

HARRIS COUNTY BAIL BOND BOARD - September 08, 2021

HARRIS COUNTY BAIL BOND BOARD

MEETING MINUTES

SEPTEMBER 8, 2021

1:30 P.M.

HARRIS COUNTY BAIL BOND BOARD - September 08, 2021

A P P E A R A N C E S

Glenn Strickland, Chairman

Honorable Angela D. Rodriguez, Vice Chairman

Michael Butera, designee for District Attorney Kim Ogg

Honorable Shannon Baldwin

Dylan Osborne, Harris County Treasurer

Kathryn Kase, Designee for Lina Hildago, County Judge

Sergeant Sisto DeLeon, designee for Sheriff Ed Gonzalez

Tommy Ramsey, County Attorney's Office

Deputy David Kern, 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: All right. It is now
3 1:30 on September 8th, 2021. I'm going to call the
4 meeting of the Harris County Bail Bond Board to order.

5 If one can tell, we only have five
6 Members here today. I have Sergeant DeLeon; myself,
7 Glenn Strickland; Michael Butera from the DA's Office;
8 Judge Rodriguez, justice of the peace and
9 Ms. Kathryn Kase representing Commissioners Court.

10 MS. KASE: The county judge.

11 SERGEANT DELEON: The county judge.

12 CHAIRMAN STRICKLAND: County judge. I
13 knew --

14 MS. KASE: County judge, sorry.

15 CHAIRMAN STRICKLAND: I knew that.

16 All right. You have to forgive me. I'm
17 on a ...

18 All right. The first item of business is
19 the reading of prior minutes. Chair will entertain a
20 motion.

21 HONORABLE RODRIGUEZ: Judge Rodriguez to
22 accept them.

23 MS. KASE: Kathryn Kase, second.

24 CHAIRMAN STRICKLAND: All right. Any
25 discussion? All those --

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1 All those in favor, signify by saying
2 aye.

3 THE BOARD: Aye.

4 CHAIRMAN STRICKLAND: The motion passes.

5 If there's anyone that has a public
6 comment on any topic that is up for discussion, raise
7 your hand. I'll recognize you and you can address the
8 Court.

9 All right. Under new business, Number 1,
10 request made by David Schmidt, DBA ABC Bonding Company,
11 License No. 74357 to return a security deposit in the
12 amount of \$100,000. JP letters mailed on 7/2/2021.

13 MR. GOOD: My name is Ken Good, and I'm
14 Mr. Schmidt's attorney.

15 (Witnesses sworn.)

16 CHAIRMAN STRICKLAND: Thank you.

17 All right. And Mr. Ramsey is joining us.

18 MR. RAMSEY: How are y'all?

19 CHAIRMAN STRICKLAND: Sergeant DeLeon ...

20 SERGEANT DELEON: So the letters have been
21 sent to the JPs giving them time to respond. We
22 received no response that any money is due to the JPs.

23 The Sheriff's office believes all unpaid
24 judgments have been settled and we have no other
25 comments.

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1 CHAIRMAN STRICKLAND: Mr. Butera ...

2 MR. BUTERA: There were a couple of unpaid
3 judgments the JP courts are taking care of today that I
4 got receipts of. So no unpaid judgments. No issues
5 that I'm aware of.

6 CHAIRMAN STRICKLAND: Judge ...

7 HONORABLE RODRIGUEZ: No questions, sir.

8 CHAIRMAN STRICKLAND: Ms. Kase ...

9 MS. KASE: No questions.

10 MR. BUTERA: Let me just clarify. This is
11 a partial return leaving the license open.

12 So is he still in ratio?

13 SERGEANT DELEON: Yes.

14 MR. BUTERA: Okay.

15 SERGEANT DELEON: He is still in ratio.

16 And correct, it is a partial return. There is still
17 money deposited with the treasurer.

18 MR. BUTERA: Excellent.

19 CHAIRMAN STRICKLAND: And I would like to
20 note --

21 SERGEANT DELEON: The treasurer.

22 CHAIRMAN STRICKLAND: Mr. Osborne, county
23 treasurer, has joined us.

24 Okay. Motion's been made.

25 All those in favor, signify by saying aye.

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1 THE BOARD: Aye.

2 CHAIRMAN STRICKLAND: Any opposed?

3 Motion carries.

4 Congratulations, David. You got here

5 just in time to get your money.

6 SERGEANT DELEON: Wait.

7 MR. SCHMIDT: Thank you.

8 CHAIRMAN STRICKLAND: Okay.

9 MR. SCHMIDT: (Inaudible.).

10 SERGEANT DELEON: Who made the motion?

11 CHAIRMAN STRICKLAND: Judge Rodriguez did,

12 and Ms. Kase seconded it.

13 SERGEANT DELEON: Okay.

14 MS. KASE: Those were the minutes.

15 SERGEANT DELEON: Those were the minutes.

16 CHAIRMAN STRICKLAND: And we're joined by

17 Judge Baldwin.

18 Good to see you again, ma'am.

19 HONORABLE BALDWIN: Good to you as well.

20 SERGEANT DELEON: Judge Rodriguez on

21 this -- on this Item Number 2, you made a motion on Item

22 Number 2 as well?

23 We had it on --

24 We had it on Number 1, Glenn, in that

25 scenario or in the sequence but not on --

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1 So there wasn't a motion on 2.

2 HONORABLE RODRIGUEZ: (Inaudible.).

3 CHAIRMAN STRICKLAND: No. No, it was just
4 on Number 1.

5 MR. BUTERA: I think -- just to clarify. I
6 don't -- I think just to make sure --

7 HONORABLE RODRIGUEZ: The motion wasn't
8 made yet.

9 MR. BUTERA: I don't think so either,
10 Glenn.

11 So on new business, 1, which was
12 Mr. Schmidt, I just -- I think I interrupted by asking
13 about the ratio question so we didn't have a motion and
14 a second.

15 So just for clarity's sake, I'll make a
16 motion on new business Number 1. I guess we're out of
17 practice and haven't seen each other.

18 CHAIRMAN STRICKLAND: Yes.

19 MR. BUTERA: I'll make a motion on new
20 business Number 1, Mr. Schmidt's request for return of a
21 hundred thousand dollars collateral, to approve that.

22 HONORABLE RODRIGUEZ: Judge Rodriguez
23 seconds your motion.

24 CHAIRMAN STRICKLAND: Any other discussion?

25 All those in favor, signify by saying

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1 aye.

2 THE BOARD: Aye.

3 CHAIRMAN STRICKLAND: Any opposed?

4 Congratulations, David.

5 MR. SCHMIDT: So now, I'll get 200?

6 CHAIRMAN STRICKLAND: All right. Number 2,
7 request for renewal of license, Allegheny Casualty
8 Company, Agent Leopoldo P. Benitez DBA A Way Out Bail
9 Bonds Co., 1601 Congress Street, Houston, Texas 77002.
10 Original date: 12/10/2013. Expiration date:
11 12/20/2023. The license number: 74552. Phone number:
12 (713) 223-4298. Three-year license.

13 (Witness sworn.)

14 CHAIRMAN STRICKLAND: State your name for
15 the record, please.

16 MR. BENITEZ: Leopoldo Perrault Benitez.

17 CHAIRMAN STRICKLAND: Thank you.

18 And Mr. Good's already been sworn in.

19 Sergeant DeLeon ...

20 SERGEANT DELEON: The property has -- was
21 inspected. Everything seemed to be in order. Files
22 were checked, and the application was in order as well.
23 And the sheriff has no other questions or comments.

24 CHAIRMAN STRICKLAND: Osborne ...

25 MR. OSBORNE: No questions.

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1 CHAIRMAN STRICKLAND: No questions?
2 MR. OSBORNE: No questions.
3 CHAIRMAN STRICKLAND: Mr. Butera ...
4 MR. BUTERA: Nothing from the DA's office.
5 CHAIRMAN STRICKLAND: Judge Rodriguez ...
6 HONORABLE RODRIGUEZ: No questions for
7 Mr. Leo.
8 CHAIRMAN STRICKLAND: Judge Baldwin ...
9 HONORABLE BALDWIN: No questions.
10 CHAIRMAN STRICKLAND: Ms. Kase ...
11 MS. KASE: No questions.
12 CHAIRMAN STRICKLAND: Chair will entertain
13 a motion.
14 MR. BUTERA: Michael Butera. I'll make a
15 motion to approve.
16 HONORABLE BALDWIN: Judge Baldwin, I'll
17 second.
18 CHAIRMAN STRICKLAND: Thank you.
19 Any other discussion?
20 All those in favor, signify by saying
21 aye.
22 THE BOARD: Aye.
23 CHAIRMAN STRICKLAND: Any opposed?
24 Motion carries.
25 Congratulations, Leopoldo.

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1 MR. BENITEZ: Thank you. Thank you,
2 (inaudible.).

3 CHAIRMAN STRICKLAND: All right. Request
4 for a new license, Financial Casualty & Surety, Inc.,
5 Agent Marcos Antonio DBA Fearless Bail Bonds II.,
6 2826 North Freeway, Houston, Texas 77009. The
7 license number is to be determined. Phone number:
8 (713) 862-8888. Two-year license.

9 (Witness sworn.)

10 CHAIRMAN STRICKLAND: State your name for
11 the record, please.

12 MR. ANTONIO: Marcos Antonio.

13 MR. MCCLARK: "Gary McClark", vice
14 president of Financial Casualty & Surety, Inc.

15 CHAIRMAN STRICKLAND: And Mr. Good's
16 already been sworn in.

17 Sergeant DeLeon ...

18 SERGEANT DELEON: First, Marco, my
19 condolences, again, on the loss of your brother, yes.

20 So Marco, in review of your --

21 In reviewing your application, I have a
22 couple of things I want to ask you about, okay.

23 So Marco you submitted your application
24 with an identification card as your proof of ID, state
25 ID, correct?

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1 But in doing our investigation, had you
2 at one time -- did you at one time have a driver's
3 license with the City of Houston?

4 MR. ANTONIO: Yes.

5 CHAIRMAN STRICKLAND: Yes, okay. In our --

6 In our research, we found that there is a
7 capias pro fine in your name on your old driver's
8 license number.

9 Do you know of any citations that you
10 received when you had that, when you had that license
11 that were still open?

12 MR. ANTONIO: No.

13 SERGEANT DELEON: No?

14 MR. ANTONIO: (Inaudible.).

15 SERGEANT DELEON: Okay. So we would most
16 definitely want you to take care of that before --

17 MR. ANTONIO: Absolutely.

18 SERGEANT DELEON: It's a capias so, of
19 course, I'm probably sure it's just a payment. You
20 know, go before the judge to make a payment.

21 But that would be one thing that we want
22 you to take care of in processing this, okay.

23 MR. ANTONIO: Absolutely.

24 SERGEANT DELEON: And I also have a
25 question in regards to your education, your training,

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1 okay.

2 So your training is right on the cusp of
3 expiration. It's two years. And statutes says for
4 filing, but it is --

5 Two years is up on September 13th of this
6 year because you took the class September 13th of 2019.

7 So we would also, you know, like you
8 to -- would suggest that you take a class in the next
9 few months in order to stay up-to-date with the changes
10 that have come forward or come --

11 MR. ANTONIO: Yes.

12 SERGEANT DELEON: Come past in the past two
13 years, okay?

14 MR. ANTONIO: (Inaudible.).

15 SERGEANT DELEON: And other than those two
16 items, the Sheriff's Office has nothing further.

17 CHAIRMAN STRICKLAND: Mr. Osborne ...

18 MR. OSBORNE: No questions from the
19 treasurer.

20 CHAIRMAN STRICKLAND: Mr. Butera ...

21 MR. BUTERA: I do have several questions.

22 Mr. Antonio, I would like to echo
23 Sergeant DeLeon's condolences -- I know we haven't seen
24 each other in person -- Mr. Hernandez's passing. So I'm
25 very sorry for your family.

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1 Just to clarify with you and Mr. Good,
2 "Mr. McClare". Are you seeking to be licensed under the
3 Occupations Code provision that allows you to step into
4 a family member's shoes without necessarily meeting the
5 employment or educational requirements or are you
6 seeking just an independent licensing, saying, "No, I do
7 have the education and I do have the work experience"?

8 MR. GOOD: Our application is based on he
9 does have a continuing education. He does have the work
10 experience.

11 MR. BUTERA: Okay.

12 MR. GOOD: We're not seeking any exemption.

13 MR. BUTERA: Okay. That is -- that is what
14 I assumed so ...

15 In that line then, I think there's an
16 issue with the DBA. So if you look at our local rules,
17 Rule 11(b), it prohibits, you know, a DBA from being
18 similar to another existing DBA. But there's that
19 exception of if you are seeking licensure under the
20 1704.152(c) -- whatever it is -- provision of a family
21 member, then you can have a substantially similar DBA.

22 So in this case, Mr. Hernandez's DBA was
23 Fearless Bail Bonds?

24 SERGEANT DELEON: Two.

25 MR. BUTERA: No. Mr. Hernandez was

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1 Fearless Bail Bonds.

2 MR. GOOD: Fearless Bail Bonds, right.

3 MR. BUTERA: So you're seeking licensure
4 under Fearless Bail Bonds II --

5 MR. GOOD: That's right.

6 MR. BUTERA: Which I think, therefore, runs
7 afoul of Rule 11 since you're not seeking this special
8 licensure of a family member.

9 MR. GOOD: Except for that local rule
10 applies to current license owners and Mr. Hernandez --
11 because of his death -- is no longer a license holder.
12 And so that rule would not apply to --

13 Especially in this situation, I would hope,
14 with a family member. I mean, we thought about coming
15 in since his license ended in his death, just to keep
16 Fearless Bail Bonds but we wanted to make it Fearless
17 Bail Bonds II so we wouldn't have any question.

18 MR. BUTERA: Okay.

19 MR. GOOD: So that was our thought on the
20 matter.

21 MR. BUTERA: Okay. So looking back at
22 11(b), it does say: "Licensee or agent for a corporate
23 surety shall not use in its bail bond business an
24 assumed name that is the same or is deceptively similar
25 to an assumed name that is already being used in a

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1 Harris County bail bond business ".

2 So you think since it's not being used
3 any longer by Mr. Hernandez that's not an issue?

4 MR. GOOD: Yes, sir.

5 MR. BUTERA: Okay, okay. I -- I haven't
6 thought of it in those terms so ...

7 So then some questions for Mr. Antonio.
8 Since -- you say you are seeking application saying
9 you've met the employment requirement and everything
10 that I saw in your application that there's an affidavit
11 from Maria Sanchez.

12 So clarify for the Board your
13 relationship to Ms. Sanchez.

14 MR. ANTONIO: She's my mother.

15 MR. BUTERA: Okay. So she owned --

16 She previously had a license for a property
17 bonding company, meaning she was not associated with an
18 insurance company.

19 And she also has a license with Bankers;
20 is that correct?

21 MR. ANTONIO: That is correct, yes, sir.

22 MR. BUTERA: Okay. And then per her
23 affidavit and your application, you worked for her
24 office in 2019 and 2020; is that correct?

25 MR. ANTONIO: That is correct.

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1 MR. BUTERA: Okay. And you worked at least
2 30 hours a week during that time period?

3 MR. ANTONIO: That is correct, yes, sir.

4 MR. BUTERA: And then there's a couple of
5 1099s in the application that show payment for \$14,000
6 per year for both of those years; is that correct?

7 MR. ANTONIO: That is correct.

8 MR. BUTERA: Okay. And was that your only
9 employment during that time or was this secondary
10 employment for you?

11 MR. ANTONIO: It was my primary.

12 MR. BUTERA: Okay. So relating to those
13 licenses -- you and I have met before; is that correct?

14 MR. ANTONIO: That is correct.

15 MR. BUTERA: Okay. And during that time,
16 if I remember it, you were sort of the primary contact
17 for Ms. Sanchez's property bonding license; is that
18 correct? Were you --

19 What kind of position did you have in her
20 office?

21 MR. ANTONIO: Well, when I answered phones
22 in regard to the bonds, that's pretty much what I do.

23 MR. BUTERA: Okay. Was there an office
24 manager at that time or do y'all have distinctions like
25 that in the office or is it all hands on deck, everyone

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1 does what needs to be done?

2 MR. ANTONIO: Pretty much all hands on
3 deck.

4 MR. BUTERA: Okay. So the reason I
5 remember speaking to you at that time was due to several
6 quite high unpaid final judgments originating out of
7 that office.

8 Do you remember that instance?

9 MR. ANTONIO: I do.

10 MR. BUTERA: Okay. And looking back at
11 notes I have from that time, some of those judgments
12 were for pretty large amounts -- 68,000, 250,000,
13 \$300,000, \$200,000 -- and my recollection at that time
14 is hearing from you that your mother was in Mexico.

15 Do you remember that?

16 I know I'm reaching back into the past so
17 I -- I'm not asking you to state anything that you don't
18 remember, but I'm just trying to see what you remember
19 from that time.

20 MR. ANTONIO: Yes, yes, I do remember her
21 being in Mexico.

22 MR. BUTERA: So I just want to confirm with
23 you. You're here under oath asking for an application.
24 I know you've had this exposure to the bonding business
25 in the past -- but we had quite a hard time getting

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1 payment on these judgments. Calls to that office would
2 go unanswered or unreturned.

3 I know in conversations, there were
4 promises of payment that never materialized. So we as
5 the State, of course, have an obligation to make sure
6 that the judgments are paid so we sought writs of
7 execution through the treasurer through Precinct 1.

8 Do you remember going through that whole
9 process?

10 MR. ANTONIO: I remember, yes, sir.

11 MR. BUTERA: That the collateral that
12 Ms. Sanchez had been put up was then used to satisfy
13 some of these judgments.

14 MR. ANTONIO: Yes, sir.

15 MR. BUTERA: But it still wasn't quite
16 enough.

17 Do you remember showing up at Precinct 1
18 at some point with cash to pay one of the judgments?

19 MR. ANTONIO: I do remember.

20 MR. BUTERA: Okay.

21 MR. ANTONIO: Yes, sir.

22 MR. BUTERA: I remember getting a call from
23 Precinct 1 or our office getting a call that you had
24 showed up with about -- I don't want to put it in exact
25 terms because I don't remember -- but about a hundred

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1 and twenty thousand dollars in cash money in a cooler to
2 satisfy one of these judgments.

3 Do you remember that?

4 MR. ANTONIO: I don't remember the amount,
5 but I do remember showing up with cash; I do know.

6 MR. BUTERA: Is it safe to say it was a
7 significant amount of money?

8 MR. ANTONIO: Yes.

9 MR. BUTERA: Okay. Took them a good long
10 time to count that and verify that and accept payment on
11 that; is that correct?

12 MR. ANTONIO: That is correct.

13 MR. BUTERA: Okay. So beyond just concerns
14 about having unpaid judgments, can you understand some
15 red flags that might be raised by showing up somewhere
16 with a significant amount of cash?

17 MR. ANTONIO: I totally understand. I
18 mean, we were kind of on a timeframe so that's --
19 that's --

20 I mean, that's the reason we went with
21 the cash to go. We were supposed to show up at a
22 certain time. I didn't really have enough time to get
23 it all together and go get a cashier's check. That's
24 the reason we showed up with the cash.

25 MR. BUTERA: Okay. So per your application

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1 and per the affidavit, you've had duties during the
2 period of employment that have touched all phases of the
3 bonding business; is that correct?

4 MR. ANTONIO: That is correct.

5 MR. BUTERA: Okay. So I have just a couple
6 of questions about that to verify that.

7 For this new license, if a Court enters a
8 final judgment, what is your understanding of how many
9 days you would have to pay that final judgment?

10 MR. ANTONIO: Can you ask that question one
11 more time?

12 MR. BUTERA: Sure.

13 For your license you're about to
14 receive -- which is with an insurance company, Financial
15 Casualty -- if a Court enters a final judgment of
16 forfeiture, what is your understanding of how much time
17 you would have to pay that final judgment?

18 MR. ANTONIO: From when I receive that
19 email that is trying to be paid, that's where I take
20 the --

21 That's where I (inaudible.) payment,
22 right?

23 MR. BUTERA: Okay. I mean, always a good
24 idea to pay things as soon as you know about them.

25 But do you know what the Occupations Code

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1 says about how much time you have to pay a final
2 judgment?

3 MR. ANTONIO: I can't recall right now.

4 MR. BUTERA: Okay. So for an insurance
5 company, it's 11 days. It's generally 30 -- 31st day
6 after a judgment is signed but you have requirements as
7 an applicant for an insurance company to pay a little
8 bit earlier unless a motion for new trial is filed.

9 MR. ANTONIO: Correct.

10 MR. BUTERA: Okay. Let's say a client
11 gives you collateral to post a bond for them. You take
12 either money or possession of a title to a car or
13 something to post the bond.

14 If they give you a written request to
15 return that collateral, and they tell you, listen, all
16 of our payment agreement is over, my criminal case is
17 disposed and they request in writing for you to return
18 that collateral to them, how much time do you have to
19 return that collateral?

20 MR. ANTONIO: I believe it's within
21 30 days.

22 MR. BUTERA: Yes, yes, excellent.

23 So yes, you have 30 days to return it.

24 When you're accepting money for posting a
25 bond, what document do you have to ensure that you give

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1 the person posting that bond?

2 MR. ANTONIO: A receipt.

3 MR. BUTERA: Excellent, yeah. Perfect.

4 MR. ANTONIO: Business name and license.

5 MR. BUTERA: Yeah, excellent.

6 If a client were to ask you -- a bonding
7 client were to ask you recommend an attorney, what would
8 your response be?

9 MR. ANTONIO: We do not recommend
10 attorneys.

11 MR. BUTERA: Excellent.

12 And then my last question: If a
13 defendant misses court, do you know how long you have to
14 get them back into custody?

15 MR. ANTONIO: From my understanding, it was
16 six months for misdemeanors and nine months in felonies.

17 MR. BUTERA: Perfect. That's good. Yeah,
18 that's perfect.

19 Okay. You've answered my question.

20 Thank you, sir.

21 MR. ANTONIO: Thank you, sir.

22 CHAIRMAN STRICKLAND: Judge Rodriguez ...

23 HONORABLE RODRIGUEZ: Yes, sir.

24 Well, it's an honor to be here today. As
25 you know before serving on the Bail Bond Board and now,

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1 I have the honor of serving as vice chair next -- beside
2 this gentleman right here.

3 My father, Judge Armando V. Rodriguez,
4 was here for many years and had a lot of experience.
5 And sometimes, I think, you know, if he's not in
6 court -- he's retired now. Daddy, I wish you could see
7 this.

8 And I'll say that today is a proud day
9 for your family. And assuming arguendo that everything
10 goes through today, I'll have to just tip my hat to you
11 and your family and I trust that in spite of the
12 circumstances that brought you here today, that you will
13 do your best and you will give honor to the legacy that
14 has begun before you. I wish you luck. Thank you.

15 MR. GOOD: Thank you for your kind word.

16 HONORABLE RODRIGUEZ: No further questions
17 from me.

18 CHAIRMAN STRICKLAND: Judge Baldwin ...

19 HONORABLE BALDWIN: No questions, sir.

20 Kind words from Judge Rodriguez -- whom I
21 admire very much. So take care. Sorry to hear about
22 your loss.

23 MR. ANTONIO: Thank you.

24 HONORABLE BALDWIN: You're very welcome.

25 CHAIRMAN STRICKLAND: Ms. Kase ...

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1 MS. KASE: No questions. Just my
2 condolences.

3 CHAIRMAN STRICKLAND: You know, I have a
4 couple of questions.

5 Mr. Butera brought up the W -- the 1099
6 that you had.

7 Were you an employee with your mother?

8 MR. ANTONIO: Yes, sir, I was.

9 CHAIRMAN STRICKLAND: Did she not deduct
10 taxes and pay the taxes?

11 MR. ANTONIO: Well, we pay our own taxes.
12 She does 1099s.

13 CHAIRMAN STRICKLAND: Because if they're
14 deducted taxes, it should be a W-2.

15 SERGEANT DELEON: So the Sheriff's Office
16 can speak that we actually called. We had the same
17 question and I had Deputy Kern call and all of their
18 employees are paid with 1099s.

19 MR. OSBORNE: Is that legal?

20 SERGEANT DELEON: Is what -- is what they
21 told us so ...

22 CHAIRMAN STRICKLAND: No, it's not.

23 MR. OSBORNE: It's a labor violation,
24 right?

25 SERGEANT DELEON: That's what was told to

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1 us on the phone.

2 Am I speaking correct, Deputy Kern?

3 DEPUTY KERN: Yes, sir.

4 SERGEANT DELEON: Yes.

5 CHAIRMAN STRICKLAND: If you have employees
6 that work over a certain number of hours, you must
7 deduct the taxes and pay them, the IRS. I send the IRS
8 a check every two weeks and then my CPA files a
9 quarterly report about all the taxes that I've paid on
10 my employees and I withdraw FICA and social security and
11 et cetera.

12 You know -- and I know that you've been
13 through a lot of with your brother and whatnot and
14 trying to get a license and you're training --

15 My job here is to keep a level playing
16 field --

17 MR. ANTONIO: I understand.

18 CHAIRMAN STRICKLAND: -- among everybody
19 that comes in as an applicant.

20 MR. ANTONIO: Yes, sir.

21 CHAIRMAN STRICKLAND: And I want everyone
22 to be on the same ground and the same playing field.

23 During your training, do you know how
24 long you have to file a federal review?

25 This is one of the things --

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1 Because if you pay a judgment --

2 SERGEANT DELEON: Right.

3 CHAIRMAN STRICKLAND: -- and then you still
4 continue chasing the defendant -- the bail jumper -- if
5 you catch them, you can file a federal review to get a
6 portion of your money back.

7 SERGEANT DELEON: Correct.

8 CHAIRMAN STRICKLAND: But you have to know
9 how long you've got to file that.

10 Did you ever learn that?

11 MR. ANTONIO: Yes, yes.

12 So I actually got people that help me do
13 that now.

14 CHAIRMAN STRICKLAND: But you're the
15 licensee.

16 How long do you have --

17 Do you know how long you have?

18 MR. ANTONIO: (No audible response.)

19 CHAIRMAN STRICKLAND: Okay. It's two
20 years, all right?

21 And regarding the receipts that you were
22 asked about, do you know the elements that you have to
23 put on that receipt?

24 MR. ANTONIO: I do, yes, sir. The --

25 The case numbers, the -- the names of

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1 obviously the people that are paying, the license to the
2 actual bonding company license. So it's the money
3 amount, case -- case numbers, the court and the name of
4 the person that's paying.

5 CHAIRMAN STRICKLAND: Okay. And I noticed
6 also your application, you have an ID card, not a
7 driver's license.

8 Do you have someone to drive you around
9 all the time?

10 MR. ANTONIO: Yes, I do. My wife.

11 CHAIRMAN STRICKLAND: Your wife? Your wife
12 drives you around all the time?

13 MR. ANTONIO: All the time.

14 CHAIRMAN STRICKLAND: I understand that
15 'cause mine does, too, okay.

16 MR. ANTONIO: Yes, sir.

17 CHAIRMAN STRICKLAND: But I just wanted to
18 ask that. I have -- I have no further questions.

19 SERGEANT DELEON: So this is Sergeant
20 DeLeon. I'm actually going to --

21 I'm only going to make this motion to
22 table only because of the current warrant, the
23 misdemeanor warrant that's out and give you time to take
24 care of it before the Board can actually -- I feel the
25 Board should make an approval on a new license.

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1 So I motion to table just so he can get
2 those affairs in order.

3 CHAIRMAN STRICKLAND: I have a motion to
4 table.

5 HONORABLE RODRIGUEZ: Do we know how old
6 the capias pro fine is?

7 SERGEANT DELEON: '16 -- 2016.

8 HONORABLE RODRIGUEZ: Okay.

9 CHAIRMAN STRICKLAND: Five years.

10 SERGEANT DELEON: It was a -- it's a
11 traffic --

12 He had a traffic violation with the City
13 of Houston that wasn't found initially because he
14 submitted the application with an ID card, but he had a
15 driver's license years back. And this was one that he
16 had not taken care of, yeah.

17 CHAIRMAN STRICKLAND: So I have a motion to
18 table. Need a second.

19 HONORABLE RODRIGUEZ: Gentlemen, just a
20 quick issue. I'm looking at this. It's not purely a
21 fresh license situation.

22 So what are your thoughts on if we get
23 some preliminary assurances that they will make it a
24 first priority to address this capias pro fine within
25 the next 30 to 60 days?

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1 I know sometimes you can't necessarily
2 clear a certain capias within 30 days -- let's just say
3 the options for clearing it. Sometimes, if you don't
4 want to do jail time, they take a little longer. So I
5 wouldn't want to pressure the gentleman to take an
6 option that expires in 30 days or less.

7 So I was thinking what are your thoughts on
8 giving him about 30 to 60 day window to address that one
9 misdemeanor capias pro fine and we can go ahead and
10 proceed with the license today?

11 MR. GOOD: With -- he has already hired
12 counsel to address this.

13 HONORABLE RODRIGUEZ: Okay. That's --

14 SERGEANT DELEON: Well, I've already made a
15 motion. So actually, if I doesn't get seconded, then
16 you can make -- yeah. If it doesn't --

17 If nobody seconds my motion, we don't
18 vote on it, then most definitely, Judge, you can -- you
19 can have a -- make a motion with that.

20 HONORABLE RODRIGUEZ: Well, it's just --

21 With all due respect to you, my concern
22 is that the outstanding obligations that may roll over.

23 SERGEANT DELEON: Well ...

24 No. I was just -- because it was five
25 years old. I mean, mine is just the length of time that

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1 it has been out there. That was the only reason.

2 HONORABLE RODRIGUEZ: Yes, sir.

3 SERGEANT DELEON: And we actually --

4 So because it was done in an ID card --
5 this is already the third time that it's happened to me,
6 right, which is why we've actually looked for a DL.

7 Because sometimes, you know, we just -- we just -- we
8 feel something's out there. And on all three cases, it
9 just so happens that it -- I've been correct, you know.

10 So I just -- because it's been so long,
11 five years, that's why I made the motion but ...

12 HONORABLE RODRIGUEZ: Okay.

13 SERGEANT DELEON: If I don't get a second,
14 I'm good.

15 CHAIRMAN STRICKLAND: I have a motion --

16 MR. OSBORNE: I have a question.

17 Do we have a mechanism to bring someone
18 back in 30 days or 60 days to confirm something has
19 happened that we wanted to happen?

20 MS. KASE: That -- yeah, that's my question
21 as well.

22 MR. OSBORNE: And the first time asking to
23 prioritize it and we're not going to see him for another
24 year, that's one thing. It's a different thing if he's
25 going to be back in 30 days or 60 days to confirm it.

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1 HONORABLE RODRIGUEZ: Go ahead and let him
2 address that, see if they have made (inaudible.).

3 MR. ANTONIO: To be honest, I actually --
4 Before when I started filing the
5 application doing all my paperwork, I actually took it
6 upon myself to hire an attorney that looks into warrants
7 and stuff like that and I have -- not with me -- but I
8 have receipts that I actually made -- just made sure
9 that I didn't have anything so when I came before you
10 guys -- you know, I wouldn't have went into this. It's
11 to my understanding that everything was taken care of.
12 You know, so I am a little surprised now. Now, based on
13 what you were saying, maybe that last one didn't come
14 out of the system fast enough to --

15 MR. GOOD: To answer your question
16 directly, we would be more than happy to come back in 30
17 days and give a report of the status of this specific
18 issue. And -- and so that the Board will know what the
19 status of it is.

20 MR. BUTERA: Actually, I was going to ask
21 this: Do you have the information?

22 So now, you just got it, correct?

23 MR. ANTONIO: Yes, sir.

24 MR. BUTERA: Okay.

25 MR. OSBORNE: Just for the record, what did

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1 you hand him?

2 SERGEANT DELEON: I handed Marco the record
3 from the City on his old driver's license number.

4 MR. GOOD: His tire less than 2/32 tread.

5 MR. OSBORNE: What?

6 SERGEANT DELEON: It's a capias -- yeah,
7 it's the -- it's a --

8 MR. GOOD: And that's what the original
9 ticket was, probably for failure to appear for that --

10 SERGEANT DELEON: Yeah.

11 MR. GOOD: -- ticket. A tire less than
12 2/32 inch tread.

13 SERGEANT DELEON: Yeah. It's a multiple
14 warrant.

15 MR. OSBORNE: What is the --

16 What are you keep calling it? The
17 capias, Judge?

18 SERGEANT DELEON: Yeah.

19 So what happens is when you fail to
20 appear --

21 MR. OSBORNE: Uh-huh.

22 SERGEANT DELEON: -- then the Judge --

23 Judge, you can speak on a capias.

24 Can you speak on a capias for me? I
25 don't want to misquote.

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1 MR. OSBORNE: What does capias mean? I
2 don't --

3 MR. BUTERA: It's a warrant.

4 HONORABLE BALDWIN: It's a warrant. That's
5 it.

6 MR. OSBORNE: Okay.

7 MR. GOOD: It's a warrant edict by the
8 clerk.

9 HONORABLE BALDWIN: "Now, we want you to
10 come to court. We'll issue this warrant for your
11 arrest".

12 HONORABLE RODRIGUEZ: A lingering ticket
13 that you didn't address and it can become a capias pro
14 fine.

15 MR. OSBORNE: I've been there once or
16 twice.

17 SERGEANT DELEON: As the Judge just says, I
18 want to see you because you didn't come. That's really
19 what it boils down to.

20 MR. GOOD: On my bar exam, I didn't know
21 what a capias was so I said it was a superman warrant.

22 HONORABLE BALDWIN: But in this instance
23 and for those, you can pay the fine. You can pay
24 (inaudible.) and then it all goes away.

25 SERGEANT DELEON: It all goes away.

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1 HONORABLE BALDWIN: And just to confirm,
2 you may very well have paid it all and it not cleared in
3 time for this hearing today. That's one thing I might
4 note.

5 But secondly, given the circumstances,
6 would there be sort of a lost of business, in other
7 words, everything has to stop --

8 SERGEANT DELEON: Oh, no.

9 HONORABLE BALDWIN: -- until this is taken
10 care of?

11 MR. BUTERA: No.

12 I just note -- and Ken, I don't want to
13 step on your toes. But this license --

14 Mr. Hernandez's license is being -- the
15 runoff or the maintenance of that license is being
16 handled by Sharon McCleveland who's another FSC agent,
17 correct?

18 MR. GOOD: Yes.

19 MR. BUTERA: And if --

20 The last item on our agenda today is if
21 this were to get approved, then Mr. Marco's would take
22 over the runoff and handling; but if not, Sharon would
23 still be available to -- Ms. McCleveland.

24 MR. GOOD: So I believe we're in a
25 short-term plan and a long-term plan and we're in the

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1 middle of the short-term plan, that this would allow us
2 to move to the long-term plan.

3 And I'd just point out on here that the
4 failure to appear has been resolved. It says zero owed.
5 It's only the ticket for the tire less 2/32 that has
6 anything that's still a balance due on it and it's \$238.

7 SERGEANT DELEON: Exactly. It's just
8 money. I know it's just money, okay.

9 CHAIRMAN STRICKLAND: Again, I have a
10 motion before the Board. Is there a second?

11 Last call. I have a motion before the
12 Board. Is there a second?

13 Hearing none, that motion is dismissed.

14 Chair will entertain another motion?

15 HONORABLE RODRIGUEZ: Judge Rodriguez moves
16 to approve with the impending assurances that were
17 mentioned about a 30-day status regarding a capias pro
18 fine taking into consideration, that it sounds like a
19 violation that needs to be resolved.

20 HONORABLE BALDWIN: Judge Baldwin will
21 second that.

22 CHAIRMAN STRICKLAND: All right. Any other
23 discussion?

24 MR. OSBORNE: I'll say for the record,
25 though, I am going to request that we have an agenda

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1 item within 30 days to confirm.

2 CHAIRMAN STRICKLAND: We can't -- we can't
3 do that. We can either approve it or not approve it.
4 We can table it, but we can't -- we can't do a
5 conditional approval.

6 MR. BUTERA: No, no, no. I just mean -- I
7 think --

8 MR. OSBORNE: I'm just stating for the
9 record I want some sort of confirmation.

10 MR. GOOD: Yeah.

11 MR. BUTERA: Mr. Osborne's not -- I don't
12 want to put words in your mouth. You're not saying it's
13 conditional.

14 MR. OSBORNE: Right.

15 MR. BUTERA: You just want the follow-up to
16 say it's happened.

17 MR. OSBORNE: Right.

18 MR. BUTERA: So you could put an agenda
19 item to say verification that this item has been taken
20 care of on next --

21 CHAIRMAN STRICKLAND: What if it hasn't
22 been taken care of?

23 MR. BUTERA: Then we've lost any power to
24 do anything about it because we've already approved the
25 license.

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1 MR. GOOD: We will give you a report that
2 it has been --

3 CHAIRMAN STRICKLAND: No -- no doubt. I'm
4 just clarifying --

5 MR. BUTERA: Yeah.

6 CHAIRMAN STRICKLAND: -- for my fellow
7 Board Members the actions.

8 I have a motion to approve and a
9 second.

10 MR. BUTERA: Just to be clear to put
11 everything on the table. Not only could we not do
12 anything about it if it wasn't taken care of, it's also
13 not an Occupations Code reason to deny an application in
14 the first place. I think for good faith purposes, we
15 want to know your conscious and --

16 MR. ANTONIO: Absolutely.

17 MR. BUTERA: -- in keeping up with your
18 personal business. But in terms of the licensing
19 requirements, that alone would not be sufficient to
20 defeat a request for a license. You meet all the other
21 requirements.

22 MR. ANTONIO: Thank you.

23 MR. BUTERA: The Board is --

24 MR. ANTONIO: We'll take care of it.

25 MR. BUTERA: -- obligated to give you a

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1 license so -- eventually. But I do think just as a
2 matter of good faith and taking care of your own
3 business, we would like you to -- not to speak for
4 everyone -- but like you to take care of it. And based
5 on your representations, I believe you will.

6 MR. GOOD: Well, then I will just point
7 out -- and I'm sure Michael will verify this. But while
8 the violation alone is not grounds to deny a license or
9 to take a revocation action, a misrepresentation --

10 MR. BUTERA: Actually --

11 MR. GOOD: -- at a Board meeting on an
12 application is grounds --

13 MR. BUTERA: True.

14 MR. GOOD: -- for the Board to take action.

15 And so if the Board concludes that we've
16 misrepresented something today, you can take any action
17 it wants.

18 MR. BUTERA: Very true. That's a great
19 point.

20 CHAIRMAN STRICKLAND: I have a motion and a
21 second.

22 Any further discussion?

23 HONORABLE RODRIGUEZ: Just finally, I thank
24 you for the intent of that motion and I know in the
25 future it will come into play if there were different

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1 facts present.

2 SERGEANT DELEON: Oh, no, Judge. I
3 appreciate that comment. I just -- I just wanted to
4 give him time to take care of it. That's all I wanted
5 to do.

6 CHAIRMAN STRICKLAND: All those in favor of
7 the motion, say aye.

8 THE BOARD: Aye.

9 CHAIRMAN STRICKLAND: Any opposed?

10 SERGEANT DELEON: I oppose.

11 CHAIRMAN STRICKLAND: I got one opposition
12 from Sergeant DeLeon.

13 The motion passes. Congratulations, sir.

14 MR. GOOD: Thank you.

15 MR. ANTONIO: Thank you.

16 CHAIRMAN STRICKLAND: All right. Number 4,
17 notice and request made by Financial Casualty & Surety
18 to list Agent Andy Hernandez DBA Fearless Bail Bonds,
19 License No. 74587 home office, satellite office and
20 phone numbers to Agent Marcos Antonio DBA Fearless Bail
21 Bonds II to run off open liability on a long-term basis.
22 Agent Sharon McCleveland will no longer be using the
23 below: 2826 North Freeway, Houston, Texas 77009;
24 7434 Brownwood Street, Suite B, Houston, Texas 77020.
25 Phone numbers: (832) 940-1744 and (713) 862-8888.

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1 Those are numbers --

2 Mr. Antonio, those are numbers on your
3 application, correct?

4 MR. GOOD: Okay. Are those numbers that
5 Fearless used to use, those are the numbers on your
6 application?

7 MR. ANTONIO: That is correct.

8 CHAIRMAN STRICKLAND: Okay.

9 MR. ANTONIO: Yes.

10 CHAIRMAN STRICKLAND: So having said that,
11 those have been approved. This is a notice to the Board
12 and I will mark it noted by the Board and you take over
13 those licenses, okay?

14 MR. ANTONIO: Yes, sir.

15 CHAIRMAN STRICKLAND: So do we have
16 anything else with the Bail Bond Board?

17 SERGEANT DELEON: No, sir.

18 CHAIRMAN STRICKLAND: Chair will entertain
19 a motion to adjourn.

20 MR. BUTERA: Michael Butera. I'll make a
21 motion to adjourn.

22 MS. KASE: Seconded by Kathryn Kase.

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

25 THE BOARD: Aye.

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CHAIRMAN STRICKLAND: Any opposed?

Thank you ladies and gentlemen. We'll see you next month.

(Meeting adjourned at 2:05 p.m.)

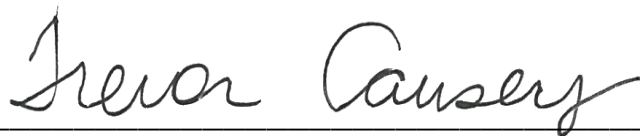
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1 STATE OF TEXAS)
2 COUNTY OF HARRIS)

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 September, 2021.

18 

19 Trevor Causey
20 Notary Public in and for
The State of Texas
My Commission expires 5/24/2025

21 Court Reporter's Clearinghouse
22 Firm Registration No. 62
1225 North Loop West, Suite 327
23 Houston, Texas 77008
Phone: 713 467-7900