

HARRIS COUNTY BAIL BOND BOARD - May 11, 2022

HARRIS COUNTY BAIL BOND BOARD

MEETING MINUTES

1001 Congress Street

Houston, Texas 77002

MAY 11, 2022

1:36 P.M.

**HARRIS COUNTY BAIL BOND BOARD - May 11, 2022**

A P P E A R A N C E S

- Honorable Angela D. Rodriguez, Vice Chairman
- Michael Butera, designee for District Attorney Kim Ogg
- Honorable J. Elaine Marshall, Director and Presiding Judge for the City of Houston Municipal Courts
- Honorable Amy Martin, District Court Representative
- Honorable Ashley Mayes Guice, Criminal Court Representative (non-voting)
- Dylan Osborne, Harris County Treasurer
- Kathryn Kase, designee for County Judge Lina Hidalgo
- Marilyn Burgess, District Clerk
- Mario Garza, Bail Bondsman Representative
- Sergeant Sisto DeLeon, designee for Sheriff Ed Gonzalez
- Sheriff Ed Gonzalez, Harris County Sheriff'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 VICE CHAIRMAN RODRIGUEZ: Ladies and  
3 gentlemen, welcome. My name is Judge Angela D.  
4 Rodriguez, and I'm the Vice Chair of the Harris County  
5 Bail Bond Board. We have our meeting today that we will  
6 commence presently.

7 It is May the 11th, 2022 at 1:36, and I  
8 convene the May meeting of the Harris County Bail Bond  
9 Board. A., reading of prior minutes ...

10 MR. BUTERA: I'll make a motion to approve.  
11 There were a second set of minutes for -- were sent and  
12 I didn't see any errors in those.

13 So I'll make a motion to approve those  
14 minutes amended and passed out by the Sheriff's Office.

15 SHERIFF GONZALEZ: Second.

16 VICE CHAIRMAN RODRIGUEZ: Thank you.

17 Do I hear a second? Thank you.

18 Any public comment?

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

21 THE BOARD: Aye.

22 VICE CHAIRMAN RODRIGUEZ: Any opposed?

23 Any abstention?

24 Okay. Motion carries. Thank you.

25 We have B under old business. One,

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1 consider adopting --

2 Consider adopting a new section 19 to the  
3 Harris County Bail Bond Board rules as follows and then  
4 we have the text of the rule.

5 MR. OSBORNE: Chair, I'll make a motion  
6 that we push this to -- after new business.

7 VICE CHAIRMAN RODRIGUEZ: Okay.

8 MR. OSBORNE: I mean, just so we can allow  
9 Troy to be here. I think those were his items, I think.

10 VICE CHAIRMAN RODRIGUEZ: Would you like to  
11 push it after new business or do you want to push it to  
12 next month?

13 MR. OSBORNE: I would say push it to new  
14 business for now (inaudible.).

15 VICE CHAIRMAN RODRIGUEZ: Okay. We'll go  
16 ahead and -- is it -- let me first.

17 Will we be able to skip without a vote?

18 We're going to go ahead and go further  
19 down?

20 BOARD MEMBER: Yeah.

21 VICE CHAIRMAN RODRIGUEZ: Okay. Thank you  
22 very much -- and good afternoon by the way.

23 We're going to move along to C, new  
24 business. One, request for renewal of license, North  
25 River Insurance Company, voir dire incomplete, Agent

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1 Jason Ayala, License No. 74527 DBA 1-Way Out Bail Bonds,  
2 4141 North Freeway, 210a, Houston, Texas 7701 -- strike  
3 that -- 77022. Original date: 7/12/2011. Phone  
4 number: (713) 672-2663. Expiration date: 7/22/2022  
5 for a three-year license.

6 Sir, could you please state your name?

7 MR. AYALA: Jason Ayala.

8 VICE CHAIRMAN RODRIGUEZ: Okay. Please  
9 raise your right hand.

10 (Witness sworn.)

11 VICE CHAIRMAN RODRIGUEZ: Thank you.

12 We're going to go ahead and start with  
13 any questions. Sheriff ...

14 SHERIFF GONZALEZ: Thank you, Judge.

15 This is a renewal. The property was  
16 inspected. All files inspected were in compliance. The  
17 Sheriff's Office knows of no past due unpaid judgments  
18 owed to Harris County as of May 10th of 2022. The  
19 application is complete. We have no other comments on  
20 this application.

21 MR. OSBORNE: No questions from the  
22 treasurer.

23 VICE CHAIRMAN RODRIGUEZ: Judge ...

24 HONORABLE MARSHALL: No questions.

25 MR. BUTERA: This is Michael Butera from

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1 the DA's Office. No questions.

2 VICE CHAIRMAN RODRIGUEZ: Judge ...

3 HONORABLE MARTIN: Judge Martin, no  
4 questions.

5 JUDGE GUICE: Judge Guice, no questions.

6 MS. KASE: Kathryn Kase, no questions.

7 MR. GARZA: Mario Garza, no questions.

8 MS. BURGESS: Marilyn Burgess, district  
9 clerk, no questions.

10 VICE CHAIRMAN RODRIGUEZ: I have no  
11 questions.

12 Is there any public comment on this item?

13 Hearing none, do I hear a motion?

14 SHERIFF GONZALEZ: I make a motion to  
15 approve the renewal.

16 VICE CHAIRMAN RODRIGUEZ: Any second?

17 MS. KASE: Kathryn Kase, second.

18 VICE CHAIRMAN RODRIGUEZ: Counsel Kase  
19 seconds.

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

22 THE BOARD: Aye.

23 VICE CHAIRMAN RODRIGUEZ: Any opposed? Any  
24 abstentions?

25 The ayes have it. Motion carries.

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1                   It's approved. Congratulations.

2                   MR. AYALA: Thank you.

3                   VICE CHAIRMAN RODRIGUEZ: Under new  
4 business, Number 2 ...

5                   Before we go to new business, I'm going to  
6 go ahead and have everyone introduce themselves quickly,  
7 if you may.

8                   SHERIFF GONZALEZ: Harris County Sheriff's  
9 Office, Ed Gonzalez.

10                  MR. OSBORNE: County treasurer,  
11 Dylan Osborne.

12                  HONORABLE MARSHALL: Judge Elaine Marshall,  
13 Municipal Courts.

14                  MR. BUTERA: Michael Butera sitting as a  
15 designee for District Attorney's Office, Kim Ogg.

16                  VICE CHAIRMAN RODRIGUEZ: Justice of the  
17 peace, Angela D. Rodriguez, Vice Chair.

18                  HONORABLE MARTIN: Judge Amy Martin,  
19 criminal district courts.

20                  HONORABLE GUICE: Judge Ashley Guice,  
21 court -- county criminal courts.

22                  MS. KASE: Kathryn Kase, designee of Harris  
23 County judge, Lina Hidalgo.

24                  MR. GARZA: Mario Garza, bail bondsman rep.

25                  MS. BURGESS: Marilyn Burgess, district

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1 clerk.

2 VICE CHAIRMAN RODRIGUEZ: Thank you.

3 Under new business, Number 2, request made  
4 by FCIC Kevin Wayne Glenn DBA Bond Commander, License  
5 No. 74575 to release a certificate of deposit in the  
6 amount of \$50,000. JP letters mailed on March the 24th,  
7 2022.

8 Do we have any public comment on this item?

9 Thank you.

10 Hearing none, at this time, we will turn to  
11 discussion beginning with our sheriff who can let us  
12 know a little bit more about this item.

13 SHERIFF GONZALEZ: Yes, Judge.

14 This is a request for return of money.  
15 Letters were mailed out to the JP judges with 30 days  
16 notice given to respond. The Sheriff's Office received  
17 no information that any unpaid judgments were due as of  
18 May 10th of 2022.

19 VICE CHAIRMAN RODRIGUEZ: Thank you.

20 MR. OSBORNE: No questions.

21 HONORABLE MARSHALL: Judge Elaine Marshall,  
22 no questions.

23 MR. BUTERA: This is Michael Butera from  
24 the Sheriff's Office.

25 We don't actually have anyone here from the



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1 corporation or do we from -- no.

2           So I'll just let the Board know that  
3 although there are no unpaid final judgments, there are  
4 still two outstanding bonds on this license, two felony  
5 cases that are still open, one in the 176, one in the  
6 180th for a total of \$70,000.

7           So since this is a return of collateral to  
8 close out the license which was actually -- they let it  
9 lapse or expire in July of 2021 -- I think is correct.  
10 So a little premature to ask for the refund of the  
11 collateral with bonds still pending.

12           So I don't know if anyone has any comments  
13 or questions, but I would ultimately make a motion to  
14 refuse the request at this time. And of course, they  
15 can come back once those cases are closed and the  
16 collateral can be refunded at that time.

17           VICE CHAIRMAN RODRIGUEZ: Okay. Let's hear  
18 the discussion from everyone else and then we'll move to  
19 the motion.

20           Go ahead, Judge.

21           HONORABLE MARTIN: Judge Martin, no  
22 questions.

23           HONORABLE GUICE: Judge Guice, no  
24 questions.

25           MS. KASE: Kathryn Kase, no questions.

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1 MR. GARZA: Mario Garza, no questions.

2 MS. BURGESS: Marilyn Burgess, no  
3 questions.

4 VICE CHAIRMAN RODRIGUEZ: Okay. Do we have  
5 any motions on this item?

6 MR. BUTERA: We'll make a motion to deny  
7 the request at this time. Of course, they can come back  
8 later when they're totally cleared to get back  
9 collateral refund.

10 HONORABLE MARTIN: Judge Martin, second.

11 VICE CHAIRMAN RODRIGUEZ: Okay. Any  
12 further discussion? Any ab --

13 Okay. We can vote on it now if you'd  
14 like. I'm going to go -- yes, ma'am.

15 MS. KASE: No. I said yeah, let's go for  
16 it.

17 VICE CHAIRMAN RODRIGUEZ: Let's ...

18 MS. KASE: Let's ...

19 VICE CHAIRMAN RODRIGUEZ: I call a vote at  
20 this time.

21 All those in favor of the motion -- of the  
22 motion to deny the request at this time, signify by  
23 saying aye.

24 THE BOARD: Aye.

25 VICE CHAIRMAN RODRIGUEZ: Any opposed? Any

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1 abstentions?

2                   The ayes have it. At this time, this  
3 request is denied.

4                   We have two more items on our new  
5 business, and then we will briefly touch on the old  
6 business and that should be all.

7                   And once again as I said in the past,  
8 thank you so much for helping us keep order and we  
9 appreciate it.

10                   Under new business, Item 3, request made  
11 by Counsel Kathryn Kase for a report from the Harris  
12 County Sheriff or his designee regarding rollout of and  
13 compliance with new rule requiring bonding companies and  
14 agents to: One, collect the minimum premium amount  
15 before posting bond for certain crimes; and two, report  
16 the premium amount collected before a surety bond is  
17 posted.

18                   Are we going to go ahead and have some  
19 discussion? Do we have any public comment at this time  
20 on this item?

21                   Hearing none, we'll go ahead and start  
22 with the Sheriff for any discussion on this item.

23                   SHERIFF GONZALEZ: Thank you, Madam Chair.

24                   The Sheriff's Office requested it receive  
25 from the County Attorney's Office an affidavit for the

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1 bonding community use when posting a bond for one of the  
2 17 serious violent or sexual offenses listed in Local  
3 Rule 19 as it was updated. As of April 23rd, 2022, the  
4 Sheriff's Office started requesting and receiving  
5 affidavits from the bonding community.

6 I want to state that this is currently a  
7 completely manual process from collecting the paper  
8 affidavit to verification, that one was received if  
9 needed. We are presently recording numbers manually on  
10 an Excel spreadsheet and we can report the following.  
11 And just as a side note to that, we are working to see  
12 if we could automate that information so that we could  
13 then collect it because it's a tedious process right  
14 now. We're trying to roll this out, you know, in  
15 realtime.

16 But between April 23rd and April 30th --  
17 basically the month of April -- the Sheriff's Office  
18 received 377 felony surety bonds. Those are from the  
19 bonding companies. Of those, 94 felony surety bonds  
20 taken require an affidavit. And of those, we've  
21 received 91 affidavits, that they were in compliance.  
22 Only three were not received and so our bonding team is  
23 currently working to resolve those discrepancies to find  
24 out what happened with those three, but the vast  
25 majority were in compliance with the new local rule as

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1 updated.

2           Sergeant DeLeon, that's my team member  
3 here with me. Him and his team are working, again, to  
4 see if we can automate this information. Since a  
5 rollout of this new procedure, the focus has been on  
6 really just start collecting the information for Local  
7 Rule 19.

8           The Sheriff's Office will start having  
9 bonding companies maintain a report/log that captures  
10 the requested information, having it available on demand  
11 by the Board -- to the -- by the Board unless anyone has  
12 a different opinion. This topic is very fluid and we  
13 are open to the discussion of collecting the data  
14 requested on Rule 20.

15           VICE CHAIRMAN RODRIGUEZ: Thank you so much  
16 for keeping us posted and thank you for your hard work.

17           SHERIFF GONZALEZ: Thank you.

18           VICE CHAIRMAN RODRIGUEZ: We'll continue  
19 with the discussion.

20           Mr. Osborne ...

21           MR. OSBORNE: I would just ask: Is that  
22 approximately a fairly standard number as far as that  
23 monthly time period? I guess I'm trying to judge how  
24 onerous this is for your office.

25           SERGEANT DELEON: Yes.

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1 MR. OSBORNE: Pretty standard?

2 SERGEANT DELEON: It's pretty standard.

3 MR. OSBORNE: So around -- what -- 25 a  
4 day?

5 SERGEANT DELEON: Roughly, yes. Possibly.

6 MR. OSBORNE: So Sheriff Kern is staying  
7 busy.

8 SHERIFF GONZALEZ: He's staying ...

9 MR. OSBORNE: All right. Thank you. No  
10 further questions.

11 VICE CHAIRMAN RODRIGUEZ: Judge ...

12 HONORABLE MARSHALL: No questions, Judge  
13 Marshall.

14 VICE CHAIRMAN RODRIGUEZ: Counsel ...

15 MR. BUTERA: This is Michael Butera. No  
16 questions or comments at this time.

17 VICE CHAIRMAN RODRIGUEZ: Judge ...

18 HONORABLE MARTIN: This is April 23rd  
19 through 30th, right?

20 SHERIFF GONZALEZ: Yes, Judge.

21 HONORABLE MARTIN: Okay. Thank you.

22 VICE CHAIRMAN RODRIGUEZ: Judge ...

23 HONORABLE GUICE: Judge Guice, no  
24 questions.

25 VICE CHAIRMAN RODRIGUEZ: Counsel ...

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1 MS. KASE: Kathryn Kase. I just want to  
2 say thank you.

3 MR. GARZA: Mario Garza. My question is --  
4 Okay. So in a month, will it be a --  
5 I guess, the fluidity of it would be more accurate  
6 because you're taking it in and doing it manually as you  
7 say, in say a month or so.

8 When it becomes automated, will there a --  
9 I guess we'll assume it's going to be more accurate.

10 SHERIFF GONZALEZ: I think it's pretty  
11 accurate now because they are still manually going  
12 through it. It's just a matter of speed.

13 MR. GARZA: Right.

14 SERGEANT DELEON: Even though if it's  
15 automated right now, they have to comb through all the  
16 warrants and see which ones are applicable; but once we  
17 are able to get an automated query done where we could  
18 do it automatically, it'll be much more faster.

19 Is that correct?

20 MR. GARZA: Okay.

21 SHERIFF GONZALEZ: Yeah.

22 MR. GARZA: My question ...

23 MS. BURGESS: District Clerk Marilyn  
24 Burgess. I have two questions.

25 First one is: How was this new rule

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1 communicated to the bondsmen industry?

2 SERGEANT DELEON: So we -- Sergeant DeLeon.

3 So the bonding community is often --

4 We often communicate with bonding community  
5 through -- through email. So each bondsman was sent an  
6 email letting them know we were changing this effective  
7 on the 23rd and we had no -- we have no problems with  
8 communicating. And we've received no -- no -- anything  
9 from the bonding community that said they weren't  
10 notified. So all of the 77 bondsmen that are currently  
11 licensed in Harris County were notified on Friday, the  
12 22nd after the hearing. And we knew it was going to go  
13 in (inaudible.)

14 MS. BURGESS: Second question was: Of the  
15 three that you did not have an affidavit of, were these  
16 people released without the affidavit?

17 SERGEANT DELEON: Yes, ma'am, yes.

18 So the affidavit -- and this came from the  
19 County Attorney. Our directions were to not refuse a  
20 bond and not refuse allowing someone to post a bond to  
21 be released but to work to -- to work to give the  
22 information if it wasn't -- if it wasn't presented.

23 MS. BURGESS: Thank you.

24 MR. OSBORNE: Marilyn, to add to that --

25 Mr. Butera, correct me if I am wrong, but



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1 we are not allowed under state law to deny a bond based  
2 on its (inaudible.), correct? Didn't that come up  
3 during our discussion?

4 MR. BUTERA: So it's a disagreement I think  
5 about that. If you look in the Occupations Code, it  
6 advises the sheriff to not take a bond if it fails to  
7 comply with the local rules. So 201 -- 1704.201 --

8 BOARD MEMBER: It's 201.2.

9 MR. BUTERA: The text of it I should read  
10 out for the record is 1704.201, Acceptance of License  
11 Holder Bonds: A sheriff shall accept or approve a bail  
12 bond executed by a license holder in the county in which  
13 the license holder is licensed if, one, the bond is for  
14 a county or district case. And then subsection two --  
15 is what we're talking about -- the bond is executed in  
16 accordance with this chapter and the rules adopted by  
17 the board.

18 So I think different people might be  
19 reading that in different ways. I think you could read  
20 it to say that the sheriff is expected to take into  
21 account the local rules when deciding whether to accept  
22 or not the bond but I'll let the County Attorney speak  
23 to -- their interpretation --

24 COUNTY ATTORNEY: Sure, yeah. I can --  
25 So I'll talk about it in a high level.

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1 There is a lawsuit over this rule so we be careful about  
2 what needs to be said in executive session versus here.  
3 But our view when looking at it is that because Criminal  
4 Procedure 1708 and 1729, the sheriff --

5           If the bond is properly executed, the  
6 sheriff must release the individual. So the affidavit  
7 is not connected to the execution of the bond. It's  
8 just something separate that is a local rule that can be  
9 enforced independently of the execution of the bond but  
10 that is still not connected to actually releasing  
11 someone.

12           MR. OSBORNE: Okay. That's roughly -- I  
13 think that several of us have seen, have an impression  
14 which was that you would still let them out on bond but  
15 it would bring our licensure -- potentially put them in  
16 trouble with us with their license. Because there is a  
17 local -- I mean, there is a rule under the Occupations  
18 Code that does say that they have to confirm all the  
19 rules, correct?

20           COUNTY ATTORNEY: Correct, yes.

21           MR. OSBORNE: So potentially, they would be  
22 in trouble with us but those people should still be let  
23 out. I mean, that's what we were -- we were working on  
24 that assumption.

25           BOARD MEMBER: Michael, you disagree?

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1                   MR. BUTERA: You know, I think the statute  
2 is pretty clear. I think there's some -- I think  
3 there's some interpretive issues.

4                   But my reading of it was that the sheriff  
5 should take into account the local rules whether or not  
6 to release someone but the County Attorney Office thinks  
7 that if the bond is completed in regards to 1708 which  
8 references the bond ...

9                   COUNTY ATTORNEY: And it would have take  
10 into account potentially local rule relating execution  
11 of the bond per that language but this affidavit is  
12 separate from execution.

13                   VICE CHAIRMAN RODRIGUEZ: Treasurer  
14 Osborne, do you have anymore discussion before -- or do  
15 you want to go back?

16                   MR. OSBORNE: (Inaudible.).

17                   VICE CHAIRMAN RODRIGUEZ: Did you have  
18 anything further?

19                   SHERIFF GONZALEZ: I was just going to say  
20 the vast major -- I mean 90 of --

21                   Ninety-four that were required did provide  
22 an affidavit so there's a super majority here that are  
23 complying which is very, very positive. Ninety-one,  
24 we've received affidavits.

25                   So again, it's just three that are in

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1 question. It doesn't mean they didn't comply. It just  
2 means the affidavit wasn't received for one reason or  
3 another. We're trying to track those down. It could be  
4 that they're fully in compliance. We just didn't  
5 receive the affidavit.

6           And again, I commend the team because they  
7 were trying to build a plane as we were flying a little  
8 bit this first month. And I think now in the second  
9 month, we'll get a little bit better sense of what's  
10 going on and then we can, I think, take into account  
11 going forward of -- is it still the right strategy to  
12 maybe go ahead and continue with the bonds or we go  
13 ahead and not accept, then that's something that's still  
14 to be determine, I guess, in the future.

15           VICE CHAIRMAN RODRIGUEZ: Thank you. At  
16 best, we would --

17           At best, we'll say the authorizes are  
18 divided. That's at best at this point.

19           Treasurer Osborne, do you have any further  
20 discussion?

21           MR. OSBORNE: No, no, ma'am.

22           VICE CHAIRMAN RODRIGUEZ: Okay. Judge  
23 Marshall ...

24           HONORABLE MARSHALL: I have no questions.

25           VICE CHAIRMAN RODRIGUEZ: Counsel ...

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1 MR. BUTERA: Nothing further.

2 VICE CHAIRMAN RODRIGUEZ: Okay. Judge ...

3 HONORABLE MARTIN: Nothing further.

4 HONORABLE GUICE: Nothing further.

5 VICE CHAIRMAN RODRIGUEZ: Counsel Kase ...

6 MS. KASE: Nothing further.

7 MR. GARZA: No questions.

8 VICE CHAIRMAN RODRIGUEZ: (Inaudible.).

9 MS. BURGESS: Nothing further.

10 VICE CHAIRMAN RODRIGUEZ: Okay. All right.

11 Hearing no further discussion, we'll move on.

12 Under new business, Number 4 -- it's one of

13 the shortest items I've ever seen but it has some

14 reports.

15 Number 4, advisory magistration and the

16 public safety report.

17 Do we have any public comment on the

18 advisory magistration and public safety report?

19 MR. GARZA: I have a question.

20 VICE CHAIRMAN RODRIGUEZ: Well, if you

21 will --

22 MR. GARZA: Okay.

23 VICE CHAIRMAN RODRIGUEZ: We'll get to

24 discussion just shortly and we'll be able to do that.

25 Let's go ahead and give them a minute.

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1                   Hearing none, we have some opportunity for  
2 discussion or questions about the advisory magistration  
3 and the public safety report and ...

4                   Sheriff, you're ready?

5                   SHERIFF GONZALEZ: No discussion at this  
6 time.

7                   VICE CHAIRMAN RODRIGUEZ: Okay. Treasurer  
8 Osborne ...

9                   MR. OSBORNE: I don't have any questions.

10                  VICE CHAIRMAN RODRIGUEZ: Okay. Mr. Garza,  
11 you had something pending?

12                  MR. GARZA: Yeah.

13                  Is this procedure being applied to the GOBs  
14 and the PR bonds -- are about cases?

15                  MS. KASE: I was the person who put this  
16 trasmittal in. This is actually just from the Office of  
17 Court Administration about the rollout of the public  
18 safety report system. I know it was just mainly I got  
19 it in March. Then the county moved my email and then I  
20 found it. And I thought gee, I think --

21                                 (Recording cut off.)

22                                 (Meeting adjourned at 2:03 p.m.)

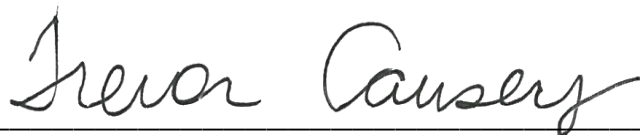
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STATE OF TEXAS )  
COUNTY OF HARRIS )

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

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

GIVEN UNDER MY HAND, on this day, 19th day of July, 2022.



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

Court Reporter's Clearinghouse  
Firm Registration No. 62  
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