



## ALABAMA PROFESSIONAL BAIL BONDING BOARD

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### MINUTES Board Meeting

September 16, 2022

The Alabama Professional Bail Bonding Board met on Friday, September 16, 2022, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama. The following Board members were in attendance: Mr. Chris McNeil (Board Chair), Mr. Jimmie Lay (Board Vice Chair), Ms. Carla Woodall (Board Secretary), Judge Spiro Cheriogotis (member), Ms. Alesia Kyser (member) Mr. Victor Howard (member), Mr. Barry Johnson (member), Mr. Gustavius Maxie (member) and Ms. Jennifer Collard (member). Others present at the meeting were Mr. Keith Warren (Executive Director), Ms. Tara Hetzel (Assistant Attorney General-Board Legal Counsel), Mr. Mike James (Investigator), Ms. Brenda Holden (Licensing Specialist), Ms. Karen Harlow (Legal Assistant) and Ms. Renee' Reames (recording secretary). Mr. McNeil, Board Chairman, called the meeting to order at 10:06 a.m. Mr. Warren called Board roll and reported that a quorum was present to conduct Board business. An opening prayer was given at the beginning of the meeting. Mr. Warren read the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act. Chairman McNeil welcomed everyone attending the meeting.

Ms. Woodall made the motion to approve the travel expense reports for the members submitting reports. The motion was seconded by Ms. Kyser and unanimously approved by the Board.

Public notice of this regularly scheduled meeting was submitted to the Secretary of State [www.sos.alabama.gov](http://www.sos.alabama.gov) in accordance with the requirements of the Alabama Open Meetings Act and published on the Board's web site at [www.apbb.alabama.gov](http://www.apbb.alabama.gov).

#### APPROVAL OF AGENDA

Chairman McNeil presented a copy of the September 16, 2022 meeting agenda for the Board's approval. A copy of the agenda was provided to the Board members prior to the meeting for their review.

MOTION: Mr. Lay made a motion to approve the September meeting agenda as presented. The motion was seconded by Ms. Woodall and unanimously approved by the Board (agenda available for viewing in the Board's Official Book of Minutes).

#### APPROVAL OF MINUTES

Chairman McNeil presented a copy of the July 21, 2022, Board meeting minutes for the Board's approval, along with a copy of the corrected March 25, 2022, meeting minutes. A copy of the minutes was provided to the Board members prior to the meeting for their review.

MOTION: Mr. Johnson made a motion to dispense with the reading of the minutes and approve the July minutes and the corrected March meeting minutes as presented. The motion was seconded by Mr. Lay and unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

#### BOARD CHAIRMAN REPORT

Chairman McNeil reported that continuing education class would be offered in November and apprentice classes would be offered every 60 days.

## EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending August 31, 2022, along with a line-item budget of expenses for the same period. Mr. Warren reported on the current number of licenses by categories, which totaled 724 licensees. Mr. Warren reported that he would be working with Alabama Interactive to have company licenses and apprentices added to the licensee database and website licensee search.

Mr. Warren also reported that the Board of Adjustment payment to Alabama Interactive had been submitted and payment was pending, and that ALEA had submitted some invoices for the prior year, which may not be eligible for Board of Adjustment payment. Ms. Hetzel reported that The Austin Group had been paid through a Board of Adjustment claim and arrangements would be made to obtain the Board's property at The Austin Group.

Mr. Warren reviewed a list of activities regarding licensure, finance and compliance/complaint activities performed by the staff since the last Board meeting held in July (report available for viewing in the Board's Official Book of Minutes).

The Board discussed processing ALEA and FBI background reports and Mr. Warren reported that he was working with ALEA in finalizing the FBI procedures. He recommended the Board proceed with the ALEA background reports and to utilization an attestation form pending completion of the FBI agreement to process FBI background reports.

**MOTION:** Mr. Johnson made the motion to accept the Financial Report as presented by Mr. Warren. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

## LEGAL COUNSEL REPORT

Ms. Hetzel reported that the Investigative Committee (I.C.) had met and asked Mr. James, Board Investigator, to report on the recommendations of the Committee. Mr. James reported on the following cases and Chairman McNeil and Judge Cheriogotis abstained from voting on the actions by the Board.

Case 2022-023: Mr. James reported that the funds owed by the Bond company to the Complainant had been repaid and the I.C. requested the Board amend their motion and not set the matter for a hearing and issue a letter of concern to the Respondent.

**MOTION:** Mr. Lay made the motion to issue a letter of concern to reprimand the Respondent in this matter as recommended by the I.C. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2022-026: Mr. James reported that the Respondent in this case was not licensed and the I.C. recommended a cease and desist letter be sent to the Respondent and a letter of concern be issued to the owner of the company.

**MOTION:** Mr. Johnson made a motion to approve the I.C. recommendations. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

Case 2022-031: Mr. James reported that the case involved two owners of the company disagreeing over income percentages and the I.C. recommended to close the case due to no jurisdiction and refer to the county circuit court.

**MOTION:** Mr. Lay made the motion to accept the recommendations of the I.C. and close the case. The motion was seconded by Ms. Collard and unanimously approved by the Board, with Ms. Woodall abstaining from vote.

Case 2022-033: Mr. James reported that the Respondent was not licensed and had come in compliance with the Board. The I.C. recommends the case be closed as in compliance.

MOTION: Mr. Johnson made the motion to accept the recommendation of the I.C. and close the case. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2022-034: Mr. James reported that the Respondent has complied with the Board and had refunded the money to the Complainant. The I.C. recommended that a letter of concern be issued to the Respondent.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendations. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2022-035: Mr. James reported that the Respondent was not in compliance and the I.C. recommended an Administrative Hearing be set.

MOTION: Mr. Lay made a motion to approve the I.C. recommendation and an Administrative Hearing be held only before an ALJ. The motion was seconded by Mr. Howard and unanimously approved by the Board.

Case 2022-036: Mr. James reported that the I.C. recommended the case be closed as unfounded.

MOTION: Mr. Lay made a motion to approve the I.C. recommendations. The motion was seconded by Mr. Maxie and unanimously approved by the Board, with Mr. Johnson abstaining from vote.

Case 2022-037: Mr. James reported unethical behavior by an employee who had since been disciplined by the employer, and the I.C. recommended that a letter of concern be issued to the Respondent/employee.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendations. The motion was seconded by Ms. Collard and unanimously approved by the Board.

Case 2022-038: Mr. James reported that complaint involved duplicate use of a company name. He explained that the matter was the jurisdiction of the Secretary of State, and the Board had no jurisdiction and the I.C. recommended the case be closed.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendation to close the case. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2022-039: Mr. James reported that the I.C. recommended the case be closed due to no probable cause found in the case.

MOTION: Mr. Howard made a motion to approve the I.C. recommendation to close the case as unfounded. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

Case 2022-040BR: Mr. James reported that the complaint was initiated by Mr. Warren due to the Respondent not reporting arrest within the 10-day timeframe and the I.C. recommended \$500 fine.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendation to assess a fine. The motion was seconded by Ms. Collard and unanimously approved by the Board.

Cases 2022-042 and 043 and 046: Mr. James reported on three cases with the same Respondent and the I.C. recommended that cases 2022-042 and 2022-043 be closed as unfounded.

MOTION: Mr. Howard made a motion to approve the I.C. recommendation close cases 2022-042 and 2022-043. The motion was seconded by Ms. Collard and unanimously approved by the Board.

In the matter of 2022-046, the I.C. recommended that the Respondent be assessed a \$500 fine for not reporting an arrest.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendation to assess a fine. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

Case 2022-044: Mr. James reported that the complainant failed to follow the procedure to file an official complaint and the I.C. recommended that the case be closed administratively.

MOTION: Mr. Johnson made a motion to approve the I.C. recommendation to administratively close the case. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Case 2022-045BR: Mr. James reported that apprentice licensee failed to report criminal background history which included felony charges, and the I.C. recommended to accept surrender of his license.

MOTION: Mr. Lay made a motion to approve the I.C. recommendation to accept the surrender of the Respondent's license. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Case 2022-048: Mr. James reported that the complainant had withdrawn the complaint about the number of bond companies the Respondent operated and the I.C. recommended that the withdrawal be accepted.

MOTION: Mr. Lay made a motion to approve the I.C. recommendation. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Ms. Hertzell reported that she would be meeting with ALEA to review the background report process and Ms. Woodall indicated that she would also attend the meeting.

#### OLD BUSINESS

Audit and Findings: Mr. Warren reported that he had no additional information to report following the Audit exit meeting held in July.

Adoption of Final Rules: Mr. Warren presented the following proposed Rules for the Board's approval as a Final Rule. He reported that no comments on the Rules were received by the public.

#### Chapter 153-X-1 General Provisions.

MOTION: Judge Cheriogotis made a motion to approve Chapter 153-X-1 as presented. The motion was seconded by Mr. Lay and unanimously approved by the Board.

#### Chapter 153-X-2 Definitions.

MOTION: Mr. Johnson made a motion to amend the Rule to state that an Employee shall include any individual who has communication or interaction with potential or actual customers. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

#### Chapter 153-X-3 Licensure.

MOTION: Judge Cheriogotis made the motion to approve Chapter 153-X-3 as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

#### Chapter 153-X-4 License Renewal and Continuing Education.

MOTION: Mr. Lay made the motion to approve Chapter 153-X-4 as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

#### Chapter 153-X-5 License Denial/Revocation – Bondsman/Recovery Agent.

MOTION: Mr. Howard made the motion to approve Chapter 153-X-5 as presented. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

#### Chapter 153-X-6-.04 Surety Practice Rule.

MOTION: Mr. Johnson made the motion to approve Chapter 153-X-6-.04, with the amended change in format to items 5. and 6. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

#### Chapter 153-X-7 Complaint Process.

The Board agreed to (1) replace the requirement of a notary, with an attestation statement, on the complaint form, (2) correct the Board's website address, (3) correct the misspelling of Executive Director, and

(4) replace the requirement that complaints be submitted within 180 days from the date of occurrence, rather than 90 days.

MOTION: Mr. Howard made the motion to approve Chapter 153-X-7 as amended in the Board's discussion. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

#### Chapter 153-X-8 Hearing Process.

The Board agreed to add in item 11 the number ten spelled out.

MOTION: Judge Cheriogotis made the motion to approve Chapter 153-X-8 as amended in the Board's discussion. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

#### Chapter 153-X-10 Standards of Professional Conduct

The Board agreed to (1) add in item 11 the number ten spelled out, (2) remove the word arrestee in item 13, (3) add in item 13 the statement that no company or Licensees shall pay monies, offer gifts, or give anything of value to any personnel/inmate of a jail facility or judicial official/employee, for unethical purposes, and (4) add in item 14 the statement that no company or Licensee shall solicit bail services at any jail facility whether in person or electronically.

MOTION: Judge Cheriogotis made a motion to approve Chapter 153-X-10 as amended in the Board's discussion. The motion was seconded by Mr. Lay and unanimously approved by the Board.

#### Chapter 153-X-11 Disciplinary Proceedings

The Board agreed to changes in Section 153-X-11-.01 to (1) add in item 3 the number ninety spelled out, (2) capitalize Investigative Committee, (3) capitalize Licensee, (4) add in item 4(g) the word Investigative and (5) remove the certified mail requirement when providing a copy of the complaint to the licensee.

MOTION: Mr. Lay made the motion to approve Chapter 153-X-1 as amended in the Board's discussion. The motion was seconded by Mr. Howard and unanimously approved by the Board.

MOTION: Ms. Woodall made the motion to amend the 153-X-11-.05(5) from ninety days to thirty (30) days when filing a request for reconsideration of the Board's decision. The motion was seconded by Mr. Johnson and unanimously approved by the Board.

Mr. Warren reported that the Rules would be filed as Emergency Rules and certified as Final Rules.

#### NEW BUSINESS

Proposed Rule Change Regarding Notice of Change in Supervisor:

MOTION: Judge Cheriogotis made a motion that a form be created for apprentices to report changes in supervisor within 10 days without interruption of license. The motion was seconded by Mr. Lay and unanimously approved by the Board.

#### OTHER BUSINESS AND ANNOUNCEMENTS

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

Next Board Meeting: The Board agreed to meeting in November and Chairman McNeil asked the Executive Director to poll the members about availability.

Adjournment: There being no further business, Mr. Lay made the motion to adjourn the meeting. The motion was seconded by Ms. Woodall and unanimously approved by the Board. Chairman McNeil adjourned the meeting at 11:58 a.m.

Respectfully Submitted,

  
Chris McNeil, Board Chairman

  
Carla H. Woodall, Board Secretary

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