



ALABAMA PROFESSIONAL BAIL BONDING BOARD

2777 Zelda Road
Montgomery, AL 36106
334-420-7225
334-263-6115 fax

MINUTES Board Meeting August 11, 2023

The Alabama Professional Bail Bonding Board met on Friday, August 11, 2023 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. Jennifer Collard (member), Mr. Victor Howard (member), and Ms. Alesia Kyser (member). Board members absent were Mr. Barry Johnson (member) and Mr. Gustavus Maxie (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), Ms. Lora Evans (Executive Assistant) and Ms. Renee' Reames (recording secretary).

Mr. McNeil, Board Chairman, called the meeting to order at 10:02 a.m. Mr. Warren called Board member 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.

Public notice of this regularly scheduled meeting was submitted to the Secretary of State 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.

APPROVAL OF AGENDA

Chairman McNeil presented a copy of the August 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: Ms. Woodall made a motion to approve the August 11, 2023, meeting agenda as presented. The motion was seconded by Judge Cheriogotis 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 May 12, 2023, Board meeting minutes for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting for their review.

MOTION: Ms. Woodall made a motion to dispense with the reading of the minutes and approve the May meeting minutes as presented. The motion was seconded by Judge Cheriogotis 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 he had no report to present at this time.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending July 31, 2023, and he provided copies of the cash reconciliation report and detailed list of obligations vs. budget. He reported that the Board had not received an increase in allocation as requested and the annual budget of the Board was \$147,415. He reported that the cost of developing the Board's licensee database would be split between fiscal years 2023 and 2024. Mr. Warren reviewed the status of complaints, along with other activities performed by staff, since the last Board meeting held in May.

He reported that a list of disciplinary actions approved by the Board would be posted on the Board's website and the Board discussed sending a notice to the Courts and other county officials about the availability of disciplinary Board action list.

Mr. Warren reported that the Board was scheduled to meet with the Sunset Committee on September 25, 2023, and encouraged the Board members to attend. He reported that findings from the recent audit conducted by the Board of Examiners of Public Accounts would be provided to the members prior to the Sunset Committee meeting.

Mr. Warren explained that vacancies on the Board and Board terms were reported on the Secretary of State's website. The Board's statute requires that the appointments were made by the Governor based on nominations from the State Association with certain conditions regarding congressional districts and other demographic diversities.

MOTION: Ms. Woodall made the motion to accept the financial report as presented. The motion was seconded by Mr. Lay and unanimously accepted by the Board.

AMENDED AGENDA:

MOTION: Judge Cheriogotis made the motion to amend the August 11, 2023, meeting agenda under New Business to include Administrative Services Contract. The motion was seconded by Ms. Collard and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Ms. Hetzel reported that the Investigative Committee (I.C.) had met and asked Mr. James to report on the IC recommendations for Board approval. Judge Cheriogotis and Chairman McNeil, as members of the IC, abstained from voting on the actions by the Board (list of case provided in the Board's official Book of Minutes).

Recommendation to close the following complaint cases due to no probable cause: 2023-025, 2023-028BR, 2023-029BR, 2023-032, and 2023-037.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to close the cases as unfounded. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Recommendation to issue a consent agreement with fine in the following complaint cases: 2023-026.01, 2023-030.01, 2023-030.02, and 2023-031.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to issue a consent agreement with fine in the reported cases. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Recommended to issue a cease and desist order in the following complaint case: 2023-026.02.

MOTION: Mr. Howard made the motion to approve the recommendations of I.C. to issue a cease and desist order in the case of 2023-026.02. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Recommendation to approve surrender of license in the following case 2023-033 concerning one bondsman license and two company licenses.

MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. accept the surrender of licenses as reported. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Recommendation to accept withdrawal of the complaint by the complainant in case 2023-034.
MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to accept the withdrawal of the complaint as reported. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Recommendation to close the following complaint cases as unfounded: 2023-036 and 2023-038.
MOTION: Mr. Howard made the motion to approve the recommendations of the I.C. to close the cases as unfounded. The motion was seconded by Mr. Lay and unanimously approved by the Board.

Background Committee – Mr. Warren reported that the Background Committee had no report at this time.

The Board discussed the process of obtaining background histories. Mr. Warren reported that the applicants are submitting fingerprints for background histories obtained from ALEA. He indicated that the Board did not have an agreement with the FBI to obtain background histories. The Board discussed modifying the Board's rules to require the applicant to obtain background reports from the FBI and submit the reports to the Board and whether the Board could obtain authorization from the applicant to submit the report to the Courts. Mr. Warren reported on three private companies, TLO, Fieldprint, and Know My Hire, that provided services to obtain background histories. Mr. Warren indicated that he would obtain additional information regarding Know My Hire, that was an online service that did not require fingerprints and provide a follow-up report at a future Board meeting.

MOTION: Mr. Lay made the motion to authorize the Executive Director to work with Alabama Interactive regarding electronic fingerprints. The motion was seconded by Mr. Howard.

Mr. Lay amended his motion to authorize the Executive Director to inquire with Alabama Interactive regarding electronic fingerprints. The amended motion was seconded by Mr. Howard and unanimously approved by the Board.

OLD BUSINESS

Update on SB213 – Chairman McNeil reported that SB 213, discussed at the May Board meeting, would become effective September 1, 2023.

New Licensees – Ms. Holden inquired about license expiration date of new licensees for licenses initially issued in September. It was the consensus of the Board to promote the expiration date to October 31 of the next year.

NEW BUSINESS

Licensee Educational Program – Mr. James presented recommendations regarding the educational program to be attended by applicants. He commented on the audit findings concerning this matter and presented to the Board for approval a list of 45 questions, of which 25 of the questions would be randomly selected for examination. He recommended that the 45 questions comprise the examination for applicants when applying for initial licensing, etc. The Board discussed the following: (1) attending the pre-application training, (2) taking the examination, (3) upon failure, (4) immediate remediation training class, and (5) re-examination. The Board reviewed the questions and modifications to the questions were recommended and it was the consensus of the Board that the recommendations be approved.

MOTION: Judge Cheriogotis made the motion to approve the Alabama Bail Bond Association as an approved educational provider for the period of October 1, 2023 to October 1, 2024. The motion was seconded by Mr. Howard and unanimously approved by the Board.

MOTION: Mr. Lay made the motion to approve the Alabama Bail Bond Association as an approved provider of the 16-hour instructional course effective October 1, 2023 to October 1, 2024. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

MOTION: Mr. Lay made that the final examination be approved as amended. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

MOTION: Mr. Lay made the motion to post on the Board's website the approved provider effective October 1, 2023 to October 1, 2024.

The Board discussed having training sessions attended in-person.

MOTION: Mr. Lay made the motion that all educational providers provide in-person training. The motion was seconded by Mr. Howard and unanimously approved by the Board.

MOTION: Judge Cheriogotis made the motion to assign to the Rules Committee modification to the Board's rules requiring in-person training and apprentice(s) reporting changes in supervisor. The motion was seconded by Mr. Lay and unanimously approved by the Board. The Board continued discussion of Rule 153-X-3-.03 and 3-.05 concerning an apprentice license.

Administrative Services Contract – Ms. Hetzel reported that the agenda had been amended to include approval of the Administrative Services contract.

The staff of Smith Warren left the meeting at 11:28 a.m.

The Board discussed and reviewed the only Request for Proposal (RFP) received, which was submitted by Smith Warren Management Services. Ms. Hetzel advised the Board of options regarding the RFP. Chairman McNeil appointed the following Board members to an Administrative Services Committee: Judge Cheriogotis, Mr. Howard, Chairman McNeil, and Ms. Woodall. Judge Cheriogotis made a motion to engage in discussion with Smith Warren. The motion was seconded by Mr. Lay and unanimously approved by the Board.

The staff of Smith Warren joined the meeting at 11:48 a.m.

OTHER BUSINESS AND ANNOUNCEMENTS

Administrative Hearing – Ms. Hetzel announced that a special meeting of the Board may be required concerning Case 2023-035BR and Case 2023-027BR in which there is one Respondent.

SB 213 – The Board discussed the Board's statute and Rules as it related to SB 213 that would become effective September 1, 2023. Chairman McNeil asked the Rules Committee to review the Board's rules as it pertains to the new Act 2023-476.

Next Board Meeting: Chairman McNeil reminded the members that the next meeting of the Board was scheduled December 1, 2023, at 10:00 a.m. at the Board's Office.

ADJOURNMENT

There was no further business of the Board, and Mr. Lay made the motion to adjourn the meeting. The motion was seconded by Mr. Howard and Chairman McNeil adjourned the meeting at 12:21 p.m.

Respectfully Submitted,


Chris McNeil, Board Chairman


Carla H. Woodall, Board Secretary

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Date Approved December 1, 2023 1 RR