



## ALABAMA PROFESSIONAL BAIL BONDING BOARD

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### MINUTES Board Meeting August 9, 2024

The Alabama Professional Bail Bonding Board met on Friday, August 9, 2024, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama. The following Board members were in attendance: Mr. Jimmie Lay (Board Chair), Judge Spiro Cheriogotis (Board Vice Chair), Ms. Carla Woodall (Board Secretary), Mr. Chris McNeil (member), Mr. Gustavus Maxie (member), Ms. Jennifer Collard (member), Ms. Alexis Wooden (member joining at 10:49 a.m.) and Mr. John Vaughn (member). Member absent was Mr. Barry Johnson (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), Mr. Brannon Littleton (Chief Financial Officer) and Ms. Renee' Reames (recording secretary) and Mr. Pat McWhorter (legislative liaison) and guest.

Mr. Jimmie Lay, Board Chairman, called the meeting to order at 10:03 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. Chairman Lay reported that the meeting was open to the public and the meeting would be conducted under Roberts Rules of Order. Chairman Lay welcomed everyone attending the meeting.

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 Lay presented a copy of the 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: Judge Cheriogotis made a motion to approve the amended August 9, 2024 meeting agenda to include review and approval of CE course and examination as New Business. The motion was seconded by Ms. Woodall and unanimously approved by the Board (amended agenda available for viewing in the Board's Official Book of Minutes).

#### APPROVAL OF MINUTES

Chairman Lay presented a copy of May 10, 2024 regular meeting minutes for the Board's approval.

MOTION: Ms. Collard made a motion to dispense with the reading of the minutes and approve the May regular meeting minutes as presented. The motion was seconded by Mr. McNeil and unanimously approved by the Board (minutes available for viewing in the Board's official Book of Minutes).

#### REPORTS

Board Chairman Report: Chairman Lay indicated that he had no report at this time.

Executive Director Report: Mr. Warren reported on the current number of licensees (#717), apprentices (#35), as well as bail bond businesses (#163). He reported on the number of complaints received in FY 2024 and FY 2023 and the status of disciplinary fines assessed in each of the fiscal years. The Board discussed including in future consent/settlement agreements that the respondent in the case would not be

eligible to renew their license until the assessed fine had been paid. The Board's Legal Counsel would review the Board's rules and recommend any changes to the rules as it pertains to this matter.

Mr. Warren reported that the new background platform "Know My Hire" would be tested prior to renewal of licenses beginning September 1, 2024, and the licensee database could be flagged with color-code designations regarding denied licenses, etc. The Board discussed the licensee search on the Board's website to include apprentices and the employer company name for each licensee.

Mr. Warren reported that individual ID cards had been ordered for the Board members, which may assist in securing government rates at hotels and when needed to show state Board affiliation. He commented on attending the Professional Bail Agents of the USA national meeting held in Mobile and thanked the Board for the invitation.

The Board discussed creating a new rule concerning the Board member responsibilities and Mr. Warren indicated that he would work with Legal Counsel on the new rule to include filing statements of economic interest, oath of office, executive order compliance, etc. to present to the Board for approval.

The Board discussed identifying activities, within the Board's authority, that the Board's funds could be used to benefit the licensees such as reduced continuing education registration fees or reduced licensing fees, etc. and benefits to the public such as Board-sponsored media campaigns regarding rights of the public concerning bail bonding services, licensure of profession, etc.

#### Financial Report

Mr. Littleton presented the financial activities of the Board for the third quarter of FY 2024 and anticipated fourth quarter revenue and expenses (report available in official Book of Minutes). A detailed list of deposits and expenditures as of June 30, 2024, was also provided. He explained the limits established for expenditures not to exceed the annual budget and the quarterly expenditure limits. The Board discussed adjusting the budgeted amount in the personnel category for an investigator and other personnel changes and adjusting the services category, and further allowances to be made in the Board's 2026 budget.

MOTION: Judge Cheriogotis made the motion for the Executive Director to inquire if the \$50 fee received from the CE Provider could be waived for future Board revenue. The motion was seconded by Ms. Woodall and unanimously approved by the Board.

MOTION: Mr. McNeil made the motion to adjust Board funds in categories to hire a state investigator. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

MOTION: Mr. McNeil made the motion to hire Mr. Jim Flanagan as the Board investigator. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

Mr. Littleton continued his report on the financial activities of the Board and the Board discussed the outstanding FY 2023 invoices owed to Alabama Interactive (aka Tyler Technologies) and errors with the vendor address concerning the October and May 2024 invoices which prevented payment when entered into the accounting software, STAARS. Mr. Warren reported that the Alabama Interactive (AI) payments were being processed and email communications with AI documented the efforts to resolve the payments before the Sunset Committee meeting scheduled in October. The Board asked that the Executive Director vigorously pursue resolving the outstanding AI payments and included in an amended quarterly report for the Sunset Committee. Ms. Woodall encouraged proactive transparency by the Board on any issues and to contact the state Examiners of Public Accounts if the Board had doubts or questions about a situation. Mr. Warren reported that the Sunset Audit report would be released to the Board two weeks prior to the Sunset Committee meeting.

MOTION: Mr. McNeil made the motion to accept the financial report as presented. The motion was seconded by Judge Cheriogotis and unanimously approved by the Board.

Legal Counsel Report:

Ms. Hetzel reported that the Investigative Committee (IC) had met to review complaint cases. Mr. James presented a detailed list of the IC recommendations (list available in the official Book of Minutes).

- Case 2024-045 Founded and settlement agreement offered to include surrender of bail bonding license, no longer in bail bonding business and required to appear before the Board if reapplied for licensure in future.
- Case 2024-054 – close case and accept complainant’s withdrawal of the complaint.
- Case 2024-030.02 – close case for dismissal of hearing before an ALJ.
- 2024-051 – Close case with letter of concern regarding money in escrow to be properly returned. Money has been returned.
- Case 2024-046 – close case due to no jurisdiction.
- Cases 2024-044BR, 2024-047, 2024-048.01, 2024-048.02, 2024-048.03, 2024-049 – close as unfounded.
- Case 2024-052 – administratively close case.

MOTION: Ms. Woodall made the motion to accept the Investigative Committee recommendations as presented. The motion was seconded by Mr. Maxie and unanimously approved, with Judge Cheriogotis and Chairman Lay recusing to vote as members of the committee.

Ms. Hetzel reported on applicant JLC concerning the Board’s request, at their last Board meeting, for additional information from the Board’s investigator about the applicant. The Board discussed the new information available concerning the applicant’s work history and criminal background history. The applicant received a limited relief order concerning their felony conviction and had been off probation for several years.

MOTION: Mr. McNeil made the motion that the applicant was approved for licensure, pending submission of a completed application. The motion was seconded by Mr. Maxie and unanimously approved, with Judge Cheriogotis and Chairman Lay recusing to vote as members of the Investigative Committee.

Ms. Hetzel reported that a Judge had ruled in favor of the previous court ruling to not issue a license to John Robinson. She reported that Mr. Robinson’s attorney had made an offer for Mr. Robinson to obtain his license and the IC’s recommendation was not in favor of issuing Mr. Robinson a license.

MOTION: Ms. Woodall made the motion to accept the IC’s recommendation to not issue a license to Mr. Robinson. The motion was seconded by Mr. Maxie and unanimously approved, with Judge Cheriogotis, Chairman Lay and Mr. Vaughn recusing from voting on the matter.

Ms. Hetzel reported that Mr. Victor Calloway, who had previously appeared before the Board, had withdrawn his application.

MOTION: Ms. Woodall made the motion to not refund the licensing fees based on the Board’s rules. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

MOTION: Ms. Woodall made the motion that the Board accept the withdrawal of the application by Mr. Calloway. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

OLD BUSINESS

Update on ACT 2024-278 Public Records

Ms. Hetzel presented a proposed new rule, 153-X-12 Records, for the Board’s review. The Board discussed adding redacted applications to the list based on §15-13-210(a) concerning confidential information and

inquired about adding a fee at reasonable cost for documents and services. Ms. Woodall provided examples of fees for documents and services: \$5 for first-20 pages copied, \$0.50 for page 21 and thereafter copied pages, \$25 search fee, create a limited search fee and \$5 for certified copies, etc. The Board asked that the proposed rule be modified and presented for Board approval.

## NEW BUSINESS

### Public Hearing and Adoption of Final Rule 153-X-4-.01 License Renewal and Continuing Education

Mr. Warren presented a copy of the proposed amended rule for the Board's adoption as a final rule. He indicated that no comments had been received from the public. Chairman Lay called for comments from the floor and there were none.

MOTION: Judge Cheriogotis made the motion to adopt as final rule 153-X-4-.01 License Renewal and Continuing Education. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

### Proposed Rule concerning Board Responsibility

Mr. Warren indicated that the matter of creating a new rule concerning Board responsibility had been discussed during the Executive Director's report and a proposed rule would be presented to the Board for consideration.

### Sunset Audit – Definition of Employee

Mr. Warren reminded the Board of the audit finding concerning a definition of an employee, which had not been fully resolved. Judge Cheriogotis commented on working with legislators to support a legislative bill and the need for a definition of an employee in the profession to not hide bail bonding activities performed by unlicensed staff who had contact with the public and courts.

### Approval of Final Examination for Licensure

Chairman Lay reported that the final examination for licensure was due for annual review and approval.

MOTION: Judge Cheriogotis made the motion to approve the final examination conducted by the CE Provider, with no changes to the examination. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

### Approval of 16-hour CE Course for Licensure

Chairman Lay reported that the CE course conducted by the approved CE Provider was due for annual review and approval.

MOTION: Judge Cheriogotis made the motion to approve the 16-hour CE course currently administered by the approved CE Provider. The motion was seconded by Mr. Maxie and unanimously approved by the Board.

## OTHER BUSINESS AND ANNOUNCEMENTS

### Next Board Meetings

Chairman Lay announced that the Sunset Committee meeting was scheduled October 24, 2024, and the next regular business meeting of the Board was scheduled November 1, 2024.

MOTION: Judge Cheriogotis made the motion for the Board to meet on October 18, 2024, in advance of the Sunset Committee. The motion was seconded by Mr. McNeil and unanimously approved by the Board.

Mr. Warren reminded the members to arrive 30 minutes prior to the 9:30 Sunset Committee meeting on October 24, 2024, and the meeting would be held at the Alabama State House in downtown Montgomery.

### Discussion of Statute Changes

Act 2023-476 Alabama Bail Reform Act required that the professional bondsman may not own a professional bail company until having been licensed as a professional bondsman for at least 3 years;

therefore, an apprentice was not eligible to own a company. The Board discussed having the owner of the company sign an affidavit.

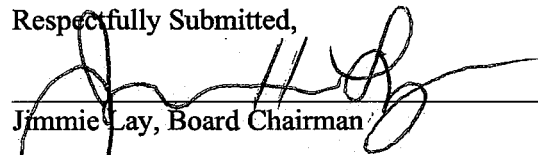
Mr. Warren reminded the members that the use of the word bondsman was in the Board's statute regardless of gender.

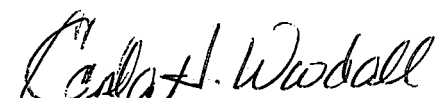
Also mentioned as another consideration was color-coding the licenses from one year to the next to further emphasis that the license-holder had an active license.

#### ADJOURNMENT

There was no further business of the Board, the Board members submitted travel expense reports for reimbursement. Mr. Maxie made the motion to adjourn the meeting. The motion was seconded by Judge Cheriogotis and Chairman Lay adjourned the meeting at 2:20 p.m.

Respectfully Submitted,

  
Jimmie Lay, Board Chairman

  
Carla H. Woodall, Board Secretary

Date Approved: November 1, 2024 