

**HARRIS COUNTY BAIL BOND BOARD MEETING MINUTES - January 08, 2020**

HARRIS COUNTY BAIL BOND BOARD

MEETING MINUTES

1001 Preston Street, 9th Floor

January 8, 2020

1:30 p.m.

**HARRIS COUNTY BAIL BOND BOARD MEETING MINUTES - January 08, 2020**

A P P E A R A N C E S

Glenn Strickland, Chairman

Troy McKinney, Vice Chairman

Michael Butera, designee for District Attorney Kim Ogg

Dylan Osborne, Harris County Treasurer

Honorable Meg Oswald, designee for Honorable J. Elaine

Marshall

Honorable Angela D. Rodriguez

Kathryn Kase, designee for Lina Hidalgo, County Judge

Tommy Ramsey, Harris County's Attorney

Sergeant Sisto DeLeon, designee for Sheriff Ed Gonzalez

Deputy Joseph Jackson, Harris County Sheriff's Office

Leslie Rubio, Recorder, Harris County Sheriff's Office

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## P R O C E E D I N G S

1  
2 CHAIRMAN STRICKLAND: It's 1:30. I'm going  
3 to call the meeting of the January 8th, 2020 Bail Bond  
4 Board to order. Starting to my left, I'd like for the  
5 Board Members to introduce themselves.

6 SERGEANT DELEON: Sisto DeLeon representing  
7 the Harris County Sheriff's Office.

8 MS. KASE: Kathryn Kase, legal counsel to  
9 the Harris County judge, representing the county judge.

10 HONORABLE OSWALD: Judge Meg Oswald for  
11 Elaine Marshall, Houston Municipal Courts.

12 MR. BUTERA: Michael Butera for the  
13 District Attorney's Office sitting for Kim Ogg.

14 HONORABLE RODRIGUEZ: Judge Angela  
15 D. Rodriguez for the justice court.

16 MR. MCKINNEY: And Troy McKinney for the  
17 criminal defense lawyers.

18 CHAIRMAN STRICKLAND: And Glenn Strickland  
19 representing the bonding community.

20 First order of business is reading of  
21 prior minutes. Chair will entertain ...

22 MR. BUTERA: Michael Butera. I'll make a  
23 motion to approve.

24 MS. KASE: Second by Kathryn Kase.

25 CHAIRMAN STRICKLAND: All those in favor,

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1 signify by saying aye.

2 THE BOARD: Aye.

3 CHAIRMAN STRICKLAND: Any opposed? Motion  
4 carries.

5 Under B, old business. Request by  
6 Allegheny Casualty Company has been tabled. We each  
7 have a copy of the letter from Allegheny requesting that  
8 it be tabled to next month.

9 Chair will entertain a motion to table.

10 MR. MCKINNEY: Move to table, McKinney.

11 HONORABLE RODRIGUEZ: Second, Judge  
12 Rodriguez.

13 CHAIRMAN STRICKLAND: All those in favor,  
14 signify by saying aye.

15 THE BOARD: Aye.

16 CHAIRMAN STRICKLAND: Any opposed?

17 C, new business. First order, election  
18 of the Harris County Bail Bond Board officers for 2020.

19 And the Chair will open the floor to  
20 nominations.

21 HONORABLE RODRIGUEZ: I nominate Glenn  
22 Strickland for Chair.

23 MR. MCKINNEY: I second.

24 CHAIRMAN STRICKLAND: Thank you.

25 SERGEANT DELEON: I nominate -- this is

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1 Sisto DeLeon. I nominate Judge Angela Rodriguez for  
2 vice chair.

3 CHAIRMAN STRICKLAND: Okay. We'll do one  
4 at a time.

5 SERGEANT DELEON: Sorry.

6 CHAIRMAN STRICKLAND: Chair first, all  
7 right?

8 Any other nominations?

9 Then a motion for election by acclamation  
10 be appropriate?

11 Is there a motion by acclamation?

12 HONORABLE OSWALD: Motion by acclamation.

13 CHAIRMAN STRICKLAND: By Judge Oswald?

14 MS. KASE: Seconded by Kathryn Kase.

15 CHAIRMAN STRICKLAND: All those in favor,  
16 signify by saying aye.

17 THE BOARD: Aye.

18 CHAIRMAN STRICKLAND: Any opposed? Thank  
19 you very much. I hope the pay gets better.

20 Let the record reflect that the  
21 treasurer, Mr. Osborne, has joined us at the table, and  
22 we'll open the floor for nominations for vice chair.

23 SERGEANT DELEON: Sisto DeLeon nominating  
24 Judge Angela Rodriguez for vice chair.

25 MR. MCKINNEY: And I second.

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1 CHAIRMAN STRICKLAND: Any other  
2 nominations?

3 Chair will entertain a motion of election  
4 by acclamation.

5 MR. MCKINNEY: Second.

6 CHAIRMAN STRICKLAND: Who made the motion?

7 MS. KASE: So moved by Kathryn Kase.

8 CHAIRMAN STRICKLAND: So moved and seconded  
9 by Mr. McKinney.

10 All those in favor, signify by saying  
11 aye.

12 THE BOARD: Aye.

13 CHAIRMAN STRICKLAND: Any opposed?

14 Congratulations.

15 HONORABLE RODRIGUEZ: Thank you.

16 CHAIRMAN STRICKLAND: Your pay, you can't  
17 believe it.

18 HONORABLE RODRIGUEZ: It's an honor. Thank  
19 you.

20 CHAIRMAN STRICKLAND: Under C, new  
21 business. Number 2, request for renewal of license  
22 Financial Casualty & Surety, Inc., Agent Andy Hernandez  
23 DBA Fearless Bail Bonds, 4202 North Main Street,  
24 Suite B, Houston, Texas 77009. Original date is 2/13 of  
25 '18. Expiration date is 2/23/20. License No. 74587.

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1 Phone number is (713) 862-8888, two-year renewal.

2 (Witness sworn.)

3 CHAIRMAN STRICKLAND: State your name for  
4 the record, please.

5 MR. HERNANDEZ: Andy Hernandez.

6 MR. MCGUIRE: Darius McGuire, Financial  
7 Casualty.

8 CHAIRMAN STRICKLAND: Sergeant ...

9 SERGEANT DELEON: The Sheriff's Office  
10 received notification of one unpaid judgment, \$270.60 on  
11 November 22, '19. Sheriff's Office was -- just received  
12 notification that that has been paid. I had a copy of  
13 that receipt given to the District Attorney's Office.

14 CHAIRMAN STRICKLAND: Okay. Any other  
15 questions?

16 MR. BUTERA: That was the only issue and we  
17 verified (inaudible.) so ...

18 MR. HERNANDEZ: Thank you very much.

19 CHAIRMAN STRICKLAND: Chair will entertain  
20 a motion.

21 MR. MCKINNEY: McKinney move to approve.

22 MR. BUTERA: Michael Butera. I'll second.

23 CHAIRMAN STRICKLAND: Any discussion?

24 All those in favor, signify by saying  
25 aye.

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1 THE BOARD: Aye.

2 CHAIRMAN STRICKLAND: Any opposed?

3 Congratulations.

4 MR. HERNANDEZ: Thank you, sir.

5 CHAIRMAN STRICKLAND: And I'd also want to  
6 remind everyone that any public comment that anyone  
7 wants to make about an individual item on the agenda,  
8 hold your hand up. You'll be recognized and you can  
9 speak.

10 Let the record reflect that our  
11 County Attorney, Tommy, has shown up and is sitting in  
12 his chair.

13 Number 3, request by Dennis Kidwell DBA  
14 Kidwell Bail Bonding Services, the license number 74408  
15 to return the security deposit, Partners Bank of Texas,  
16 CD 4003595, \$51,925.75. JP letters mailed on  
17 12/4/2019.

18 (Witness sworn.)

19 CHAIRMAN STRICKLAND: State your name  
20 please, sir.

21 MR. KIDWELL: Dennis B. Kidwell.

22 CHAIRMAN STRICKLAND: Yes, sir.

23 Sergeant ...

24 SERGEANT DELEON: Mr. Kidwell provided the  
25 Sheriff's Office with proof of payment of unpaid



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1 judgments that were noted by three different JPs.

2 Because of the payment, Sheriff's Office sees no reason  
3 not to refund or issue the check.

4 HONORABLE OSWALD: City of Houston has a  
5 question. We also noticed that there was an outstanding  
6 balance with the City of Houston and we sent that over  
7 to the Sheriff's Office but that 18 -- \$1,830 to the  
8 City of Houston?

9 MR. KIDWELL: I'm sorry. I couldn't hear  
10 you.

11 HONORABLE OSWALD: Balance of 1,830 still  
12 owed to the City of Houston ...

13 MR. KIDWELL: I don't know anything about  
14 that part. I thought -- they told me what was owed and  
15 we went to four precincts and paid them.

16 HONORABLE OSWALD: I was -- not received?

17 SERGEANT DELEON: No, Judge. We didn't  
18 receive notification on (inaudible.). So there's still  
19 a balance there.

20 HONORABLE OSWALD: There is still a  
21 balance.

22 SERGEANT DELEON: There's still a  
23 balance --

24 HONORABLE OSWALD: Yeah. And I was told --  
25 and I apologize but I was told that it was but you

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1 didn't get it then.

2 SERGEANT DELEON: Yeah. Well, we received  
3 a notification deputy judge -- just from the precinct so  
4 there (inaudible.) So we didn't receive (inaudible.) --  
5 And he's already verified that he didn't (inaudible.)  
6 So there still a balance. There's --

7 The Judge, there's still one owed of --  
8 Judge, what's the amount?

9 HONORABLE OSWALD: Of \$1,830.33.

10 CHAIRMAN STRICKLAND: So that issue, you  
11 want to take care of that and come back next month?

12 MR. KIDWELL: I guess I don't have any  
13 choice.

14 CHAIRMAN STRICKLAND: All right. Talk --

15 MR. KIDWELL: What precinct is it out of?

16 CHAIRMAN STRICKLAND: City of Houston.

17 SERGEANT DELEON: It's not --

18 MR. KIDWELL: City of Houston?

19 CHAIRMAN STRICKLAND: City of Houston.

20 MR. KIDWELL: Oh, okay.

21 MR. MCKINNEY: Municipal Court?

22 HONORABLE OSWALD: Yes, we can -- yeah.

23 MR. KIDWELL: If I could get that full  
24 amount. Do y'all have the full amount on that --

25 HONORABLE OSWALD: Yes.

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1 MR. KIDWELL: -- where I --

2 HONORABLE OSWALD: We do.

3 MR. KIDWELL: Just write it down for me  
4 somewhere.

5 HONORABLE OSWALD: All right.

6 MR. KIDWELL: My memory is not too good.

7 CHAIRMAN STRICKLAND: Chair will entertain  
8 a motion to table.

9 MR. KIDWELL: She'll -- I thought she was  
10 going to make me a copy.

11 MR. BUTERA: Make a motion to table until  
12 next month.

13 CHAIRMAN STRICKLAND: By Mr. Butera.

14 MR. MCKINNEY: McKinney, second.

15 CHAIRMAN STRICKLAND: Second by  
16 Mr. Osborne. (Sic.)

17 All those in favor, signify by saying  
18 aye.

19 THE BOARD: Aye.

20 CHAIRMAN STRICKLAND: Any opposed?

21 MR. MCKINNEY: 1830 what?

22 HONORABLE OSWALD: The amount -- oh,  
23 \$1,830.33.

24 CHAIRMAN STRICKLAND: Thank you, Dennis.  
25 We'll see you next month.

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1 MR. KIDWELL: All right.

2 HONORABLE OSWALD: The City of Houston  
3 apologizes. (Inaudible.).

4 SERGEANT DELEON: The Sheriff's Office as  
5 well.

6 CHAIRMAN STRICKLAND: Number 4 is a request  
7 by International Fidelity Insurance Company -- and  
8 you'll notice, again, in the letter that you've been  
9 furnished a request to table it until next month.

10 MR. BUTERA: Can I -- I'm so sorry, Glenn.  
11 Can we go back? Mr. Kidwell ...

12 Does Mr. Kidwell have to be here next  
13 month or is the Board willing to --

14 MR. KIDWELL: I can't hear. I'm sorry.

15 SERGEANT DELEON: Yeah.

16 MR. BUTERA: Is the Board willing to say  
17 perhaps if we can clear --

18 SERGEANT DELEON: (Inaudible.)

19 MR. BUTERA: -- to make sure that's cleared  
20 and everyone's notified that -- that we could go forward  
21 without his presence.

22 SERGEANT DELEON: Okay.

23 CHAIRMAN STRICKLAND: I agree with that.

24 So Dennis ...

25 MR. KIDWELL: Yeah.

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1 CHAIRMAN STRICKLAND: If you will pay  
2 that --

3 MR. KIDWELL: Uh-huh.

4 CHAIRMAN STRICKLAND: -- with the City of  
5 Houston and furnish the Sheriff's Department with that  
6 receipt, you don't have to come back next month. We'll  
7 take care of it for you.

8 MR. KIDWELL: Thank you very much.

9 CHAIRMAN STRICKLAND: All right, Dennis?

10 MR. KIDWELL: We'll get it taken care of  
11 tomorrow.

12 CHAIRMAN STRICKLAND: All right.

13 SERGEANT DELEON: Hold on one second. Let  
14 me just make clear what we discussed. So we're going to  
15 table this item for a month or are we go ahead and  
16 release it once it's paid?

17 CHAIRMAN STRICKLAND: No. We're tabling it  
18 for a month.

19 MR. BUTERA: No. Tabling it for a month  
20 but --

21 SERGEANT DELEON: He just doesn't need to  
22 come back.

23 CHAIRMAN STRICKLAND: Right.

24 MR. BUTERA: My intent is that he wouldn't  
25 have to come back.

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1 CHAIRMAN STRICKLAND: Right.

2 SERGEANT DELEON: That's what I thought.

3 CHAIRMAN STRICKLAND: Yeah.

4 MR. MCKINNEY: Did we vote on that motion  
5 to table?

6 SERGEANT DELEON: Yes.

7 MR. BUTERA: Yes, sir. Sorry. I derailed  
8 you on Number 4, but I just thought if we just could go  
9 back to that.

10 CHAIRMAN STRICKLAND: Okay. So -- and that  
11 was -- that was good. Thank you for that.

12 Number 4 has -- we have what? A letter  
13 requesting it be tabled until next month.

14 Chair will entertain ...

15 MR. MCKINNEY: That's the one we already  
16 had had a motion and a second on. We hadn't voted on --

17 CHAIRMAN STRICKLAND: Chair will entertain  
18 a motion to table.

19 MR. MCKINNEY: You already got a motion and  
20 a second.

21 MR. BUTERA: Actually, I think, Troy, that  
22 was on Number 3 that we --

23 CHAIRMAN STRICKLAND: That was on Number 3.

24 MR. BUTERA: So on Number 4, I'll make a  
25 motion to table. Michael Butera.

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1 MR. MCKINNEY: And McKinney will second.

2 CHAIRMAN STRICKLAND: All right. Any  
3 discussion?

4 All those in favor, signify by saying  
5 aye.

6 THE BOARD: Aye.

7 CHAIRMAN STRICKLAND: Any opposed?

8 So that will be tabled until February.

9 Number 5, request made by James Roy J.R.  
10 Patterson DBA Bellaire Bail Bonds, License No. 74257 to  
11 release all collateral totalling the amount of  
12 \$278,030.75. JP letters mailed on 12/18/19.

13 It has not been 30 days yet so we will  
14 entertain a motion to table.

15 HONORABLE RODRIGUEZ: Judge  
16 Angela Rodriguez moves to table this.

17 MS. KASE: Kathryn Kase, second.

18 CHAIRMAN STRICKLAND: Any discussion?

19 All those in favor, signify by saying  
20 aye.

21 THE BOARD: Aye.

22 CHAIRMAN STRICKLAND: Any opposed?

23 Number 6, request made by NRIC Crum &  
24 Forster, Agent José Espinoza DBA Espinoza's A-1  
25 Affordable Bail Bonds, License No. 74605, is requesting

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1 a name change to Espinoza's A-Affordable Bail Bonds,  
2 current License 74581.

3 This is the item -- yes, ma'am.

4 MS. BROWN: I'm Kiki Brown representing  
5 North River Insurance Company.

6 (Witness sworn.)

7 CHAIRMAN STRICKLAND: And state your name  
8 again, please.

9 MS. BROWN: Kiki Brown.

10 CHAIRMAN STRICKLAND: Thank you.

11 This is the one where his DBA ran afoul  
12 of the local rules and he had agreed that at that time  
13 to change it to this and so he's complying to what he  
14 agreed to.

15 Anyone have any issue? Chair will  
16 entertain a motion.

17 MR. MCKINNEY: McKinney move to  
18 approve.

19 MR. BUTERA: Michael Butera, second.

20 CHAIRMAN STRICKLAND: Any discussion?

21 All those in favor, signify by saying  
22 aye.

23 THE BOARD: Aye.

24 CHAIRMAN STRICKLAND: Any opposed?

25 Thank you, Kiki.



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1 MS. BROWN: I'm on the next one as well.

2 CHAIRMAN STRICKLAND: Okay. Number 7,  
3 request made by NRIC Crum & Forster, Agent Steven E.  
4 Sondag DBA Godfather's Bail Bond -- apostrophe "S". The  
5 License No. 74603 is requesting a name change to  
6 Godfather's Bail Bonds, current license 74577.

7 Ms. Kiki is standing at the podium, has  
8 already been sworn in.

9 MR. OSBORNE: I'll make a motion, Dylan  
10 Osborne.

11 MS. KASE: Second, Kathryn Kase.

12 CHAIRMAN STRICKLAND: You have a  
13 discussion, Sergeant?

14 SERGEANT DELEON: No.

15 CHAIRMAN STRICKLAND: All those in favor,  
16 signify by saying aye.

17 THE BOARD: Aye.

18 CHAIRMAN STRICKLAND: Any opposed?

19 Thank you very much.

20 MS. BROWN: Thank you.

21 CHAIRMAN STRICKLAND: Okay. That brings us  
22 to 8, the local rules workgroup.

23 Now, we went last time, Number 1 through  
24 Number 7 and we had said this time we're going to go  
25 from 8 through 15.

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1                   So starting off on Number 8 -- and  
2 everyone should have a copy of their local rules.

3                   SERGEANT DELEON: I have a couple of extra  
4 copies if anyone needs one.

5                   CHAIRMAN STRICKLAND: I am not going to  
6 read these. I'm just going to go by number.

7                   Number 8, does anyone has anything to  
8 (inaudible.)

9                   MR. BUTERA: Yes. So one -- one comment  
10 that just carried over a bit from last month's meeting  
11 is Rule 8 --

12                   I guess my initial comment was it  
13 replicates something that was already in the Occupations  
14 Code so I wonder if we need to keep it at all. I don't  
15 see anything new that it adds. It states kind of the  
16 obvious, that you have to be an individual agent for a  
17 corporation. It has to appear on that application if  
18 you want to write bail, but if the we're not going to  
19 delete it, this reference to the Bail Bond Act which is  
20 started on page 1 -- that first introductory  
21 paragraph -- that's not -- that may have been at one  
22 time what the pre-Occupations Code 1704 was called but  
23 there's no reference to the Bail Bond Act in the  
24 Occupations Code.

25                   So I would just like to clean up, you

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1 know, the references to the Bail Bond Act by tweaking  
2 those maybe to say, you know, Chapter 1704 of the  
3 Occupations Code or something like that.

4 CHAIRMAN STRICKLAND: Do you want to just  
5 delete the number --

6 MR. MCKINNEY: Well, we could just delete  
7 it --

8 MR. BUTERA: Well, that's my first comment,  
9 is can we possibly delete it.

10 MR. MCKINNEY: Put a period after  
11 "licensed".

12 CHAIRMAN STRICKLAND: So what is the  
13 Board's pleasure? Do we just want to delete this since  
14 it duplicates what's in 1704?

15 SERGEANT DELEON: Yes.

16 MS. KASE: Yes.

17 MR. OSBORNE: I think so.

18 MR. BUTERA: Troy, your comment was maybe  
19 to keep some of it and --

20 MR. MCKINNEY: Well, I don't --

21 MR. BUTERA: Okay.

22 MR. MCKINNEY: -- either way, I'll leave it  
23 in or taking it out.

24 MR. BUTERA: Okay.

25 MR. MCKINNEY: If we're going to leave it

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1 in, I think we ought to put a "period" after "license".

2 MR. BUTERA: Yeah. And so I would say it  
3 should be removed in its entirety.

4 CHAIRMAN STRICKLAND: Does anyone have  
5 anything else to say?

6 All right. Then we're going to delete  
7 Number 8.

8 Number 9 ...

9 MR. BUTERA: And then the same ...

10 MS. KASE: The same.

11 SERGEANT DELEON: (Inaudible.)

12 MR. BUTERA: Yeah.

13 SERGEANT DELEON: (Inaudible.) It's  
14 redundant.

15 MR. BUTERA: I think it's repeating what's  
16 already cleared by the Occupations Code so I would --  
17 I think we can do without Number 9 altogether.

18 CHAIRMAN STRICKLAND: Anyone have any  
19 objections to deleting Number 9?

20 HONORABLE OSWALD: No. I think it's better  
21 to simplify. That's good.

22 MS. KASE: Yeah. Yeah, this will be good.  
23 It lessens the risk that we're going to have  
24 something --

25 CHAIRMAN STRICKLAND: Right.

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1 MS. KASE: -- at variance with the  
2 Occupations Code which controls.

3 CHAIRMAN STRICKLAND: Number 10.

4 HONORABLE RODRIGUEZ: I will say in  
5 general -- this is Judge Rodriguez.

6 At the end of our cleaning up of the  
7 rules, I want to have some rules left, too. So I don't  
8 think it's the intention of the review to just throw  
9 everything out just because we can. That's just my  
10 comment.

11 MR. BUTERA: Well, it's already in the  
12 Occupations Code. My approach would be to eliminate  
13 duplication which is the basis of my comment.

14 MR. MCKINNEY: And it also prevents a  
15 situation to where we have something in the local rules  
16 that mirrors a statute at some prior time. The statute  
17 changes and we don't particularly pay attention to it,  
18 then the local rule conflicts the statute.

19 HONORABLE OSWALD: Right. It will prevent  
20 from conflicts.

21 CHAIRMAN STRICKLAND: So Number 10 --

22 MR. MCKINNEY: Hang on, hang on.

23 MR. RAMSEY: Along the same lines, if I  
24 could add, it's probably good either at the beginning or  
25 the end to add --

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1                   It's essentially like a savings clause,  
2 something along the lines that says these rules are in  
3 addition to Chapter 1704 Occupations Code to the extent  
4 there's any conflict. The Occupations Code controls.

5                   MR. MCKINNEY: Good idea, yeah.

6                   MR. RAMSEY: Just to have something in  
7 writing to clarify that someone looking at it, there's a  
8 whole lot of other rules contained in this section of  
9 the statute (inaudible.).

10                  SERGEANT DELEON: Just kind of along the  
11 same vein is what it's saying at the end. I would  
12 suggest when we get done with this, that we have a  
13 specific rule governing (inaudible.) I think the Board  
14 should adopt the rule -- the rule (inaudible.) It's  
15 just a matter of course to (inaudible.)

16                  MR. MCKINNEY: Or maybe the end of the year  
17 in which legislature meets and (inaudible.) go into  
18 effect November 1st.

19                  CHAIRMAN STRICKLAND: Every other year.

20                  MR. MCKINNEY: Yeah, every other --  
21 (inaudible.) it. I mean, anybody can do anything in  
22 between, whether --

23                  CHAIRMAN STRICKLAND: That's a good point.  
24 Every other year.

25                  MR. MCKINNEY: Yeah.

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1 CHAIRMAN STRICKLAND: At the end of the  
2 year because legislation generally will take effect on  
3 the 1st of September. So if you reviewed these in  
4 October/November, then you could catch up with anything.

5 SERGEANT DELEON: That's a good idea.

6 CHAIRMAN STRICKLAND: We would put that at  
7 the end.

8 So Number 10, any suggestions?

9 MR. MCKINNEY: Yes.

10 CHAIRMAN STRICKLAND: Yes, sir.

11 MR. MCKINNEY: This language must be filed  
12 as directed by the Board -- I mean unless -- unless  
13 there's some written policy somewhere is directed by the  
14 Board, I think that's superfluous language. If there's  
15 a need for anything, it might be better the statements  
16 be filed whatever it gets filed.

17 MR. BUTERA: If I had -- so this is covered  
18 in 1704.211 of the Occupations Code. So I had a note  
19 perhaps to change that phrase as directed by the Board  
20 to, you know, as directed by Chapter 1704 of the  
21 Occupations Code or some kind of change like that  
22 possibly.

23 MR. MCKINNEY: Does that portion transpo --  
24 the transportation code -- the Occupations Code specify  
25 where it gets filed?

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1 MR. BUTERA: It does. It says --

2 MR. RAMSEY: County clerk.

3 MR. BUTERA: With the county clerk,  
4 (inaudible.) Yeah. So 1704211(a), "A corporation  
5 shall, before executing any bail bond, file with the  
6 county clerk of the county in which the corporation  
7 intends to operate or execute," et cetera, et cetera.

8 SERGEANT DELEON: So is there any point of  
9 us having that rule if it's already in the Occupations  
10 Code?

11 MR. BUTERA: My only thought as opposed to  
12 8 and 9 was that the second sentence does clarify and  
13 require a corporation if they're seeking to rescind that  
14 general qualifying power of attorney to let the Board  
15 know and so there would be potentially some benefit  
16 in --

17 SERGEANT DELEON: Okay.

18 MR. BUTERA: As opposed to a corporation  
19 just acting unilaterally which they have the right to  
20 pull back the power but to require them to also let us  
21 know so that the Sheriff's Office would know that we're  
22 not going to be accepting bonds from that surety any  
23 longer. So that was my thought about -- maybe not  
24 wanting to delete it altogether but keeping it because  
25 of that, correct.



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1 MS. KASE: Yeah --

2 MR. MCKINNEY: Yeah. My sense is when a  
3 corporate surety says we're revoking the power of  
4 attorney, it's effective immediately.

5 MR. BUTERA: Yes.

6 MR. MCKINNEY: And I would suggest we add  
7 the word "with written notice to the Board and the  
8 sheriff." The notice to the Board goes to the sheriff  
9 anyway so ...

10 CHAIRMAN STRICKLAND: It says such power of  
11 attorney may be revoked only by timely written notice of  
12 the Board.

13 MR. MCKINNEY: Well, yeah.

14 MR. BUTERA: Which is pretty vague. I  
15 would change it to immediately and of the Board should  
16 be to the Board or --

17 MR. MCKINNEY: Yeah.

18 MR. BUTERA: -- to the Sheriff's Office,  
19 something like that.

20 MR. MCKINNEY: And Tommy would come out,  
21 written notice to the Board.

22 MR. BUTERA: And had maybe wanted to say,  
23 you know, immediate written notice as opposed to -- to  
24 put some kind of time expectation.

25 MR. MCKINNEY: Whenever they file it,

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1 it's -- it's not effective they've given it to the  
2 Board.

3 MR. BUTERA: I think it's effective when  
4 they rescind it. That's the -- sort of a nightmare  
5 scenario would be you go to the County Clerk's Office  
6 and somehow file something withdrawing that power of  
7 attorney, but then you don't know about it.

8 MS. KASE: (Inaudible.)

9 MR. BUTERA: So they're continuing to --  
10 Maybe a rogue agent is continuing to go  
11 to the window of the Sheriff's Office post bail. In  
12 reality, that power's been withdrawn. So that's why I  
13 was thinking maybe an immediate notice to the Board  
14 would be helpful.

15 MS. KASE: Okay.

16 CHAIRMAN STRICKLAND: So what is --

17 MR. MCKINNEY: Maybe put "only upon receipt  
18 or written notice by the Board".

19 MR. BUTERA: Sorry? Say that again.

20 MR. MCKINNEY: Such power of attorney may  
21 be revoked for -- "such revocation of such power of  
22 attorney is only effective upon receipt by the  
23 Board".

24 MR. BUTERA: I don't think the Board can  
25 prevent someone from withdrawing a power. So it's

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1 effective whenever they choose to do it. We just want  
2 to know whenever they've done it. My suggestion was  
3 maybe changing the last sentence altogether and saying  
4 something like, "If a corporation acts to revoke the  
5 power of attorney, immediate written notice must be  
6 submitted to the Board".

7 MR. MCKINNEY: I think a corporation  
8 surety -- if the agent goes and makes a bond under the  
9 corporate surety's name whether the power of attorney  
10 actually exist or not and they have not notified the  
11 Board, the sheriff or whoever that it's been revoked, I  
12 think they're still on the hook until the people who are  
13 going to rely on the existence of that prior power of  
14 attorney are, in fact, notified they no longer have a  
15 relationship.

16 HONORABLE RODRIGUEZ: Ladies and gentlemen  
17 of the Board, what about this idea?

18 The way I'm reading it, "Such power of  
19 attorney may be revoked only by reasonable written  
20 notice to the Board, comma, prior to revocation," and we  
21 would determine what's reasonable.

22 MR. MCKINNEY: Well, I don't think we  
23 have -- we don't have power or control on whether it's  
24 revoked or not.

25 MR. BUTERA: Then we're hamstringing them

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1 timeline-wise. If they have an agent who they really  
2 want to get control of and bring that power, we're  
3 making the corporation wait until next meeting for the  
4 Board to review whether or not they -- I don't think we  
5 can limit their activity.

6 HONORABLE RODRIGUEZ: So what are we trying  
7 to do? And then we'll (inaudible.) the words.

8 MR. MCKINNEY: We're trying to make sure  
9 that the sheriff particularly -- since they are the ones  
10 accepting the bonds -- gets actual notice of revocations  
11 filed with the clerk so there's not a lag time between  
12 the time they file with the clerk --

13 MS. KASE: Right.

14 MR. MCKINNEY: -- and the time that the  
15 sheriff gets it where they don't know where the agent  
16 make doesn't make bonds (inaudible.)

17 SERGEANT DELEON: Which is -- which is what  
18 Michael's final sentence was trying to do. Troy is just  
19 bringing up the -- in the scenario that the insurance  
20 company is still on the hook if we take one and you  
21 haven't received a notification.

22 That's what you're saying, right?

23 MR. MCKINNEY: Yeah.

24 SERGEANT DELEON: But to Michael's point  
25 the last sentence, the sentence that you just

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1 articulated, I think it would be good way to close  
2 Number 10 --

3 MR. MCKINNEY: Or maybe we could --

4 SERGEANT DELEON: Sorry. We need immediate  
5 notification.

6 MR. MCKINNEY: Maybe something that says,  
7 "The surety shall give notice to the Board at the same  
8 time as filing with the clerk," so that there -- they've  
9 got this duty to do it. If they don't, it's on them.

10 SERGEANT DELEON: That "shall" --

11 MR. MCKINNEY: Yeah.

12 SERGEANT DELEON: I like "shall", yeah.

13 CHAIRMAN STRICKLAND: I can live with that.

14 MR. MCKINNEY: I mean, it gives them the  
15 ability to have their revocation be effective. Because  
16 the notice to the Board is going to the sheriff. The  
17 sheriff will get it. And that's the real goal, is to  
18 make sure the Sheriff has it, notice that this agent is  
19 no longer authorized to write a bond so the sheriff  
20 won't accept the bond.

21 SERGEANT DELEON: Yes.

22 MS. KASE: That makes sense.

23 HONORABLE RODRIGUEZ: That'll be a  
24 simultaneous notice.

25 MR. MCKINNEY: Yeah.

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1 SERGEANT DELEON: Yeah.

2 CHAIRMAN STRICKLAND: Everybody okay with  
3 that?

4 MR. BUTERA: Can I -- can I make sure I --

5 CHAIRMAN STRICKLAND: Please, please.

6 MR. BUTERA: Not this final but just for  
7 our draft purposes to make sure we get it, that instead  
8 of have the sentence that starts "such power of attorney  
9 may", we would have a sentence that reads possibly: "If  
10 a corporation acts to revoke the power of attorney, the  
11 corporation must submit simultaneous written notice to  
12 the Board."

13 MR. MCKINNEY: Let's make written notice to  
14 the Board simultaneous with filing revocation with the  
15 clerk.

16 CHAIRMAN STRICKLAND: Yeah.

17 HONORABLE RODRIGUEZ: Written notice  
18 simultaneous to the revocation.

19 MR. MCKINNEY: And that simultaneous  
20 requirement eliminates any ambiguity, then immediately  
21 or promptly or anything else.

22 CHAIRMAN STRICKLAND: Okay. Going on to  
23 Number 11.

24 MR. BUTERA: Oh, I'm sorry. And just for  
25 clarification. I was going to fix and clarify. This

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1 whole document is riddled with odd capitalized words so  
2 I was going to change -- agent, for example, general  
3 qualifying power of attorney, we were going to try to --

4 CHAIRMAN STRICKLAND: Absolutely.

5 MR. BUTERA: -- tidy that up as well.

6 CHAIRMAN STRICKLAND: Absolutely.

7 MR. BUTERA: That's it.

8 CHAIRMAN STRICKLAND: Number 11.

9 MS. KASE: (Inaudible. )

10 MR. BUTERA: Yes, it is. (Inaudible.)

11 So I was hoping to get some clarification  
12 maybe from you guys at the Sheriff's Office.

13 For the purpose of the rule, is it like a  
14 signature card like you would have on a bank account to  
15 compare signatures? Is it for --

16 SERGEANT DELEON: Yes.

17 MR. BUTERA: Okay.

18 SERGEANT DELEON: That's exactly what it  
19 is. That's exactly what it is. It's kept in a file.  
20 It's actually the first thing when you open the file  
21 and -- for comparison if we -- if we have any questions  
22 regarding if it's an agent's signature or someone's  
23 trying to forge his signature.

24 MR. MCKINNEY: Is that -- is that something  
25 that the Board keeps or it's something the Sheriff's

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1 Office --

2 SERGEANT DELEON: It's the sheriff's.

3 MR. MCKINNEY: Okay.

4 SERGEANT DELEON: It's the sheriff's.

5 MR. MCKINNEY: I think we ought to take out  
6 this (inaudible.) by the Board language. Just put in  
7 here "is required to provide the Sheriff's Department a  
8 current signature card".

9 MR. BUTERA: Yes. So I had struck that as  
10 some weird kind of backward -- I had put: "Each  
11 licensee must have a current signature card on file with  
12 the Harris County Sheriff's Office before they will be  
13 permitted to execute loans."

14 MR. MCKINNEY: (Inaudible.)

15 MR. BUTERA: Is that ...

16 CHAIRMAN STRICKLAND: Okay. All right.

17 Number 12.

18 MR. BUTERA: Does -- this also kind of  
19 restates 1704.1213 which has the presumption or the  
20 requirement that every licensee will have an office.  
21 But I like that we tried to define "office". I don't  
22 know if we do it in the best way possible but it's nice  
23 to have some --

24 Like the code does not define what an  
25 office is at all. So it's nice that --



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1 CHAIRMAN STRICKLAND: I like the way it's  
2 written, Mike.

3 MR. BUTERA: Yeah. I'm not -- I'm just  
4 saying it's -- you couldn't argue against having it  
5 because it does replicate something else but it -- it  
6 does define what an office is.

7 CHAIRMAN STRICKLAND: Yes.

8 MR. BUTERA: It defines it very broadly.

9 CHAIRMAN STRICKLAND: It does.

10 SERGEANT DELEON: Yeah. I think that's --  
11 I think that's came up in history, right?

12 CHAIRMAN STRICKLAND: Yeah.

13 SERGEANT DELEON: So there's a need --

14 CHAIRMAN STRICKLAND: I -- I'd  
15 personally -- I wouldn't change anything.

16 MR. MCKINNEY: Here's a -- well, I can  
17 take out the clause for purposes of these rules and just  
18 have them say, "and office is defined as" or "and office  
19 is," colon and definition.

20 HONORABLE RODRIGUEZ: Well, we're saying  
21 office is defined this way within our local rules and if  
22 we -- I'm okay with taking it out if you really want to  
23 take it out. But if we take out for purpose of these  
24 rules, then what we're saying is we are asserting that  
25 that's the definition of "office". That'd be open to

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1 argument to a feisty advocate say, "Well, no, this is  
2 not the definition of office."

3           What we're saying is this is how we're  
4 defining the definition of office within these local  
5 rules.

6           MR. MCKINNEY: Whether we have that clause  
7 or not, we're doing the same thing either way.

8           HONORABLE RODRIGUEZ: Uh-huh.

9           MR. MCKINNEY: It's just less words  
10 (inaudible.).

11           HONORABLE RODRIGUEZ: So you want it start  
12 as office, capitol "O"?

13           MR. MCKINNEY: Office is, colon, any  
14 location, et cetera.

15           HONORABLE RODRIGUEZ: All right. Well, we  
16 could try it. We could undo it later if we don't like  
17 it.

18           MR. MCKINNEY: Absolutely.

19           HONORABLE RODRIGUEZ: Thanks to your -- for  
20 doing your --

21           CHAIRMAN STRICKLAND: Number 13.

22           MR. BUTERA: Number 13 is -- almost  
23 difficult to follow. I was curious 'cause as long as  
24 we've been doing this, it's not always been clear to me  
25 what the purpose of the phone number -- so if the

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1 purpose is to know if someone approaches the Sheriff's  
2 Office with a complaint and says I got a call from, you  
3 know, this number "X". They said whatever and we want  
4 to back trace and say, oh, that number is quote, unquote  
5 is registered with such and such bonding company, now,  
6 we need to talk to them. That's one thing. If it's a  
7 different purpose, I'm not sure --

8                   What is your impression? The letter --  
9 or anyone -- what the purpose of --

10                   SERGEANT DELEON: Glenn, do you know the  
11 history behind this?

12                   CHAIRMAN STRICKLAND: Historically, there  
13 have been some companies that went out of business and  
14 they shifted their phone number to another company and  
15 continued on. And so the reason behind this was to find  
16 out if they were getting a phone number where there had  
17 been many forfeitures written and the county was left  
18 hanging. And these rules that we're looking at are old  
19 rules. I mean, they -- they go back 30 years.

20                   So what I'm talking about has not  
21 happened in eons here. There's far too much scrutiny,  
22 people are looking at everything. And it could be that  
23 we really don't need this except that I think that you  
24 need to know what phone numbers are being used.

25                   MR. BUTERA: Yes. I'm not saying we

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1 should --

2 SERGEANT DELEON: So -- yeah.

3 CHAIRMAN STRICKLAND: Because --

4 SERGEANT DELEON: I really thought --

5 Glenn, go ahead.

6 CHAIRMAN STRICKLAND: Because you'll get  
7 people out there that say if you don't have this rule,  
8 they will saturate everybody with advertising with all  
9 different kinds of cell phones for each employee, for  
10 instance. And so I think that you need this control.

11 MR. BUTERA: I certainly think it's good  
12 that the Board knows which numbers are being utilized by  
13 which companies, absolutely.

14 My question was more if someone comes in  
15 with a number they want to use, what power does the  
16 Board have to approve or disapprove of that particular  
17 number? Is it --

18 In other words, is it more of a notice  
19 base that we just need to keep like we do with employees  
20 where on the application, you have to list all employees  
21 and we have a record of it and we know or is it the  
22 purpose that we want to actually approve every use of  
23 every number by a company? I don't ...

24 SERGEANT DELEON: So Glenn, really, I  
25 thought you were going at the beginning of the sentence

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1 when you started, I thought you were going it's fair  
2 trade, right? So if somebody had a number and was going  
3 out of business and then said okay, I'm going to give  
4 this to --

5 CHAIRMAN STRICKLAND: Uh-huh.

6 SERGEANT DELEON: -- Bondsman B now.

7 CHAIRMAN STRICKLAND: Uh-huh.

8 SERGEANT DELEON: And he's going to start  
9 getting my calls --

10 CHAIRMAN STRICKLAND: That's right.

11 SERGEANT DELEON: -- to pick up, right?

12 So that's different than at the end when  
13 you said for the purposes of forfeiture. I could see  
14 how that maybe we would get a complaint in regards to a  
15 bonding company going out of business, giving that  
16 number to another bonding companies.

17 MS. KASE: Or selling it.

18 SERGEANT DELEON: Or selling it, even  
19 better -- that's right, Kathryn -- and saying hey, you  
20 know, for an "X" dollar amount, I -- yeah. I could see  
21 how that would be problematic.

22 CHAIRMAN STRICKLAND: There was a couple of  
23 cases in ancient history where companies went out of  
24 business. And like you said, they sold that phone  
25 number to another company and they will get paid off --

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1 SERGEANT DELEON: Right, right.

2 CHAIRMAN STRICKLAND: -- bonds that they  
3 made.

4 SERGEANT DELEON: Yeah. See, that would  
5 be a --

6 CHAIRMAN STRICKLAND: So I -- I'm --

7 MS. KASE: (Inaudible.)

8 CHAIRMAN STRICKLAND: I like this rule. I  
9 don't have a problem with it.

10 MR. MCKINNEY: And I don't think we could  
11 legitimately tell either party that transaction, no, you  
12 can't do that. The -- I think we are entitled --

13 We're entitled to require them to give us  
14 notice (inaudible.), make sure that there's not  
15 something detrimental to the bail bond industry or the  
16 clients of the industry --

17 SERGEANT DELEON: The computer  
18 (inaudible.), right.

19 CHAIRMAN STRICKLAND: Well, we tell them  
20 what an office is. So I mean, if we tell them what an  
21 office is, why can't we put this --

22 MR. MCKINNEY: Well, I think we can.

23 CHAIRMAN STRICKLAND: -- as a stipulation?

24 MR. MCKINNEY: I agree with you.

25 SERGEANT DELEON: I'm okay with it.

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1 MS. KASE: I think that's consumer  
2 protection.

3 CHAIRMAN STRICKLAND: Yeah. I do, too,  
4 Kathryn. So I personally like Number 13. And ...

5 MR. MCKINNEY: We got a couple of technical  
6 things --

7 HONORABLE RODRIGUEZ: I'm relieved that --  
8 excuse me. One moment.

9 I'm relieved that we're not slicing and  
10 dicing this rule and leaving it on the floor. That's  
11 just what I'm saying.

12 MR. MCKINNEY: Couple of technical things.  
13 The word, further, comma out, not necessary. It needs  
14 to be comma after agent on the third line.

15 HONORABLE RODRIGUEZ: Uh-huh.

16 MR. MCKINNEY: On the last line after the  
17 word "Board", actually read under assumed name without  
18 any property license by the Board with that assumed  
19 name. My sense is that they can't to just decide to do  
20 business under a different assumed name without coming  
21 to the Board and telling us they're changing their  
22 assumed name.

23 CHAIRMAN STRICKLAND: Everybody okay with  
24 that?

25 MR. BUTERA: So Troy, just make sure that I

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1 have ...

2 MR. MCKINNEY: After the word "Board",  
3 either whether under that assumed name.

4 SERGEANT DELEON: Read that again, Troy.

5 MR. MCKINNEY: You got -- so the sentence  
6 would read -- actually read, "No licensee, agent or  
7 individual may advertise or solicit under an assumed  
8 name without making property license by the Board under  
9 that assumed name." And displaying a valid license  
10 number while advertisements I think or solicitation  
11 should be on the end of that since the -- since it  
12 starts with advertise or solicit.

13 We don't want ABC Bonding advertising as  
14 ZB Bonding without that being a DBA part of the license  
15 approved by --

16 CHAIRMAN STRICKLAND: That's correct.

17 MR. BUTERA: Now, I had another question  
18 very quickly before we move on. So the rules in the  
19 Occupations Code requires notice for an address change,  
20 not proof of one; but in Rule 13 where it says no  
21 licensee may use a phone number, address or name to  
22 advertise or solicit bonds, et cetera, et cetera. So  
23 then we're requiring prior approval on an address which  
24 we have not done in the past before we allow them to  
25 then use that address ...



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1 MR. MCKINNEY: How about we just do this?

2 We can --

3 SERGEANT DELEON: I agree.

4 MR. MCKINNEY: Provide notice to or  
5 approval of the Board that's required by the Occupations  
6 Code. Which lets us (inaudible.) We're not -- we're  
7 not leaving something in here that requires more than  
8 the Occupations Code.

9 MR. BUTERA: So after the word "separate  
10 phone numbers without ..."

11 MR. MCKINNEY: Prior notice to or approval  
12 of the Board as provided by the Occupations -- required  
13 by the Occupations Code. And (inaudible.) make sure  
14 your concern.

15 MR. BUTERA: Okay.

16 CHAIRMAN STRICKLAND: If you go to the  
17 next page that is continued.

18 MR. BUTERA: It does not tell you what it  
19 means or what the purpose of it. But this -- this part  
20 of it, especially that it is -- I think I understand  
21 what the purpose originally was.

22 MR. MCKINNEY: I don't know. Even without  
23 the purpose of having technical changes, the word  
24 "otherwise" on the first line can come out (inaudible.)  
25 The clause beginning at the end of the first line under

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1 scrutiny by the Board or its designee is kind of  
2 pointless.

3 MR. BUTERA: I assume it's designee, not  
4 designate.

5 MR. MCKINNEY: Designee, yeah.

6 MR. BUTERA: Well, rather than -- I mean,  
7 if we're going to keep it, then we can go bit by bit.

8 MR. MCKINNEY: Oh, yeah.

9 MR. BUTERA: But the whole idea that if you  
10 have a license suspended, expired or revoked and then if  
11 the Board is going to have a designee to watch over you  
12 to make sure you're not advertising, using your license  
13 number --

14 CHAIRMAN STRICKLAND: Referring.

15 MR. BUTERA: Referring. But then that's  
16 going to go into effect 20 days after the license --  
17 well, it's immediate. I mean, it's --

18 CHAIRMAN STRICKLAND: Yeah, right.

19 MR. BUTERA: The Boards actions are  
20 effective and then posting in the whole ten-day -- I  
21 just -- I couldn't make head or tails out of what the  
22 rule was trying to do and we've never done this,  
23 like ...

24 CHAIRMAN STRICKLAND: No, no.

25 SERGEANT DELEON: It reads like something

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1 that would be complaint based and it sounds like those  
2 20 days would give you a window to -- for all  
3 advertising to stop. If I'm advertising in  
4 The Chronicle for a month and put my license  
5 (inaudible.), it's still going to run for a month.

6 MR. BUTERA: Well, then the last part, "All  
7 violators will be subject to penalty under the Bail Bond  
8 Act. And the Board shall recommend prosecution --"

9 What is the ...

10 MR. MCKINNEY: I had that whole sentence  
11 taken out.

12 MR. BUTERA: Do you understand what they --  
13 there is no --

14 MS. KASE: And the proper authority,  
15 whoever that is.

16 MR. BUTERA: Right, proper.

17 CHAIRMAN STRICKLAND: And in this day and  
18 age, you can't stop the advertising in 20 days because  
19 90 percent of it is Internet based, okay, and Google.  
20 You can't stop it. It's going to continue on.

21 MR. MCKINNEY: Yeah. Even if you shut down  
22 the website entirely.

23 CHAIRMAN STRICKLAND: Yeah.

24 MR. MCKINNEY: The old images that  
25 (inaudible.) It's still going to pop up --

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1 MR. BUTERA: So the code violations are  
2 based on, you know, being compensated for a non-employee  
3 to compensation or trying to post a bond when you're not  
4 licensed or --

5 And so you could certainly run afoul of  
6 the Occupations Code or even some fraud statutes or if  
7 you're taking money from people and you can't post a  
8 bond because your license has been revoked, suspended or  
9 expired. But this particular paragraph to me is not  
10 helpful in any of that. That would happen no matter  
11 what or they could be prosecuted for something if  
12 appropriate no matter what.

13 MR. MCKINNEY: Does the Occupations Code --  
14 and I know the answer to this -- prohibit --

15 Let's say somebody license expires and  
16 there's still calls coming in on their number. Does it  
17 prohibit them from accepting those calls and saying hey,  
18 I can't write it right now but you ought to go see ABC  
19 Bonding instead?

20 MR. BUTERA: If they receive money from ABC  
21 Bonding for that referral, then yes.

22 MR. MCKINNEY: Right. The -- this would  
23 prevent --

24 This would prevent them from being able  
25 to make referral money or not. Cease from referring

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1 from using or referring from any and all listed  
2 advertising critical number associated with that license  
3 number. I --

4 Unless the Occupations Code prohibits  
5 them from doing that and referring it on to somebody  
6 else, I don't know if we have the authority to do that  
7 or that it's a consumer (inaudible.)

8 MS. KASE: Is it just the Occupations  
9 Code -- this is Kathryn Kase for the purpose of  
10 recording -- that we have to look at here but also the  
11 insurance code?

12 Because I think there's also an insurance  
13 issue, you know, since these are insurance companies  
14 that are underwriting these bonds. And I think there  
15 probably would be an interplay here. I'm just flagging  
16 this for you law guys to look up.

17 MR. BUTERA: So the insurance companies do  
18 represent or do sponsor -- for a lack of a better  
19 term -- some of the sureties but some of them are not --

20 MS. KASE: Not, yeah.

21 MR. BUTERA: -- property bondsmen, so to  
22 speak.

23 MR. MCKINNEY: Maybe we could flag this.  
24 I'm okay with -- the more we're talking about it, I'm  
25 starting to agree with you. I think the whole thing is

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1 pointless. I'm okay with flagging this to take out.  
2 This is something we might want to -- I guess we can put  
3 from the (inaudible.) --

4 MS. KASE: But I do want --

5 MR. MCKINNEY: For the bonding companies.

6 MS. KASE: Yeah. But I also want to  
7 protect the consumers here --

8 MR. MCKINNEY: Yeah.

9 MS. KASE: Because I don't want them, you  
10 know, thinking they're going to one bonding company and  
11 they end up with another one because of some referral  
12 agreement.

13 CHAIRMAN STRICKLAND: You know the other  
14 thing that you could consider is requiring if the  
15 license is suspended, expired or otherwise revoked,  
16 ensure that their website is shut down.

17 Now, can we do that?

18 MR. BUTERA: The power -- I mean, likely --  
19 I like the -- I like a lot of the ideas of what we could  
20 possibly do but I don't know if we have the -- our teeth  
21 are to revoke or suspended the license.

22 CHAIRMAN STRICKLAND: Well, once we revoke  
23 it or suspend it --

24 MR. BUTERA: I know. That's what I mean.

25 CHAIRMAN STRICKLAND: They can't write so

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1 why not ensure that the vehicle that they use where  
2 people would be calling them is shut down?

3 MR. BUTERA: I don't know that we would  
4 have the power to do that and what means of enforcement  
5 we would have. If it's an insurance company, we could  
6 still -- if it's against other licenses they have, but I  
7 mean, I don't know that we --

8 MS. KASE: Could we --

9 CHAIRMAN STRICKLAND: You could check it on  
10 the Internet.

11 MS. KASE: Could we ask them to provide  
12 proof, though, that they've notified their advertisers  
13 or their -- or the places where they're advertising in  
14 writing, that they've shut down -- that their -- they've  
15 shut down their business and they want the advertising  
16 to cease, that they've asked their Internet service  
17 provider to shut down the website. Then we would at  
18 least have documents that, you know, they've submitted  
19 to the governmental authority. And I have heard of  
20 prosecutor's offices prosecuting people for falsely ...

21 MR. BUTERA: You could ask them to do that  
22 but if they failed to comply with it, I don't know what  
23 the --

24 MS. KASE: Yeah. I'm not sure --

25 SERGEANT DELEON: Well, a lot of that

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1 stuff, there's no way to -- nobody to submit that to --

2 Like just for an example, my campaign  
3 website, I do it myself. There is nobody that I  
4 would -- I just turn it off/on.

5 MR. BUTERA: You could certify, you know, a  
6 sworn statement --

7 SERGEANT DELEON: Yeah. You could give  
8 them an affidavit or something but just like -- and  
9 Google advertising, I mean, you set that up yourself.  
10 There is no advertising agency to contact to stop it.

11 CHAIRMAN STRICKLAND: But once you've had  
12 to stop that, you could turn it off.

13 SERGEANT DELEON: Right. Yeah. You turn  
14 it off and on yourself but --

15 CHAIRMAN STRICKLAND: That's what I'm  
16 saying.

17 SERGEANT DELEON: There's nobody to submit  
18 to.

19 CHAIRMAN STRICKLAND: You can turn it on  
20 and off. And if the license is suspend or revoked, they  
21 could be required to turn that website off. That's  
22 just -- that's just my opinion.

23 MR. MCKINNEY: I don't disagree there may  
24 be some benefit in having it listed, things people  
25 supposed to do when those things occur; but before I



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1 feel comfortable voting for anything like that, I would  
2 want a lawyer to look at the Occupations Code --

3 CHAIRMAN STRICKLAND: Okay.

4 MR. MCKINNEY: -- and make sure that's not  
5 contrary to that.

6 CHAIRMAN STRICKLAND: Then let's flag this.  
7 Let the lawyers look at it and also look at the  
8 insurance and then we'll come back to that.

9 Okay. 13 A.

10 MR. BUTERA: That's my only -- this is an  
11 exact -- I don't know how we did this. But when we  
12 revisited this and made this 13 A, we -- it's an exact  
13 copy of 14.

14 MR. MCKINNEY: Yeah.

15 MR. BUTERA: So really 13 A should become  
16 14. Fourteen should be eliminated because it's the  
17 first paragraph of 13 A.

18 CHAIRMAN STRICKLAND: Is B and C --

19 MR. BUTERA: I -- no, no. That would be  
20 fine. The whole thing --

21 The expanded underlined version is good.  
22 It's that 14 redo is the same as 13 A.

23 CHAIRMAN STRICKLAND: Okay. So ...

24 MR. MCKINNEY: I think we should take out  
25 14.

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1 MR. BUTERA: So take out 14 --

2 MR. MCKINNEY: Yeah.

3 MR. BUTERA: -- is what I comment would be.

4 And then 13 A, you know, a valid assumed  
5 name certificate or a certified copy of, I would change  
6 13 A to read, "Each licensee or agent who uses an  
7 assumed name must submit to the Board A" -- and then  
8 strike out that first part -- "a certified copy".

9 We don't receive the valid certificate.  
10 That's given to the clerk. So "Must submit to Board a  
11 certified copy of the assumed name certificate that has  
12 been filed with the Harris County clerk's office."

13 We don't get the original. That's filed  
14 with the clerk (inaudible.).

15 MS. KASE: That's good (inaudible.)

16 MR. BUTERA: I don't personally see  
17 anything wrong with (inaudible.)

18 SERGEANT DELEON: Is there any reason all  
19 of these -- I mean, is that directed related to rest of  
20 13 or should that be a stand-alone rule?

21 MR. MCKINNEY: They've got -- and I'm  
22 wondering -- that's probably the application process.  
23 So we already get as part of the application, the --

24 I wonder why this is a stand-alone rule  
25 part of the application. Maybe we ought to (inaudible.)

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1 rest of this and delete it out.

2 HONORABLE RODRIGUEZ: I can see the  
3 rationale why 13 A is separated because I had the same  
4 thought when we were reading 13 as far as doing a  
5 strikeout rule about assumed names and we already did  
6 30 years ago.

7 MR. BUTERA: So 14 was on the books when we  
8 wrote 13 A how many years ago, I'm wondering.

9 CHAIRMAN STRICKLAND: A long time. Now,  
10 13 A -- well, it was actually B and C, 1 to 4 -- we just  
11 did that two -- three years ago.

12 MR. BUTERA: That's what I mean. So --

13 CHAIRMAN STRICKLAND: Yeah.

14 MR. BUTERA: If 14 was there, we  
15 incorporated --

16 CHAIRMAN STRICKLAND: Yeah.

17 MR. BUTERA: -- 14 into the first part of  
18 13 A and then wrote B and C but for some reason, we  
19 never struck --

20 CHAIRMAN STRICKLAND: Yeah.

21 MR. BUTERA: -- 14 and we needed that --

22 CHAIRMAN STRICKLAND: Yeah.

23 MR. BUTERA: -- foresight.

24 CHAIRMAN STRICKLAND: Yep.

25 MR. RAMSEY: Should 13 A just be relabelled

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1 14?

2 MR. BUTERA: Yes. Sorry. That's what I  
3 was saying. If we --

4 If we strike the single sentence,  
5 paragraph 14, we could relabel for 13 A as 14.

6 CHAIRMAN STRICKLAND: Yes.

7 MR. BUTERA: That's what we should have  
8 done at the time but did not do. So now, the rules are  
9 just going to be numerical, one to whatever. That was  
10 just because we inserted it where it made sense at the  
11 time and what we really should have done is amended 14  
12 to be 13.

13 CHAIRMAN STRICKLAND: And under that rule,  
14 a new 14, A, B, C, 1, 2, 3, 4, that's very recent and  
15 that's very necessary.

16 MR. MCKINNEY: I've got technical changes.  
17 The "in addition" is pointless, which a licensee --

18 CHAIRMAN STRICKLAND: Where are you at?

19 MR. BUTERA: B.

20 MR. MCKINNEY: 13 B. The --

21 CHAIRMAN STRICKLAND: Okay.

22 MR. MCKINNEY: Shall not begin -- shall not  
23 use its -- in its bail bond business an assumed name.  
24 Rather than, "shall not begin using his or her," it  
25 should be, "shall not use in its bail bond business".

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1 CHAIRMAN STRICKLAND: Okay.

2 MR. MCKINNEY: And the same thing with  
3 capitalization but --

4 CHAIRMAN STRICKLAND: Yeah.

5 MR. MCKINNEY: Harris County Bail Bond --

6 CHAIRMAN STRICKLAND: Is that the only  
7 change?

8 MR. MCKINNEY: Yeah.

9 CHAIRMAN STRICKLAND: All right. And then  
10 we go to 15.

11 SERGEANT DELEON: Well, hold on one second.

12 MR. MCKINNEY: No. Hang on, hang on.

13 CHAIRMAN STRICKLAND: Sorry.

14 MR. MCKINNEY: I'm sorry. I though you  
15 were going to B.

16 CHAIRMAN STRICKLAND: Sorry.

17 SERGEANT DELEON: Yeah. I was waiting on  
18 you to get to C. I have a question.

19 CHAIRMAN STRICKLAND: Go ahead.

20 SERGEANT DELEON: So on C 3, is that  
21 something that we will leave in there and that -- I  
22 mean, this seems like that could be kind of deceptive.  
23 If someone dies, their licensee or agent can still use  
24 that name similar to the deceased. That seems kind of  
25 deceptive.

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1           CHAIRMAN STRICKLAND: What that was put in  
2 there for is if I die tomorrow, I've got a company  
3 that's been in existence for 70 years and under this  
4 1704, a continuous relative could get a license. My  
5 wife could get a license under this. And so I would  
6 want her to use the same name and that's why we put that  
7 in there.

8           SERGEANT DELEON: Seems reasonable.

9           CHAIRMAN STRICKLAND: I mean, that's why it  
10 was there.

11          MR. BUTERA: The general rule is it  
12 couldn't be similar for obvious reasons. You don't want  
13 competing companies to -- but then this particular  
14 addition to the Occupations Code allows for a decedent  
15 within the first degree of consanguinity or the  
16 decedent's surviving spouse. So it's very closely  
17 controlled. That's what that 152 (c)(2) is.

18          SERGEANT DELEON: Got you.

19          MR. BUTERA: So I think when we revised it,  
20 we thought -- well, if --

21                 In that very unique special situation if  
22 you were stepping into that pre-existing business, you  
23 should be allowed to use something --

24          SERGEANT DELEON: Sure.

25          MR. BUTERA: -- that would otherwise not be

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1 allowed.

2 SERGEANT DELEON: In the bonding community  
3 is --

4 CHAIRMAN STRICKLAND: Yeah.

5 MR. MCKINNEY: Do they get to take over  
6 that existing license or do they have to have a new  
7 license?

8 CHAIRMAN STRICKLAND: They have to have a  
9 new license.

10 MR. BUTERA: They have to have a new  
11 license but they're accepted for some of the  
12 requirements.

13 CHAIRMAN STRICKLAND: Okay. I'm not dying  
14 by the way.

15 MR. MCKINNEY: The ...

16 SERGEANT DELEON: Yeah. That seems  
17 reasonable.

18 CHAIRMAN STRICKLAND: Okay.

19 MR. MCKINNEY: Hang on. Back up on C 1.

20 CHAIRMAN STRICKLAND: Okay.

21 MR. MCKINNEY: Licensee or agent may use a  
22 similar assumed name for --

23 CHAIRMAN STRICKLAND: It's the licenses.

24 MR. MCKINNEY: -- amongst his own  
25 additional licenses.

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1 CHAIRMAN STRICKLAND: Uh-huh.

2 MS. KASE: Okay, yeah.

3 CHAIRMAN STRICKLAND: So my company is A --

4 MR. MCKINNEY: (Inaudible.) We're inserting  
5 the word "is owned" --

6 MS. KASE: Yeah.

7 MR. MCKINNEY: (Inaudible.)

8 MS. KASE: Yeah.

9 MR. BUTERA: Well, when will a licensee or  
10 agent use an additional name for other licensees? They  
11 wouldn't be then the licensee or agent, would they?

12 I'm fine with it if you want to add it. I  
13 was just asking.

14 MR. MCKINNEY: I'm thinking about what you  
15 said. I'm not ...

16 CHAIRMAN STRICKLAND: If -- you can't  
17 have --

18 In other words, an insurance company can  
19 only give a license to one guy or one person, but you  
20 can go to another insurance company and get a license.  
21 So you could have two licenses or a property license.  
22 So it might be ABC and then he goes and gets a property  
23 license and it's ABC 2.

24 MR. BUTERA: Well, I certainly agree with  
25 that. I just mean -- I'm fine with it. I was just



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1 asking when would you ever be seeking -- any time you're  
2 seeking licensure, it's for your own license.

3 CHAIRMAN STRICKLAND: Yeah, yeah.

4 MR. BUTERA: That's fine to add it if you  
5 want.

6 CHAIRMAN STRICKLAND: Okay. Any other  
7 questions?

8 MR. MCKINNEY: When I read it, I stuck that  
9 in because I thought it was unclear. And now that  
10 you're saying it, I'm not so sure it's clear so I don't  
11 care either way.

12 MR. BUTERA: It doesn't hurt to add it so  
13 it's fine to add it.

14 SERGEANT DELEON: I mean, words are free.

15 CHAIRMAN STRICKLAND: And ...

16 MR. MCKINNEY: Except for lawyers.

17 SERGEANT DELEON: Yeah.

18 CHAIRMAN STRICKLAND: Except for lawyers,  
19 okay. Their words are not free.

20 Anybody else got anything to say?

21 HONORABLE RODRIGUEZ: And obituaries,  
22 unfortunately.

23 MS. KASE: Oh --

24 SERGEANT DELEON: That's --

25 MS. KASE: That's true.

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1 CHAIRMAN STRICKLAND: Number 15.

2 MR. MCKINNEY: Hang on. C 2. Why would  
3 somebody selling an assume name to somebody else  
4 continue to use it for themselves after the sale?

5 SERGEANT DELEON: Are you on Number 2?

6 MR. MCKINNEY: On C 2, yeah.

7 CHAIRMAN STRICKLAND: Because you're  
8 getting out of the business.

9 MR. MCKINNEY: Uh-huh. This says they can  
10 keep using it -- after they sell it, they can keep using  
11 it.

12 SERGEANT DELEON: Till the expiration of  
13 the first one.

14 CHAIRMAN STRICKLAND: Until --

15 MR. MCKINNEY: But if they sold it, why  
16 would they keep using it?

17 SERGEANT DELEON: Yeah. You can sell it  
18 and you can keep using it as long as your license is  
19 valid.

20 HONORABLE RODRIGUEZ: If Ms. Betty called  
21 the same number for 20 years for her wayward sons,  
22 Ms. Betty is going to call the same number and then the  
23 man might think I was just want to do one more.

24 MR. MCKINNEY: So we're going to allow  
25 somebody besides the license-holder to own the assumed

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1 name of something else's business? That's what this  
2 does.

3 MR. BUTERA: It allows somebody whose --  
4 you sold it to continue to use it --

5 MR. MCKINNEY: But they can -- you sold --  
6 they own it now. They can use it.

7 Do we really want multiple people using  
8 the same assumed name?

9 CHAIRMAN STRICKLAND: No.

10 MS. KASE: No.

11 MR. MCKINNEY: That's what (inaudible.) to  
12 do.

13 MS. KASE: Sorry. I just think that if  
14 they are in the process of selling it or going out of  
15 business but people still have that one location -- they  
16 still are handling a runoff -- you may have more than  
17 one place needing --

18 Like if someone can purchase it but I'm  
19 not done yet, so for the public sake, don't we still  
20 want the name and the location of the DBA that's been  
21 sold to still be present. That way, people still have  
22 the important -- I don't know. That's --

23 MR. BUTERA: Yeah. If you -- if you sold  
24 your name because you have a great bidder but you're  
25 ramping down your business --

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1 MS. KASE: Right.

2 MR. BUTERA: And then you would still have  
3 the need of it. But they shouldn't also be allowed --

4 MR. MCKINNEY: Right.

5 SERGEANT DELEON: Right.

6 MR. BUTERA: -- to use it at the same time.  
7 But I would have a rule prohibiting that.

8 MR. MCKINNEY: -- to write new -- to write  
9 business under that name.

10 If they're winding it down and running it  
11 off, that's one thing. Because they're not -- they're  
12 not doing new business under that name. But this -- the  
13 way this reads right now, they could sell the assumed  
14 name to somebody else and keep doing business under it.

15 SERGEANT DELEON: You could add -- push  
16 comes to shove (inaudible.), no business cannot use the  
17 same name at the same time.

18 MR. BUTERA: Well, we have that rule  
19 prohibiting a licensee -- it's cutting to -- so the  
20 buyer could not then come to the Board and say I'd like  
21 to use "X" assumed name and then we would say, wait a  
22 second. That's very similar to --

23 SERGEANT DELEON: So what if you sold your  
24 assumed name to someone who already holds the license?  
25 Well, then you --

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1                   That person who bought the assumed name  
2 would still have to come before us to operate under the  
3 new name, correct?

4                   MR. BUTERA: Correct.

5                   SERGEANT DELEON: We would say wait a  
6 minute. There's somebody that's still using it.

7                   MR. BUTERA: And then you would say why not  
8 (inaudible.).

9                   MR. MCKINNEY: No. As it's written right  
10 now, the seller on this can continue to use this for up  
11 to almost six years in some instances and for and  
12 others. Because their right to continue to use that  
13 assumed name wouldn't expire until -- of the expiration,  
14 the first renewal after the sale.

15                   SERGEANT DELEON: Yeah. So it's not even  
16 expired. It's being renewed once.

17                   MR. MCKINNEY: Yeah. You can renew it once  
18 even after you sell it.

19                   MR. BUTERA: That's pretty good. And it's  
20 a three-year cycle. It gets --

21                   MR. MCKINNEY: Yeah --

22                   MR. BUTERA: This --

23                   MR. MCKINNEY: What's the purpose of two?

24                   CHAIRMAN STRICKLAND: You know -- and I'm  
25 trying to remember that. Because Kathy was sitting

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1 there when we were doing this.

2 MR. BUTERA: I was here but I don't  
3 remember --

4 CHAIRMAN STRICKLAND: How about -- how  
5 about --

6 MR. BUTERA: -- what unique situation we  
7 were trying to address when --

8 CHAIRMAN STRICKLAND: How about if we  
9 delete it on the third line beginning with the word  
10 "upon". If we stop the sentence, "ceases to use the  
11 assumed name". What if we did that?

12 SERGEANT DELEON: Then you couldn't sell it  
13 until you were done.

14 CHAIRMAN STRICKLAND: Right.

15 MS. KASE: Correct.

16 CHAIRMAN STRICKLAND: That's correct. You  
17 had -- you'd have to have a switch. You can't just  
18 continue to use this.

19 MR. MCKINNEY: And if there was some  
20 circumstance that this was written this way on purpose,  
21 let's try and figure out what it was.

22 CHAIRMAN STRICKLAND: Well, I'm sitting  
23 here -- these are model local rules, okay, because of an  
24 incident that happens where we had a bondsman out there  
25 who is almost copying other companies names. And so I

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1 worked on this and in work -- a lot of the people here  
2 and we put this together and hashed on it for a long  
3 time.

4 And I am sitting here trying to remember  
5 that, Michael.

6 MR. BUTERA: I can't remember the purpose  
7 of Number 2.

8 CHAIRMAN STRICKLAND: I can't either.

9 MR. BUTERA: Yeah. I know we were trying  
10 to address -- but that was when the new spousal and  
11 relative situation --

12 CHAIRMAN STRICKLAND: Yeah.

13 MR. BUTERA: -- come online so we wanted to  
14 incorporate that. I can't say what Number 2 was for.

15 MR. MCKINNEY: I'm okay in principal taking  
16 out "upon the expiration of first renewal", the rest of  
17 that sentence.

18 MS. KASE: Yeah. I am, too.

19 MR. MCKINNEY: The -- we put out there when  
20 the bondsman --

21 CHAIRMAN STRICKLAND: And if we just take  
22 out that phrase --

23 MR. MCKINNEY: That just says when you sell  
24 it, you've got to stop using it.

25 CHAIRMAN STRICKLAND: When you sell it, you

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1 got to stop using it. The seller --

2 MR. MCKINNEY: The bond --

3 If there is something that the bondman is  
4 aware of or there needs to be something more, they --  
5 when this gets shipped out to them as a proposal,  
6 they're more than welcome to come here and tell us about  
7 it.

8 CHAIRMAN STRICKLAND: And we'll work it  
9 out.

10 MR. MCKINNEY: Yeah.

11 CHAIRMAN STRICKLAND: Okay. So we're going  
12 to delete "upon expiration of the first renewal of their  
13 license after the sale".

14 MR. BUTERA: So just -- I agree. I  
15 understand the purpose of that and I like it. Just for  
16 clarification, though. Will 2 now prohibit someone  
17 who's trying to ramp down their business? They've  
18 still -- they're really not seeking to actively make  
19 bonds but they have a license -- it would prohibit them  
20 from selling that DBA until they are completely and  
21 utterly --

22 CHAIRMAN STRICKLAND: Yep.

23 MR. BUTERA: Done, okay.

24 Do we have the right to regulate that?

25 CHAIRMAN STRICKLAND: Yep.



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1 MR. MCKINNEY: I think --

2 MR. BUTERA: Even after their license is  
3 expired and they have bonds?

4 CHAIRMAN STRICKLAND: If their license is  
5 expired, we can't regulate them at all.

6 MR. BUTERA: Okay. Because they cease to  
7 be a licensee --

8 CHAIRMAN STRICKLAND: Right.

9 MR. BUTERA: They're not --

10 CHAIRMAN STRICKLAND: They're not a  
11 licensee under the act. So we have no authority over  
12 them.

13 MR. BUTERA: Agreed. I just want to make  
14 sure we're not overreaching in that regard but I -- then  
15 I don't think they're a licensee or an agent anymore  
16 so ...

17 CHAIRMAN STRICKLAND: Yep.

18 MR. MCKINNEY: You know, maybe -- maybe  
19 what this was written for was -- was for that wind down  
20 time when they're selling theirs to somebody else and  
21 they're not going to do any more business other than  
22 work that's already there. They're not writing new  
23 bonds. And this let them keep that name up -- legally  
24 they were doing business but the practical of the  
25 matter, they weren't doing business.

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1 MS. KASE: They weren't doing new business.

2 MR. MCKINNEY: They weren't doing new  
3 business.

4 MR. BUTERA: Right, yeah.

5 MR. MCKINNEY: Maybe we can get better  
6 language for that.

7 MR. BUTERA: And maybe rather than being in  
8 that three or six year where you can abuse it, they were  
9 at -- like well, I've got to wrap this -- next month --

10 MR. MCKINNEY: Yeah.

11 MR. BUTERA: I mean, I'm not ready to let  
12 go of license but it expires next month so I got to  
13 renew. Maybe it was something like that.

14 HONORABLE RODRIGUEZ: Well --

15 MR. MCKINNEY: Why don't you --

16 Why don't you take a shot at some  
17 language that maybe covers that more -- in a better way  
18 than what's here?

19 HONORABLE RODRIGUEZ: One option, just  
20 quickly, is after "ceases to use the assumed name", you  
21 could add "to make new bonds".

22 MR. MCKINNEY: Never -- not solicit or  
23 write new bonds?

24 HONORABLE RODRIGUEZ: Uh-huh. Because that  
25 would allow them by silence possibly to continue on with

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1 what they had to write up. But that's just something to  
2 think about among many other options to --

3 MR. MCKINNEY: To advertise, solicit or --

4 SERGEANT DELEON: That would allow --

5 MR. MCKINNEY: -- write. (Inaudible.)

6 consistent with the other language.

7 SERGEANT DELEON: And that would allow them  
8 to them to do the runoffs and still have people report,  
9 that --

10 MR. MCKINNEY: Yeah.

11 SERGEANT DELEON: -- need to report, yeah.

12 MR. RAMSEY: I just assume that a lot of  
13 these agreements are -- the agreements themselves, one  
14 assuming the other some -- some are going --

15 Some are these agreements selling assumed  
16 name from one party to the next happen on the specific  
17 trigger date. Others may happen, you know, they may  
18 have, you know, this agreement takes place here but it  
19 doesn't go into effect here. Other ones may have it --  
20 I mean, there's part --

21 What I'm getting at is thinking about the  
22 different types of arrangements that can be made and  
23 selling the name, maybe there should be something in  
24 there that says essentially the parties will provide  
25 essentially notice to the Board as to how they are

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1 planning to transfer the assumed name --

2 CHAIRMAN STRICKLAND: They would have to do  
3 that whenever they get licensed anyway.

4 MR. RAMSEY: Right.

5 MR. MCKINNEY: Well, they'd have to do it  
6 before that. They couldn't change the name --

7 MS. KASE: (Inaudible.)

8 MR. MCKINNEY: -- of the business --

9 CHAIRMAN STRICKLAND: Yeah.

10 MR. MCKINNEY: -- until they notify the  
11 Board first under the other rules.

12 CHAIRMAN STRICKLAND: Yeah.

13 MR. RAMSEY: Part of this is what I'm  
14 concerned about is getting a -- I think the Board can  
15 regulate being use of the assumed name -- although, I  
16 think some of the gray area is in regulating the ability  
17 to transfer with the terms that the parties could enter  
18 into and essentially selling, if that makes sense. I  
19 don't think it' an -- I don't think that's an issue with  
20 the way that the changes had been made.

21 MR. MCKINNEY: I'm sitting here trying to  
22 figure out what interest we would have and who owns the  
23 assumed name apart from the name in which they're  
24 actually doing business. Why would we care if it's --

25 If they're all licensees, why would we

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1 care who uses which assumed name other than to make sure  
2 we have notice of ...

3 MR. RAMSEY: No. I agree with that. What  
4 I'm saying is to make sure that the Board has notice as  
5 to essentially how, you know -- to make sure there's no  
6 overlap between the uses. We're talking about, you  
7 know, only using it for renewals versus runoffs -- or  
8 I'm sorry. New ones versus runoffs.

9 MR. BUTERA: How often does this happen? I  
10 can think of it happening twice.

11 CHAIRMAN STRICKLAND: Yeah, maybe, maybe.

12 MR. BUTERA: Not that it means it's  
13 irrelevant.

14 CHAIRMAN STRICKLAND: It's certainly the  
15 exception rather than the rule.

16 MR. MCKINNEY: I can foresee in the current  
17 climate with the fare among bondsmen with business going  
18 down that might become a whole problem. What you think?

19 HONORABLE RODRIGUEZ: Uh-huh.

20 CHAIRMAN STRICKLAND: Going down is not  
21 really the proper phrase. Nonexistent --

22 MR. MCKINNEY: Implied --

23 CHAIRMAN STRICKLAND: -- is the proper  
24 phrase.

25 MR. MCKINNEY: Falling off a cliff?

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1 CHAIRMAN STRICKLAND: Yes. Can you imagine  
2 buying the ticket on the Titanic, okay? That's getting  
3 into the bail bond business today.

4 SERGEANT DELEON: Putting up 50 grand  
5 collateral to get that ticket on the Titanic.

6 MR. MCKINNEY: Yeah.

7 CHAIRMAN STRICKLAND: It's just -- it's  
8 phenomenal.

9 All right. Any more discussion?

10 HONORABLE RODRIGUEZ: Just quickly.  
11 Another purpose of the idea that I was saying about  
12 looking at language of no new bonds on the sold assumed  
13 name is ideally, we would want to empower someone who  
14 owns that property, the business, the concept to be able  
15 to sell it in an -- in a timely manner. We wouldn't  
16 want to put any roadblocks to have them wait this --  
17 they might need the money immediately. So that's just a  
18 thought that I had.

19 CHAIRMAN STRICKLAND: Any other  
20 conversation?

21 MR. MCKINNEY: Under -- on C 3, the  
22 license -- the licensee or agent, shouldn't that be  
23 "seeking to be licensed"?

24 MS. KASE: Yeah.

25 MR. MCKINNEY: Except "being seeking to be

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1 licensed"?

2 HONORABLE RODRIGUEZ: Instead of being?

3 MR. MCKINNEY: Right.

4 HONORABLE RODRIGUEZ: Uh-huh. Seeking to  
5 be licensed.

6 CHAIRMAN STRICKLAND: Anything else?

7 MR. MCKINNEY: Now, on C 4, I had written  
8 down here -- and maybe I'm taking (inaudible.) similar  
9 discussions but I was going to add a clause to the end  
10 that said, "upon notice to and approval of the Board".  
11 I don't know if we need to approve it.

12 SERGEANT DELEON: I think notification and  
13 notice.

14 CHAIRMAN STRICKLAND: Yeah. They've got to  
15 do that anyway.

16 MR. MCKINNEY: Yeah.

17 CHAIRMAN STRICKLAND: I mean -- and we just  
18 had this kind of -- with Peter Perrault.

19 MR. MCKINNEY: Okay. It's handled  
20 elsewhere --

21 MR. BUTERA: That is a good stretch to say  
22 that we just had --

23 CHAIRMAN STRICKLAND: Well, yeah, you know.

24 MR. BUTERA: (Inaudible.)

25 CHAIRMAN STRICKLAND: How long has Pete

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1 been gone? Five years.

2 HONORABLE OSWALD: We -- I was here then.

3 SERGEANT DELEON: Yes.

4 HONORABLE OSWALD: I remember that.

5 MR. BUTERA: Many, many years ago.

6 HONORABLE OSWALD: Yeah.

7 SERGEANT DELEON: Just the other day, uh,  
8 Glenn?

9 MR. MCKINNEY: Seems like yesterday.

10 CHAIRMAN STRICKLAND: Number 15 --

11 MR. BUTERA: This is -- boy.

12 SERGEANT DELEON: (Inaudible.)

13 CHAIRMAN STRICKLAND: Boy is --

14 SERGEANT DELEON: So where are we with  
15 this?

16 CHAIRMAN STRICKLAND: Boy is exactly right.

17 SERGEANT DELEON: The way I read this is  
18 you can't advertise? I mean, obviously that's not true.

19 CHAIRMAN STRICKLAND: This is a 30-year old  
20 rule.

21 MR. BUTERA: It's deceptively -- when you  
22 first read it, you think okay, well -- then the more you  
23 think about it, you get into some weird ...

24 CHAIRMAN STRICKLAND: Yeah. This is --  
25 this is -- this is so bad.



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1 MR. MCKINNEY: Here's why I think the  
2 genesis of this was. This prevents somebody for setting  
3 up a business and it may -- I know it's an old rule, The  
4 Yellow Pages or whatever. Neither Bail Bond call this  
5 number or they're not actually writing the bond.

6 They're just getting the business referring to somebody  
7 else. And that happens -- I don't know about the bail  
8 bond industry but it certainly happens in lots of other  
9 industries on the Internet now ten times the level it  
10 ever did in phone books.

11 SERGEANT DELEON: Sure. It's --

12 MR. MCKINNEY: I don't know if we have the  
13 power to regulate anything --

14 CHAIRMAN STRICKLAND: Well ...

15 MR. MCKINNEY: -- for a corporation that's  
16 not licensed.

17 CHAIRMAN STRICKLAND: I always refer bail  
18 bond business to a non-licensee. That just --

19 SERGEANT DELEON: Right. But I think  
20 that's -- Troy just made a great point. If they're not  
21 licensed, how do we regulate them?

22 MR. MCKINNEY: We don't.

23 CHAIRMAN STRICKLAND: They're not. There  
24 isn't --

25 MS. KASE: We can also regulate the

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1 licensee. So I guess all we could say is affirmatively  
2 that what? The licensee -- a licensee may not accept  
3 referrals from (inaudible.) Now, I mean ...

4 MR. BUTERA: Well, yeah. I think --

5 So if you look at the first -- the two  
6 sentences, I think the first sentence reads like it was  
7 written for the attorney community maybe. I mean, it  
8 says firm/corporation. I don't know.

9 But this is already prohibited if there's some  
10 kind of kickback under --

11 CHAIRMAN STRICKLAND: Yes.

12 MR. BUTERA: -- 170413 or 303B.

13 CHAIRMAN STRICKLAND: Yeah.

14 MR. BUTERA: "A person may not advertise as  
15 a Bail Bond Surety in a county unless a person holds a  
16 license." And then, you know, 1302 is prohibiting  
17 referrals. Both of those are, you know, covered by the  
18 Occupations Code already.

19 CHAIRMAN STRICKLAND: And then you got the  
20 last line, no licensee may use a phone number, address  
21 or office of a non-licensee to conduct any Bail Bond Act  
22 duties. So I couldn't sit in Sergeant DeLeon's house  
23 and answer my cell phone and make a bond.

24 SERGEANT DELEON: Or your house.

25 MR. MCKINNEY: Or use his land line.

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1 CHAIRMAN STRICKLAND: Yeah.

2 MR. MCKINNEY: (Inaudible.)

3 CHAIRMAN STRICKLAND: Yeah.

4 SERGEANT DELEON: To be fair, though, I  
5 think that it's meant -- it sounds like to me it meant  
6 more to protect the consumer from fly-by-night groups  
7 or --

8 CHAIRMAN STRICKLAND: We've got so much  
9 stuff in there to protect the consumer. I don't  
10 think -- that can be abused. It can be taken and used  
11 in an assertive situation.

12 SERGEANT DELEON: Yeah. So wait -- wait a  
13 minute.

14 MS. KASE: Well, I was going to say that if  
15 we're requiring people to have a primary place of  
16 business --

17 CHAIRMAN STRICKLAND: Right.

18 MS. KASE: -- it's -- I mean, this would --  
19 You know, you'd have a violation every  
20 time a bail bondsman went to an attorney's law office  
21 with the documents.

22 CHAIRMAN STRICKLAND: Or I'm sitting in a  
23 restaurant and I get a call.

24 SERGEANT DELEON: Right.

25 MS. KASE: Yeah.

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1 CHAIRMAN STRICKLAND: That would a  
2 violation.

3 MS. KASE: Yeah.

4 SERGEANT DELEON: But to take it -- I think  
5 you're right. I mean, I see your point, but at the same  
6 time, I don't think you should be able to set up a table  
7 in a spouse's office and run a bail bond business.

8 MR. BUTERA: Well, if you haven't reported  
9 that as your office which we broadly defined earlier,  
10 then you're in violation of that rule. We could revoke  
11 or suspended because if you haven't given the Board  
12 notice under the Rule 12 that you've opened a new office  
13 and then we find out about it -- and we broadly defined  
14 office to be any location where you conduct a bail bond  
15 business, et cetera, then you run afoul of that and we  
16 could take action under that basis.

17 MR. MCKINNEY: It seems to me like 15 can  
18 come out entirely.

19 CHAIRMAN STRICKLAND: Yes. I agree.

20 SERGEANT DELEON: So before you --

21 Before you omit 15 going back to the  
22 first part of that, bond runners, in essence, then could  
23 create a company where you contact them and now they're  
24 -- because we have bond runners that are runners for  
25 multiple --

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1 CHAIRMAN STRICKLAND: Right.

2 SERGEANT DELEON: -- multiple bonding  
3 companies.

4 CHAIRMAN STRICKLAND: Yeah.

5 SERGEANT DELEON: Then the bond runner --  
6 what would prevent the bond runner from just putting up  
7 advertisement, like you said, if you need a bond, call  
8 this number and then say okay, A 1 pays more than this  
9 bond so let me send this business over here.

10 MS. KASE: You mean sort of act like a bail  
11 bond broker?

12 SERGEANT DELEON: Broker.

13 MR. MCKINNEY: Yeah.

14 CHAIRMAN STRICKLAND: At least prevent from  
15 doing --

16 MR. MCKINNEY: The referral service would  
17 wish they'd get paid by the bail bondsmen.

18 MR. OSBORNE: What do you mean by bond  
19 runner?

20 MALE: A bonding agent.

21 SERGEANT DELEON: A bond -- like if a  
22 person -- yeah, they represent. They call them bond  
23 runners. So they -- what they do is -- and it's --

24 What they do is A 1 Bail Bond meaning  
25 they'll come out and give the Sheriff's Office the bond

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1 itself, present it itself. He'll hire a bond runner, is  
2 what they're called. And the bond runners are  
3 employees and they said okay, I'll take the bond and  
4 they charge \$25 or \$30 to bring the bond out here and  
5 submit it to the Sheriff's Office.

6 MR. MCKINNEY: He was wondering if a bond  
7 runner was somebody like a -- like a (inaudible.)

8 SERGEANT DELEON: Right. That's what a --  
9 that's what a bond --

10 CHAIRMAN STRICKLAND: Yeah, whoever  
11 serves --

12 SERGEANT DELEON: Yeah. (Inaudible.),  
13 yeah.

14 MR. BUTERA: They'd be prohibited from  
15 advertising as a bail bond surety under the Occupations  
16 Code.

17 SERGEANT DELEON: (Inaudible.)

18 MR. MCKINNEY: I don't know if there's any  
19 of the lessons in the Occupations Code somewhere.  
20 (Inaudible.) anyways but if it's in the Occupations  
21 Code, I don't know what stops a (inaudible.) from saying  
22 for bail bond, call this number. If they don't write  
23 bonds, they make bonds. All they're going to do is  
24 refer to the bail bond --

25 CHAIRMAN STRICKLAND: They -- they can do

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1 that.

2 MR. BUTERA: If they're pay by that --

3 SERGEANT DELEON: But nobody's going to go  
4 for free.

5 MS. KASE: Right.

6 SERGEANT DELEON: (Inaudible.) But they're  
7 an employee of multiple (inaudible.)

8 MS. KASE: It wouldn't be an employee.  
9 They'd be -- they'd be an independent contractor like an  
10 insurance company broker which is trying to find the  
11 best policy for the cheapest price.

12 MR. BUTERA: But you're prohibited from  
13 accepting money from a surety for referrals unless you  
14 are an employee of that surety.

15 SERGEANT DELEON: So you could have a  
16 bond (inaudible.)

17 MR. BUTERA: So create from 1704302 B --

18 MS. KASE: Right.

19 MR. BUTERA: "A person may not accept or  
20 receive from a license holder money, property or any  
21 other thing of value as payment for referral of bonding  
22 business unless the records of the Board show that that  
23 person is an agent or employee of that license."

24 MS. KASE: Okay.

25 MR. MCKINNEY: I think 15 particularly,

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1 (inaudible.)

2 MS. KASE: Yeah.

3 SERGEANT DELEON: I agree.

4 MS. KASE: Does that satisfy your --

5 SERGEANT DELEON: Yeah. It's a --

6 MR. BUTERA: It's good to think through

7 like what the --

8 SERGEANT DELEON: The reason I'm asking is

9 because I've actually been asked by a bond runner if --

10 because he's --

11 If you ask me, he's got 20 different bond

12 companies. He's a runner for 20 different companies,

13 right? So then he could because he is a staff member

14 work at --

15 MR. BUTERA: Is he listed as an employee on

16 all of those applications?

17 SERGEANT DELEON: Yes, as a runner. As a

18 runner --

19 MR. OSBORNE: That seems like a person --

20 MR. MCKINNEY: And the rest of this, I

21 don't think I've seen the same name -- every time

22 there's an application, I don't think I've seen the same

23 name pop up on any of them.

24 MR. BUTERA: Certainly not 20 of them.

25 SERGEANT DELEON: When you're a bond



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1 runner --

2 MS. KASE: I'd love to see the 1099s.

3 SERGEANT DELEON: The runners -- I don't  
4 know how the runners are paid.

5 MR. OSBORNE: Are your runners 1099s?

6 MR. MCKINNEY: I bet they're not employees.

7 CHAIRMAN STRICKLAND: 1099s. And let me  
8 tell you, several years ago, we had --

9 MR. BUTERA: So they can't accept  
10 compensation. They can only accept compensation for  
11 running purposes without --

12 CHAIRMAN STRICKLAND: That's right.

13 MR. BUTERA: Any referral or --

14 CHAIRMAN STRICKLAND: Right.

15 MR. BUTERA: Or advertising.

16 CHAIRMAN STRICKLAND: Right.

17 MR. BUTERA: Or --

18 MR. OSBORNE: Okay.

19 MR. MCKINNEY: (Inaudible.)

20 CHAIRMAN STRICKLAND: We had a fellow by  
21 the name of John Benson who had a license and he got out  
22 of the business. And what he did is he started up a  
23 company that I could send him my calls at night and he  
24 would take those calls and if a bond was to be made, he  
25 could send the bond out. He didn't collect the money,

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1 okay. If he was going to collect money, he would come  
2 to my office with a key and do it out of my office, but  
3 he was doing that for several companies. And he was  
4 using that one location to take the calls from  
5 everybody. And it was never anything weird -- wrong  
6 with that.

7 MR. MCKINNEY: I think there's anything  
8 wrong with that.

9 CHAIRMAN STRICKLAND: No.

10 MR. MCKINNEY: He's essentially providing  
11 a --

12 CHAIRMAN STRICKLAND: I'm just telling you  
13 the possibilities.

14 MR. MCKINNEY: I think he was providing  
15 effectively an administrative service. You don't have  
16 to be an employee to do that.

17 CHAIRMAN STRICKLAND: Yep.

18 MR. MCKINNEY: He wasn't getting -- he  
19 wasn't being paid money.

20 CHAIRMAN STRICKLAND: No.

21 MR. MCKINNEY: Or referring a bonding body.

22 SERGEANT DELEON: (Inaudible.)

23 MR. MCKINNEY: Because they were  
24 (inaudible.)

25 CHAIRMAN STRICKLAND: He -- he --

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1 MS. KASE: Yeah.

2 CHAIRMAN STRICKLAND: He was an answering  
3 service with benefits.

4 SERGEANT DELEON: Right, right.

5 CHAIRMAN STRICKLAND: You know? So what  
6 was the final analysis? Are we deleting 15?

7 MS. KASE: Yes.

8 MR. MCKINNEY: Yeah, we're taking it off.

9 Unless we have anything else, I move to  
10 adjourn.

11 MR. BUTERA: Well, before -- I want to go  
12 through for next time just to set out maybe through --  
13 21 is extremely long.

14 CHAIRMAN STRICKLAND: So let's go -- you  
15 have 21.

16 MR. BUTERA: End in 21?

17 CHAIRMAN STRICKLAND: It's very long. If  
18 you want to --

19 Do you want to go to 21 next time or do  
20 you want to do 21?

21 MR. MCKINNEY: Sixteen to twenty is pretty  
22 short.

23 MR. BUTERA: Say 21 if we don't get to it.

24 MR. MCKINNEY: Yeah.

25 MS. KASE: Yeah.

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CHAIRMAN STRICKLAND: Say it again.

MR. BUTERA: You could say try to go through 16 through 21 and if we don't reach 21, then let's do as much as --

MR. MCKINNEY: Yeah.

CHAIRMAN STRICKLAND: Okay. All right then. And Mr. McKinney made a motion to adjourn.

MS. KASE: Second.

CHAIRMAN STRICKLAND: All those in favor, signify by saying aye.

THE BOARD: Aye.

CHAIRMAN STRICKLAND: Thank you very much.

And thank you ladies and gentlemen for your confidence in electing me as Chair again.

(Meeting adjourned at 2:46 p.m.)

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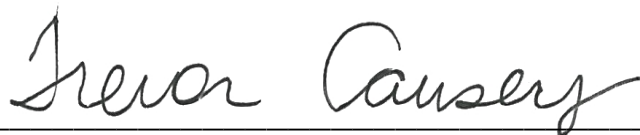
1 STATE OF TEXAS )

2 COUNTY OF HARRIS )

3  
4 I, Trevor Causey, do hereby certify that the  
5 facts as stated by me in the caption hereto are true;  
6 that the above and foregoing transcript of the  
7 proceedings was taken in stenograph, reduced to  
8 typewriting under my direction, and is a full, true and  
9 correct transcript of the proceedings.

10 I further certify that I am not, in any  
11 capacity, a regular employee of the party in whose  
12 behalf this transcript was taken, nor in the regular  
13 employee of any attorney; and I certify that I am not  
14 interested in the cause, nor of kin or counsel to any of  
15 the parties.

16 GIVEN UNDER MY HAND, on this day, the 8th day  
17 of January, 2020.

18 

19 Trevor Causey  
20 Notary Public in and for  
The State of Texas  
My Commission expires 5/24/2021

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