regular meeting date.

### **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. Electing Officers and Bail Bond Board Representatives**

- (a) At the regular January meeting, the Board shall choose one of its members to serve as presiding officer until the next such annual election. The presiding officer shall serve as the Chairman of the Board.
- (b) In like manner, the Board shall choose a Vice-presiding officer who shall act in the

temporary absence of the presiding officer. In the event the presiding officer is disqualified, for any reason before the end of his term, the Vice-presiding officer shall automatically become the presiding officer. In such event, or if the Vice-chairman becomes disqualified, at the next regular meeting a new Vice-presiding officer shall be chosen.

- (c) In like manner, the Board shall choose a Secretary who shall act in the temporary absence of the presiding officer and the Vice-presiding officer. 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 this Board, to assist the Secretary in the discharge of his 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 his term, a new Secretary shall be selected.
- (d) The Sheriff of Ellis County or his designee shall be the bailiff of the Board.
- (e) Prior to January elections, the Secretary of the Board shall, by letter, request the appropriate authority to designate in writing, by letter to the Board, the person who shall serve as a Board member for the succeeding calendar year. Any designee provided for in Rule 101 who is named to serve shall be appointed in writing to serve until the end of the calendar year in which they are appointed.
- (f) At the January meeting, each licensed bond company shall have the right to nominate any licensed bondsman to serve on the Bail Bond Board. Each licensed bail bond company shall have a single vote in the election. The nominated bondsman who shall receive the most votes shall be elected and shall serve on the Board until the next January meeting and until his successor is elected and qualifies. If any vacancy should occur during the year, a replacement Bondsman representative shall be elected by the same process at the next regular Board meeting to serve until the next January meeting and until his successor should be elected and should qualify.
- (g) All proceedings not governed by specific statutory provision or by rule of this Board shall be conducted in accordance with Robert's Rules of Order. The presiding officer shall be ex-officio parliamentarian.

#### **Rule 107. Board Member Required Open Meeting Training**

Each Board Member shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and its members under this Chapter 551 of the Texas Government Code not later than the 90th day after the date the Board Member:

- (1) takes the oath of office, if the member is required to take an oath of office to assume

the person's duties as a member of the governmental body; or

- (2) otherwise assumes responsibilities as a member of the governmental body, if the member is not required to take an oath of office to assume the person's duties as a member of the governmental body.

The Certificate of Completion of the Open Records Training shall be filed with the Secretary of the Ellis County Bail Bond Board within thirty (30) days of completion.

### **Rule 108. Standing Complaint Committee**

The Ellis County Bail Bond Board's Standing Complaint Committee shall consist of the Sheriff's representative, the District Attorney's representative, and the licensed bail bond sureties' representative to the Board. The counsel to the Board may attend the committee meetings and provide legal advice to the committee.

Upon receipt of a sworn complaint against a bondsman licensed in Ellis County, the committee shall review and investigate the complaint. Upon a majority vote of the committee, the committee shall submit a written recommendation to the Secretary of the Board that the complaint be referred to the Board or that the complaint not be referred to the Board. Each committee member shall have one vote. Upon the recommendation of no referral to the Board, the Board's staff shall notify the bondsman and the complainant(s) of such decision. The Board may review and reverse the committee's recommendation at a regular or called meeting. Complaints considered by the Board on the Board's own motion or at the request of a Court shall not be reviewed and investigated by the Standing Complaint Committee.

## **Article II. Bondsman Licensing**

### **Rule 201. Bondsman Application**

Any person desiring to act as a bondsman in any court of Ellis 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 Ellis County. A licensee shall not operate under more than one assumed name for a bail bond business in Ellis County at any given time.

### **Rule 204. Application Requirements**

Applications shall be submitted to the Secretary at the office of the Board with an original and thirteen (13) copies. The application shall be accompanied by payment of a fee of \$500.00, two recent passport-sized photographs of the applicant, and a set of fingerprints of the applicant taken by the Ellis County Sheriff's Office on a form approved by the Board and provided by the Sheriff. The Applicant may redact the social security numbers, driver's license numbers, and dates of birth from the thirteen (13) copies, but not the original application.

### **Rule 205. Bondsman Investigation**

- (a) Upon receiving an application, the Secretary or Assistant Secretary shall conduct an investigation of the applicant to determine whether the applicant meets the requirements of the Act and the Rules. If the Secretary or Assistant Secretary determines that the applicant does not meet the requirements of the Act and the Rules, then the Secretary or Assistant Secretary will notify the Applicant in writing of his or her determination not less than seven (7) days prior to the meeting at which the application is to be considered.
- (b) Upon completion of such investigation, the Secretary, Assistant Secretary, or the Secretary-s designated agent shall furnish a complete copy of all reports together with a copy of the application to each member of the Board not less than seven (7) days prior to the 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 or Assistant Secretary to appear in person, or in the case of a firm or corporation by designated representative, before the Board on the date his 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 is present.

### **Rule 207. Application Consideration**

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

### **Rule 208. Approval & Security Requirements for Individuals**

- (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 of a person to act as a bondsman has been tentatively approved, the applicant shall then:

- (1) deposit with the Ellis 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 "Ellis County Texas"), 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; or
  - (2) execute to and file on behalf of the County of Ellis deed(s) of trust to the property listed by the applicant on his 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 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). On or before pledging real estate and by February 15<sup>th</sup> of each year thereafter, paid tax receipts showing proof that all taxes due have been paid in full for the county, school district, and city, as well as any other ad valorem taxes on said pledged property; or
  - (3) in lieu of cash or other cash equivalent, furnish to the Sheriff an irrevocable letter of credit payable to Ellis County, in a form acceptable to the Sheriff, to satisfy any final judgment of forfeiture that may be made on any bonds on which the licensee is surety.
- (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. Additionally, a copy of a current casualty insurance policy, naming Ellis County as loss payee insuring improvements must be provided on such pledged real property.
  - (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) In increments of not less than \$10,000, 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). 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 Sheriff and the Secretary of the Board immediately following the approval of a license and following any change in the security amount.

- (f) If a licensee ceases to engage in the business of executing bail bonds and ceases to maintain a license, the licensee may apply to the Board for a release of securities. The Board may require such evidence as is necessary to determine that there are no judgments or bond liabilities, either actual or potential, outstanding against the licensee before approving a release of security.
- (g) No bondsman may execute, in any county, bail bonds that in the aggregate exceed ten (10) times the value of the property held as security or in trust.

### **Rule 209. Approval & Security Requirements for Corporations**

- (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) The corporation shall file, with the Ellis County Clerk, a power of attorney, designating and authorizing the named agent of such corporation to execute bail bonds and present a copy of said power of attorney, which has been certified by the Ellis County Clerk, to the Secretary of the Board.
- (c) Wherever in this Act any person is required or authorized to give or execute any bail bond, such bail bond may be given or executed by such principal and any corporation authorized by law to act as surety. When any such corporation authorized by law to act as a surety undertakes to be a surety on a bail bond qualifying under Rule 208(b) Subsection (1), such corporation, before being acceptable as a surety on a bail bond, shall be required to meet the applicable requirements prescribed by Rule 208 of this Act before being acceptable as surety on a bail bond;
- (d) The certificate of authority to do business in this state issued to a corporation by the State Board of Insurance pursuant to Article 8.20, Insurance Code, as amended, shall be conclusive evidence as to the sufficiency of the security, the corporation's solvency, or its credits. Subsection (g) of Rule 208 does not apply to a corporate surety acting under the Texas insurance Code.
- (e) Any corporation which acts as a surety shall, before executing any bail bond, first file in the office of the county clerk of the county where such bail bond is given a power of attorney designating and authorizing the named agent of such corporation to execute such bail bonds by such agent. This power of attorney shall be a valid and binding obligation of the corporation. A separate license is required for each agent operating under a corporate power of attorney.

- (f) Notwithstanding any statutory requirements to the contrary, any agent so designated and licensed or approved hereunder for the purpose of writing bail bonds shall not be required to be licensed as a local recording agent as defined in “Texas Property and Casualty Agents License Act” Article 21.14, Texas Insurance Code, as amended, for the purpose of this Act.
- (g) It shall be the duty of the board to notify promptly the State Board of Insurance of default by a corporation on any financial obligation which it undertakes in the county.

### **Rule 210. License Expiration**

- (a) A license and identification card issued to a licensee or corporate agent under these Rules shall expire 24 months after the date of their issuance if the license:
  - (1) has been issued for less than eight consecutive years; or
  - (2) has been suspended.
- (b) A person who applies to renew a license that has been held by the person for at least eight consecutive years without having been suspended or revoked under these Rules or under Chapter 1704 “Regulation of Bail Bond Sureties” of the Texas Occupations Code and who complies with the requirement of these Rules and Chapter 1704 of the Texas Occupations Code may renew a license for a period of 36 months from the date of expiration if the board:
  - (1) knows of no legal reason why the license should not be renewed; and
  - (2) determines that the applicant has submitted an annual financial report to each county bail bond board before the anniversary date of the issuance of the applicant-s license.

A license renewed under this Rule may be renewed subsequently each 36 months in a similar manner.

### **Rule 211. License Renewal**

Renewal applications shall be received not more than sixty nor less than thirty-one 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. In the event that the Board fails for any reason to act upon a renewal application prior to the expiration date of a license, a temporary license shall be issued by the Secretary pending final action.

### **Rule 212. Convictions**

A person may not accept or receive from a license holder money, property, or any other thing of value as payment for employment with a bonding business if, within the preceding 10

years, the person has been convicted of a misdemeanor involving moral turpitude or of a felony.

### **Rule 213. 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 and eleven copies.
- (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.

### **Article III. Employees**

#### **Rule 301. Employee Application**

- (a) All employees of licensees must first be approved by the Board. Any person desiring to act as an employee for a bondsman licensed in Ellis County shall first file with the Board a sworn, completed application on a form approved by the Board and provided by the Secretary.
- (b) No licensee shall employ any person who has been convicted of a misdemeanor involving moral turpitude within the preceding 10 years or any felony.
- (c) "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. Application Requirements**

An original and thirteen (13) copies of an employee application shall be filed with the Secretary of the Board. The employee application shall be accompanied by two passport-sized photos of the applicant and a set of fingerprints of the applicant taken by a law enforcement official on a form approved by the Board and provided by the Sheriff. The Applicant may redact the social security numbers, driver's license numbers, and dates of birth from the thirteen (13) copies, but not the original application.

### **Rule 303. Employee Investigation**

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. If the Secretary or Assistant Secretary determines that the applicant does not meet the requirements of the Act and the Rules, then the Secretary or Assistant Secretary will notify the Applicant in writing of his or her determination not less than seven (7) days prior to the meeting at which the application is to be considered.

- (a) Upon completion of such investigation, the Secretary shall furnish a complete copy of all reports together with a copy of the employee application to each member of the Board not less than seven (7) days prior to the meeting at which the application is to be considered.
- (b) Employee applications shall be considered at each regular meeting of the Board.

### **Rule 304. Employee Appearance**

Each employee applicant 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. The Board shall not approve an employee application unless the applicant and sponsoring licensee appear before the Board on at least one occasion.

### **Rule 305. Issuance of Employee Card**

Upon approval of an employee application by the Board, the Secretary shall issue an identification card to the employee. All identification cards issued to employees shall automatically expire on the same date as the sponsoring licensee's license and identification card pursuant to Rule 210 above.

### **Rule 306. Employee Card Renewal**

An agent shall file a renewal application for an employee card not more than sixty nor less than thirty days prior to the expiration date of the identification card. Employee renewal applications shall be on a form approved by the Board. The Secretary shall approve the application

and issue a new identification card if no member of the Board objects within ten days of receiving a copy of the application for renewal.

### **Rule 307. Employee List**

All licensees shall file a yearly written list of their employee(s) employed as of January 1<sup>st</sup> of each year with the Secretary of the Board and the Ellis County Jail. The employee report must be filed on or before January 10<sup>th</sup> of each year. Any changes in employee status, including employment of new employees must be served on the Secretary of the Board and the Ellis County Jail within five (5) days.

### **Rule 308. Signature Card**

All licensed sureties or agents who execute bonds on the sureties are required to have on file a current signature card on a form provided by the Board before they will be permitted to execute bonds.

### **Rule 309. 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 shall immediately surrender the employee's identification card to the Secretary of the Board, unless good cause be shown why the employee identification card cannot be returned.

## **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 an identification card issued by the Board each time the person presents a bail bond for the release of a prisoner. No person other than a licensee, agent of corporate licensee 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 or the corporate agent.
- (e) Bonds written in Ellis County shall be on a form approved by the Board and shall contain the bond company's assumed name in 1/8 inch bold type in the first sentence at the top of the bond.

## **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 or suggest or recommend any attorney to be employed; 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, or 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, or employee of a law enforcement agency, judge, or employee of a court, or public official, or 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, or deputy, constable, jailer, or employee of a law enforcement agency, judge or employee of a court, or 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 this Act.
- (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.
- (j) No law enforcement officer shall be employed by a bond company to seek to locate or arrest fugitive principals. No bond company shall pay money or any thing of value to a law enforcement officer for locating or seeking to locate fugitive principals.
- (k) No licensee, agent of a corporate licensee or employee may quote a price, percentage rate and/or payment plan to obtain a commitment from a person inquiring about prices and later charge a higher price, percentage rate and/or payment plan than the one originally quoted, unless the person is notified of, and agrees to the new price, percentage rate and/or payment plan prior to the posting of the bond.

## **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, which evidence shall include not less than providing a current financial statement.

### **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; and
- (e) The current status of the bond as pending, set aside, forfeited or disposed, and if the bond has been forfeited, a record of all outstanding judgments nisi that the bondsman has been served with, including the name of the principal, the cause numbers, the amount of the bond, and the date on which the principal failed to appear.

### **Rule 602. Inspection of Records**

The records shall be submitted to the Board or the Secretary of the Board for inspection prior to each renewal of the bondsman's license and shall be available for inspection on demand by the Board or its authorized representative.

### **Rule 603. Monthly Reports**

A licensee, other than a corporation admitted to do business in this State and qualified to write fidelity, guaranty, and surety bonds under the Insurance Code, shall not later than the 10th day of each month furnish to the Secretary of the Board complete information regarding outstanding bonds on a form approved by the Board. A licensee that is a corporation admitted to do business in this State and qualified to write fidelity, guaranty, and surety bonds under the Insurance Code is excluded from the monthly reporting requirement under this rule.

## **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 on a form approved by the Board.

### **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 in the Chairman, Vice-Chairman or Secretary of the Board, upon the request of any interested person.

#### **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 any felony;
- (d) Being adjudged bankrupt or becoming insolvent;
- (e) Being adjudged mentally incompetent;

- (f) Fails to pay a judgment in accordance with Section 1704.204 of the Texas Occupations Code;
- (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; and
- (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 Bonds**

The Board shall designate a representative of the Ellis 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 be 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. Failure to Pay Final Judgment by Bail Bond Surety**

Pursuant to Section 1704.2535, the Board or its authorized representative shall immediately notify the Sheriff if a bail bond surety fails to pay a final judgment of forfeiture. The Sheriff may not accept any bonds from the bail bond surety until the bail bond surety pays the judgment. The bail bond surety's privilege to post bonds will be reinstated when the bail bond surety pays the judgment. No notice or hearing is required to temporarily lose bond writing privileges when the bail bond surety fails to pay a final judgment of forfeiture.

#### **Article X. Licensee and Employee Information**

##### **Rule 1001. Bondsman Lists**

- (a) The Board shall publish an Alphabetized List of Licensees and Corporate Agents by proper names, showing the telephone numbers of each licensee. This Alphabetized List of Licensees and Corporate Agents is to be posted in the various courts of the county having criminal jurisdiction and at each location where prisoners are examined, processed, or confined, pursuant to Section 1704.105 of the Texas Occupations Code.
- (a) A Rotating List of Licensees and Corporate Agents shall be posted at the Wayne McCollum Detention Center, Midlothian City Jail, and Ennis City Jail. The Rotating List of Licensees and Corporate Agents shall be rotated and distributed on Monday of each week by the designee of the Ellis County Bail Bond Association. The weekly rotating list shall also be provided to the Wayne McCollum Detention Center for distribution at book-in. The Rotating List of Licensees and Corporate Agents is effective at 12:00 p.m. on Monday of each week.
- (b) Both the Alphabetized and Rotating Lists of Licensees and Corporate Agents are subject to examination by any member of the Board or public.
- (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 Secretary or the Assistant Secretary.
- (e) No unlicensed person (even those exempt from licensing) may be placed on the list.

#### **Rule 1002. 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 1003. Telephone Advertising**

Telephone directory advertising for licensees shall be listed in the proper name of the licensee or may contain assumed or corporate name.

#### **Rule 1004. 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.

### **Article XI. Miscellaneous**

#### **Rule 1101. Office Location**

- (d) A license holder shall maintain a primary office in Ellis County.
- (e) Not later than the seventh day after the date a license holder opens a new office or moves an office to a new location, the license holder shall notify the board of the location of the office.
- (f) For purposes of these Rules and for compliance with §1704.213 of the Texas Occupation Code, each license holder shall designate a primary office of which shall be defined as a location where business is regularly conducted and where the files for the business are kept and maintained.

#### **Rule 1102. Severability**

If any provision of these Rules and Regulations 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 1103. 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. In the event the Act is amended, these Rules shall be interpreted as being consistent with the Act at all times.

**Rule 1104. Effective Date**

The Amended Rules are approved November 18, 2016 to be fully effective January 1, 2017, thereafter, any amendments shall be effective ten days after being approved and posted by the Board.

**Article XII. Approved Forms**

The Board hereby adopts the following forms for use by Applicants, Licensees, and Complainants. The following forms shall be used by the Applicants, Licensees, and Complainants:

Appendix A - Ellis County Bail Bond License Application for a Corporation

Appendix B - Ellis County Bail Bond License Application for Individuals

Appendix C - Ellis County Bail Bond Employee Application

Appendix D - Certificate of Authority

Appendix E - Assignment of Security for Bail Bond License

Appendix F - Bail Bond Board I.D. Application Ellis County

Appendix G - Certificate of No Outstanding Final Judgments

Appendix H - Applicant's Statement of Apprenticeship and Continuing  
Legal Education

Appendix I – Sworn Verification of Financial Statement

Appendix J - Deed of Trust Ellis County

Appendix K – Non-Exempt Real Estate Owned by Applicant

Appendix L – Spouse's Agreement to Transfer

Appendix M – Complaint Form

Appendix N – Surety Bond Form

Appendix O - Non-Corporate Licensee Monthly Reporting Form