



**WILLACY COUNTY BAIL BOND BOARD
WILLACY COUNTY COURTHOUSE
RAYMONDVILLE, TEXAS**

RULES AND REGULATIONS

(Approved by the Willacy Co. Bail Bond Board on June 25, 2009)

EFFECTIVE June 25, 2009.

Pursuant to the provisions of Chapter 1704 of the Texas Occupations Code effective September 1, 1999, hereinafter referred to as "the Act," which Act is adopted in its entirety of all procedures and purposes set out therein, the following rules and regulations are established to govern the setting and taking of bail bonds in Willacy County, Texas, and to regulate persons involved in bail bond business in said county and state.

A. ORGANIZATION OF THE BOARD

1. Board Name

(a) This board shall be known as "The Willacy County Bail Bond Board."

2. Fiscal Year

(a) The fiscal year of the board shall exactly correspond with the fiscal year of Willacy County, unless otherwise specified by the board.

3. Board Meetings

(a) Meetings of the Board are open to the public and shall comply with the Texas Open Meetings Act.

(b) Regular meetings shall be held each month, unless otherwise specified by the board.

(c) Meetings may also be held on call of the Chairman and any two members of the Board, in writing and posting of notice at least 72 hours in advance.

(d) An Emergency meeting may be held at any time upon agreement of any three members of the Board, with notice having been posted for at least 72 hours in advance.

4. Meeting Time, Agendas and Order of Business

(a) Meetings shall be held at **1:30** p.m. on the designated date unless otherwise specified by the board.

(b) All agenda items must be received by the Bail Bond Board Administrator and approved by the Board Chairman no later than two full days prior to posting. All agendas shall be composed and posted by the Bail Bond Board Administrator. Any item submitted after the deadline shall be considered for the next meeting's agenda.

(c) The order of business of each public monthly meeting shall be as follows:

(1) Call to order;

(2) Roll call of members in attendance kept as permanent record;

- (3) Invocation;
- (4) Public Comment (limited to 5 minutes only)
- (5) Reading and adoption of the summarized minutes of the previous meeting;
- (6) Election of officers (when appropriate).
- (7) Report of presiding officer;
- (8) Individual and committee reports, if any
- (9) Discussion and action on reports;
- (10) Old business;
- (11) New business;
- (12) Set meeting date for following month;
- (13) Adjournment;

5. Board Office and Posting of Notices

(a) All notices shall be posted on the bulletin board located in the main floor of the Willacy County Courthouse. The office of the board shall be the District Judge's Office unless notice is posted to the contrary pursuant to resolution of the board.

6. Meeting Location

(a) Meetings shall be held in the Willacy County Courtroom located in the Willacy County Courthouse unless the call there of shall specify otherwise.

7. Election and Duties of Board Officers

(a) At the organizational meeting and annually thereafter at the regular January meeting the board shall choose one of its members by secret ballot to serve as Chairman until the next such annual election, unless he be sooner disqualified. The Chairman shall supervise and be responsible for the actions of the Bail Bond Administrator.

(b) In like manner the board shall choose a vice-chairman who shall act in the temporary absence of the chairman. In the event the chairman is disqualified for any reason before the end of his term the vice-chairman shall automatically become the chairman. In such event, or if the vice-chairman becomes disqualified, at the next regular meeting a new vice-chairman shall be chosen.

(c) Election shall proceed by written ballot without nominations. Each ballot shall reflect the name of the Board member voting, the office being voted for, and the name of the candidate voted for that office. In the event no member receives majority of the votes cast on the first ballot a second ballot shall be taken restricted to the persons receiving votes on the first ballot. In like manner balloting shall continue until a majority is achieved.

(d) The Sheriff of Willacy County shall be the bailiff of this Board.

(e) The County Attorney of Willacy County shall be general counsel for this Board.

(f) The board shall consist of:

(1) **The sheriff** or a designee from the sheriff's office who must be the sheriff's administrator or a deputy sheriff of the rank of at least sergeant;

(2) **A district judge** of the county having jurisdiction over criminal matters and designated by the presiding judge of the administrative judicial district;

(3) **The county judge**, a member of the commissioner's court designated by the county judge, or a designee approved by the commissioner's court;

(4) **a judge of a county court** in the county having jurisdiction over criminal matters and designated by the commissioners court;

(5) **The district attorney** or an assistant district attorney designated by the district attorney;

(6) **a licensed bail bond surety or agent for a corporate surety** in the county elected under Section 1704.0535, or a bail bond surety or agent for a corporate surety licensed in the county who is designated by the elected surety or agent;

- (7) **A justice of the peace;**
- (8) **The district clerk** or the clerk's designee;
- (9) **The county clerk** or the clerk's designee, if the county clerk has responsibility over criminal matters;
- (10) If appointed by the board, **a presiding judge of a municipal court** in the county;
- (11) If the county's principal municipality designates a presiding judge in the municipal court system, the presiding judge or a municipal judge from the system designated by the presiding judge;
- (12) **The county treasurer** or the treasurer's designee; and
- (13) **A criminal defense attorney** practicing in the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants or the designee of the criminal defense attorney.

8. Quorum

- (a) Four members shall constitute a quorum for the transaction of business at all meetings.
- (b) A board shall only take action on a majority vote of the Board Members present.

9. Bail Bond Board Administrator

- (a) The Board shall employ a Bail Bond Board Administrator who shall be responsible for supervising the receipt of applications; the handling of all pre-approval aspects of said applications; issuing post-approval licensee and agent Identification Cards; the preparation of agendas; the preparation and certification of records, transcripts of proceedings, and all other records and certifications deemed as necessary by the Board; the maintenance of records and minutes of meetings; the publication or posting of notices; and the general office affairs not otherwise specifically assigned by these rules and regulations. Bail Bond Board Administrator shall be paid from the General Fund of Willacy County, or as otherwise approved by the Commissioner's Court of Willacy County.

10. Roberts Rules of Order

(a) All proceedings not governed by specific statutory provision or rule of this board shall be conducted in accordance with Roberts Rules of Order and the presiding officer shall be ex-officio Parliamentarian.

B. LICENSING REGULATIONS

1. Application Forms

(a) Applications for a "Bondsman's License" shall be on the form adapted by this board.

(b) Corporate Sureties shall complete a separate application on the form adapted by this board.

(c) Applications for an "Agent's License" shall be on the form as adopted by this Board.

2. Applicant Oath

(a) Where an enclosure or an appendix is required in connection with an application, same shall be firmly affixed to the application and included within the oath as if set forth in the body of the application.

3. Application Procedures

(a) Where an Individual Applicant proposes to do business under an assumed name, a Certified Copy shall be submitted showing an Assumed Name Certificate properly completed and filed of record with the County Clerk of Willacy County. In accordance with Texas Attorney General letter opinion No. 98-068, A Corporate Applicant or Corporate Licensee shall not operate under an assumed name in the bail bonding business in Willacy County unless they provide to the Board express authorization to do so within the Insurance Code or from the Department of Insurance.

(b) Each application shall be submitted in the name of the individual, individual corporation or firm seeking the license.

(c) No agent of a licensee will be permitted to sign as surety any bail bond unless the agent is listed as such in the application for a license submitted by the licensee. If new agents are permitted by the surety to execute bail bonds after the filing of the original application, the licensee will submit to the board in writing a list of the new agents.

(d) Each licensee who permits his designated agents to sign as surety on bail bonds must have a power of attorney on file with the Sheriff's Office before these agents will be permitted to sign as sureties on any bail bonds. No power of attorney may be revoked except by a written revocation filed with the Sheriff of Willacy County, Texas.

(e) All licensees and agents are required to have on file in the Sheriff's Office a signature card before they will be permitted to sign any bail bond as surety.

(f) Upon a request by the Bail Bond Board Administrator, or other Board designee, a licensee shall provide complete list of agents who act for the licensee pursuant to a power of attorney filed with the Willacy County Clerk. The licensee shall notify in writing the Bail Bond Administrator, Bail Bond Board Secretary, or other Board designee when the agent is no longer employed by the licensee.

4. Submission of Applications

(a) New Applications and Renewal Applications must be submitted to the Bail Bond Board Administrator with an original and ten (10) copies no later than 30 days prior to the next Bail Bond Board Meeting;

(b) All applications must be in compliance with the Application Requirements as per the Texas Occupations Code Sections 1704.152 and 1704.154 and any other local rule adapted by the board.

(c) Each application for a "Bondsman's License" must be accompanied by a filing fee of \$500.00. ***This \$500.00 filing fee is not refundable.*** Each applicant is hereby placed on notice that once the application is submitted, the \$500.00 filing fee will not be refunded. (Tex. Occ. Code 1704.154 & 1704.162)

(d) Each application shall include two (2) passport photos of the applicant, one each for the identification card and permanent file.

(e) Applicants may submit a notarized letter as documentary evidence that in the two (2) years preceding the date a license application is filed, the individual has been continuously employed by a person licensed under this chapter for at least one year and for not less than 30 hours per week.

5. Application Investigation

(a) The Bail Bond Board Administrator shall cause such investigation to be made as has been established by resolution of the board or as is required by law.

(b) Upon completion of such investigation the Bail Bond Board Administrator shall furnish a complete copy of all reports together with a copy of the application to each member of the board not less than five days prior to the meeting at which the application is to be considered.

(c) Applications shall be considered ONLY at each regular meeting of the board. NO application shall be considered until all application requirements are completed by applicant and certified as complete by the Bail Bond Board Administrator.

6. Notice to and questioning of Applicant

(a) Each applicant shall be notified by the Bail Bond Board Administrator to appear in person, or in the case of a firm or corporation by designated representative, before the Board on the date his application is to be considered for such hearing under oath as the board or any of its members shall deem proper.

7. Applications Considered in Open Meeting

(a) Discussion of applicants and applications shall be in open session.

8. Voting on Application

(a) The Board shall vote on each application separately, in open session, by voice vote, or, at the discretion of the presiding officer, by roll call vote or hand count.

(b) An Order shall be prepared and signed by all present board members approving or denying all new applications.

9. License Renewal

(a) Renewal applications will be received not more than sixty days nor less than thirty days prior to the expiration date of a license. Renewal applications shall be on forms provided by the board. In the event that the board fails for any reason to act upon a renewal application prior to expiration date, a temporary permit shall be issued pending final action.

(b) In the event that the board fails, for want of a quorum, to act upon a renewal application prior to the expiration date, a temporary permit shall be issued pending final action.

10. Property Bondsmen

(a) Trust deeds executed under Sec. 6(d)2 of the Act shall be recorded by the Sheriff in the deed records of Willacy County. Official tax receipt photocopies of all State, County, City and School District Taxes through the previous tax year must be timely submitted.

(b) Each property bondsman may appoint as many agents to represent them as they desire: provided, however, each agent place on file with the Willacy County Sheriff's Department, the power of attorney and each agent must pay \$50.00 for their application fee made payable to the Treasurer of Willacy County, Texas, said fee to be non-refundable.

(c) Upon the demand of a licensee who discontinues the posting of bail (either voluntarily or otherwise) and who qualifies under the Act for a return of his security, the Sheriff shall execute a release in proper form to be recorded in the deed records.

(d) Property to be conveyed in trust to the board to secure payment any obligations incurred by the applicant shall be free and clear from encumbrances. All submitted real estate must be appraised by an Acceptable Certified Appraiser such as;

(1) Member of Appraiser Institute (M.A.I.) or;

(2) Society of Real Estate Appraisers (S.R.E.A.).

(e) Property does not have to be located in Willacy County.

(f) Applicant agrees to maintain insurance on any improvements on the property against damage or destruction in the full amount of the value claimed for the improvements.

12. Surety Company Bondsmen

(a) Contemporaneously with said deposit, a letter to the Bail Bond Board requiring that any withdrawal or replacement of assets be confirmed through the Bail Bond Board within (30) thirty days prior notification of the same.

(b) The Bail Bond Board Administrator shall maintain a record of the total amount of a license holder's current liability on bail bonds under the Texas Occupations Code, and will provide a list of active bail bonds to a surety on the fifth of each month, if requested. The liability list contains information from the county's criminal justice system. These records are not an official record; they may be inaccurate and/or incomplete. The official record of each bail bond is maintained by the court or clerk of the court where the case is filed. Copies of the official record shall be given to each Board member five (5) days prior to any Board meeting.

13. Statutory Criminal Violations

(a) No licensee may pay any commission or divide any commission or fee with any person, company, firm or corporation that is not permitted to execute bonds, or in any manner pass anything of value to any person for referrals of bond business. This includes agents and employees of a licensee.

(b) No person, firm or corporation that is not licensed to make bail bonds may use a phone number, address or advertising of any kind to solicit or refer business to a licensee or to any other non-licensee. Further, no licensee may use a phone number or address or office of a non-licensee to conduct any bail bond business.

(c) No employee or elected official of Willacy County shall recommend any Bail Bond Company or agent, or attempt to solicit any client for any Bail Bond Company or agent licensed in Willacy County.

(d) Discretionary license suspension or revocations shall be dealt with as per Tex. Occ. Code, § 1704.252.

(e) Mandatory license suspension or revocations shall follow Tex. Occ. Code § 1704.253.

14. Application Withdrawal

(a) An applicant may withdraw an application from consideration by the board by submitting, in writing, a request to withdraw the application prior to the board's vote to approve or disapprove that application.

(b) The applicant shall submit the request to withdraw the application within two (2) weeks after submission of the original application.

(c) The \$500 filing fee for Bondsmen Applications and Surety Applications is non-refundable.

(d) The \$35 filing fee for Agent Applications is non-refundable.

15. Address and Phone Number

(a) A license holder shall maintain an office in the county in which the license holder holds a license.

(b) Not later than the fifth (5) day after the date a license holder opens a new office or moves an office to a new location, the license holder shall notify the board of the location of the office.

(c) If any address or telephone number listed on the most recent application for license should change for any reason, the applicant or licensee shall provide written notice of such changes within five (5) business days to the Bail Bond Administrator.

16. Security Requirements

(a) Individual Surety: Not later than the 90th day after the date the applicant receives notice that the application has been conditionally approved, an individual applicant must deposit with the Willacy County Treasurer **ONE OF THE FOLLOWING** in the amount required by the Texas Occupations Code Chapter 1704, but not less than \$50,000.00 in aggregate:

1. A cashier's check or cash.

2. A certificate of deposit which is:

a. In the name of the Willacy County Treasurer **and** in the name of the individual applicant; and

b. Endorsed by the individual applicant; and

c. Accompanied by a properly completed assignment of the certificate of deposit in the form approved by the board.

3. A deed of trust to nonexempt real property which meets the requirements of the Texas Occupations Code § 1704.155 **and** which has been filed of record in the county clerk's office of the Texas county where the property is located.

(b) Corporate Surety: Not later than the 90th day after the date the applicant receives notice that the application has been conditionally approved, a corporate applicant must deposit with the Willacy County Treasurer **ONE OF THE FOLLOWING** in the amount required by the Texas Occupations Code Chapter 1704, but not less than \$50,000.00:

1. A cashier's check or cash
2. A certificate of deposit which is:
 - a. In the name of the Willacy County Treasurer **and** in the name of the corporate applicant; and
 - b. Endorsed by a corporate officer listed in the most recent annual company statement filed with the Texas Department of Insurance and who is authorized to endorse the certificate of deposit, and
 - c. Accompanied by a properly completed assignment of the certificate of deposit in the form approved by the board **and** signed by a corporate officer listed in the most recent annual company statement filed with the Texas Department of Insurance, and who is authorized to assign the certificate of deposit, and
 - d. Accompanied by the most recent annual statement filed with the Texas Department of Insurance which shows the corporate officers.

17. Security Agreement

(a) All Certificates of Deposit shall be accompanied by a notarized copy of the Willacy County Bail Bond Board Security Agreement, to be completed, and signed by the "Licensed Bail Bond Surety" and the "County Depository", to be accepted by the signature of the Board Chairman. Such form is attached as "Appendix D".

C. Taking of Bail

1. Bail Bond Forms

(a) Bail in Willacy County shall be posted only on Board approved, pre-printed forms in triplicate bearing marks identifying it as applicable only to Willacy County. Said forms shall be sequentially numbered in a pre-approved manner as set forth by this Board and carried out by its Administrator.

(b) Copies of bonds posted are to be submitted to the Bail Bond Administrator on a daily basis or the next business day if the bond is posted on a weekend. If a Bail Bond Company fails to submit copies of bonds on a timely basis to the Bail Bond Administrator they will be issued written warnings by the Bail Bond Administrator by certified mail and regular mail the first two (2) times. After the third time, the Bail Bond Company will be placed on the agenda for the following Board Meeting and will be subject to suspension as per §1704.252 of the Texas Occupations Code.

(c) All bonds posted must be signed by the Owner of the Bail Bond Company or Agent of a corporate surety. If the Bail Bond Board determines a bond does not bear the original signature of the owner of a Bail Bond Company or agent of a Corporate Surety, they will be placed on the Agenda for the following Board Meeting and will be subject to suspension as per §1704.252 of the Texas Occupations Code. In addition, the bond will be submitted to the District Attorney's Office for further investigation on this matter.

2. Bonding Regulations

(a) A list shall be kept by the Bail Bond Board Administrator of all licensed bondsmen in good standing arranged by licensee name, license number, DBA if applicable, mailing address, and phone number.

(b) Below each licensee's information shall be listed all employees who comply with the following requirements:

- (1) Possess a facsimile signature stamp,
- (2) have a power of attorney on file in the County Clerk's Office,
- (3) have a file-stamped copy of the power of attorney in the Sheriff's Office,
- (4) Have a finger print card on file with the Sheriff's Office, and

(5) Have an employee picture Identification Card issued by the Bail Bond Board Administrator.

(c) All licensed bondsmen, attorneys and agents for corporations licensed under these provisions will obtain an identification certificate from the Bail Bond Board. This identification certificate MUST be presented each time a bond is made.

(d) The above mentioned identification certificate will be issued to licensed bondsmen or to designated agents for corporations licensed under these provisions, upon issue of a license. Attorneys must submit a statement of worth to the bail bond committee prior to their being issued this identification certificate.

(e) Persons posting bail under license issued pursuant to this act shall legibly show the number of their license and the county of its issuance on each bail bond.

(f) Any person who has signed as a surety on a bail bond **IN WILLACY COUNTY** and is in default thereon shall thereafter be disqualified to sign as a surety so long as he is in default on said bond. It shall be the duty of the clerk of the court wherein such surety is in default on a bail bond, to notify in writing the Bail Bond Board Administrator and the sheriff, chief of police, or other police officer, of such default. A surety shall be deemed in default from the time execution may be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a supersedeas bond.

3. Oath for License Exemption Bonding

(a) Persons posting bail under legal exemption from the license requirements of this act shall execute, under oath, the applicable form to these rules and regulations.

4. Approval of Bonds

(a) As to bail for prisoners in the Willacy County Jail or for persons who are to be delivered to the Sheriff of Willacy County, bail shall not be effective until approved by the Sheriff of Willacy County or one of his deputies.

(b) As to bail for persons under process from a municipal corporation lying wholly or partly in Willacy County, bail shall not be effective until approved by the official designated by such municipality.

5. Cash Bail

(a) Cash Bail (other than municipal court bail) shall be posted with the Sheriff, who will receipt and account thereof.

D. Exemptions from Licensure

1. Proof of License Exemption Oath

(a) Where any unlicensed person attempts to post bail under an exemption authorized by the law the Sheriff shall obtain written proof under oath of the exemption.

(b) Prior to posting a bond, a person exempt by law shall file and submit to the Bail Bond Administrator a financial statement prepared by a CPA.

2. Attorney Bonding

(a) Attorneys posting bail shall certify that the attorney client relationship arose under conditions not in violation of the canons of ethics or the published rules and regulations of the State Bar of Texas.

3. Legal Compliance Certification

(a) A person posting bail under an exemption shall certify that he is not in default of any of the provisions of Sec. 9(b) of Sec. 15 of the Act creating this Board.

4. Co-Surety Compensation

(a) No person who receives compensation for posting bail may be exempt as a co-surety.

5. Qualification for License Exemption

(a) No person other than an attorney exempted under Sec. 3(b) of the Act, may be exempted from the licensing provisions where he has posted bail as many as three times anywhere in the State of Texas (including the Federal Courts) during the twelve month period immediately preceding the date on which he undertakes to post bail.

(b) Any person claiming exclusion under (a) (above) shall certify under oath his eligibility for such exclusion.

E. INVESTIGATION

1. Duties of Bail Bond Board Administrator

(a) The Bail Bond Board Administrator of the Willacy County Bail Bond Board shall serve as clerk for all proceedings involving alleged violations of Article the Texas Occupations Code, Chapter 1704, or any rules or regulations made pursuant thereto. The duties of the Bail Bond Board Administrator shall be as follows:

- (1) Receive all initial complaints involving violations of the Texas Occupations Code, Chapter 1704, or rules or regulations made thereof;
- (2) Forward all initial complaints to the Office of the District Attorney for an investigation thereof;
- (3) Mail a copy of said complaint to the party complained of by certified mail, return receipt requested or by registered mail;
- (4) Maintain a log for all initial complaints and any subsequent actions taken thereof.

(b) All complaints shall be submitted on the Willacy County Bail Bond Board Complaint Form.

2. Bail Bond Board Administrator Duties

(a) The Bail Bond Board Administrator shall investigate and prosecute all alleged violations of the Texas Occupations Code, Chapter 1704, or any rules or regulations made pursuant thereto.

(b) The duties of the Bail Bond Board Administrator shall be as follows:

- (1) Investigate all complaints received by the Willacy County Bail Bond Board;
- (2) file findings of fact and recommendation for further action with the Willacy County Bail Bond Board not later than thirty (30) days after receipt of the complaint from the of the Bail Bond Board;

(3) Report to the Bail Bond Board as to the investigation and any recommendations made concerning a complaint filed with the Board on the second regularly scheduled meeting of the Bail Bond Board after initial receipt of complaint.

3. Licensee Duty to Respond to Complaint

(a) Upon receipt of the complaint mailed by the Bail Bond Board Administrator, the bondsman must make a full response and file said response with the Bail Bond Administrator within ten (10) days after receiving the complaint. The failure to give a full explanation within that 10 day period is, in itself, grounds for suspension or revocation of the license. The failure of the licensee to pick up the certified mail letter or regular mail letter after having been given two notices by the United States Postal Service is also grounds for suspension or revocation of the Bail Bond license.

4. Board Determines Whether to Hold Complaint Hearing

(a) Upon presentation of the findings of fact and recommendation of the Bail Bond Board Administrator the Bail Bond Board shall make a determination as to whether there is sufficient cause for the Bail Bond Board to hear said matter in a full adversarial hearing.

5. Setting Complaint Hearing

(a) Upon a vote by a majority of the members of the Board, is the Board determines that a full adversarial hearing should be held, the Board shall set a hearing and direct the Bail Bond Board Administrator to present witnesses of said matter before the Board.

6. Notice to Licensee of Hearing

(a) The licensee shall be entitled to 10 days notice in order to prepare for said adversary hearing. Notice shall be sent by certified mail.

7. Chairman to Preside at Hearing

(a) The Chairman of the Willacy County Bail Bond Board shall make all rulings of procedure and determination of law. Findings of fact shall be upon a majority of the vote of those present and voting.

8. Burden of Proof

(a) The findings of fact shall be based upon a preponderance of the evidence.

9. Voting at Hearing

(a) The Bail Bond Board Administrator shall not participate in the deliberations of the Board. In case of a tie vote, the vote of the Chairman of the Board shall be the deciding vote.

(b) After voting, an Order shall be signed and entered by all board members present affirming the board's action.

10. Hearing Open to Public

(a) Hearings before the Board shall be open to the public.

(1) The Board may revoke or suspend a license in accordance with the procedure provided in this section for the violation of any provision of the Texas Occupations Code, Chapter 1704.

(2) Notice of a hearing to suspend or revoke shall be given by both certified mail and regular mail addressed to the last known address of the licensee at least 10 days prior to a date set for the hearing.

(3) The notice shall specify the charges of violation of the Texas Occupations Code, Chapter 1704, against the licensee, and no other charges shall be made at the hearing pursuant to the notice.

(4) The hearing shall afford to the licensee opportunity to be heard, to present witnesses in his behalf, and to question witnesses against him.

(5) A record of the hearing shall be made. It shall be made available to the licensee on his request subject to his paying reasonable costs or transcription.

(6) If the licensee fails to maintain the security deposit at the proper ratio required by the Texas Occupations Code, Chapter 1704, under Subsection (g) of Section 6, the Texas Occupations Code, Chapter 1704, the board shall immediately suspend the license while the violation continues. *No prior notice or hearing is necessary.* Once the proper ratio is regained, the suspension shall be immediately lifted. The Board shall revoke the license with prior notice and hearing if the licensee fails to pay any final judgment connected with the licensee's bonding business within 30 days and there is not sufficient property held as security to satisfy the final judgment.

11. Post Hearing Findings and Board Action

(a) Upon a finding that there has been a violation of Article the Texas Occupations Code, Chapter 1704, or a rule of the Board, the Board shall also determine whether to revoke or suspend said license and the duration thereof.

12. Appeal of Board Action

(a) An appeal may be taken from any Board's order revoking, suspending, or refusing to issue a license. The appeal must be made within 30 days after written notice of the suspension, revocation, or refusal by filing a petition in a district court in the county in which the license is issued or refused.

(b) If no appeal is taken within 30 days after written notice of suspension, revocation, or refusal, such action shall become final.

(c)An appeal shall be by trial de novo, as in proceedings appealed from justice to county courts. The decision of the Board shall have full force and effect pending the determination of the appeal. All appeals taken form actions of the Board shall be against the Board and not against the members individually.

F. MISCELLANEOUS PROVISIONS

1. Other Regulations

(a) The Board shall monthly publish a list of licensees listed randomly as drawn by proper name and showing the business address and telephone number of each licensee.

(b) Following below each name the words "Night Number" shall be printed and the telephone number for night calls, which number may be the same as or different than the regular business number.

(c) No additional listings shall be permitted to any licensee.

(d) The published list may be displayed by posting or other convenient means at or near any place where prisoners are examined, processed, or confined.

(e) No sheriff, peace officer, or his deputy or employee, or clerk or deputy clerk of any court will permit any identifying or emphasizing mark to be made on such published list, or make any indication, gesture or recommendation of any name on such list. If the published list be so marked it shall be the responsibility of said peace officer or clerk to obtain a new unmarked list for display.

(f) If, as, and when a new license is issued a new list including the new licensee shall be published.

(g) No unlicensed person (even though exempt from licensing) may be placed on the list.

2. Licensee Advertising Restrictions

(a) No bondsman (licensed or exempt) shall place, or permit to be placed, any advertising at any place where prisoners are examined, processed, or confined, nor in a location visible from a place where prisoners are examined, processed, or confined. The dissemination of personal or professional cards or solicitation by word, act or deed shall be deemed advertising.

3. Telephone Directory Advertising

(a) Telephone directory advertising for licensee shall be listed in the proper name of the licensee and may contain assumed or corporate names.

4. Sheriff Restrictions on Bonds

(a) Where any licensee shall undertake to post bail in excess of \$5,000.00 in any one case as to any one principal, the Sheriff may require an additional deposit in similar form as the original deposit required by Sec. 6(d)1 so as to bring the total trust corpus to twice the amount of the largest outstanding bond of such licensee. Such additional deposit shall be returned to the licensee when all bail obligations in excess of Five Thousand Dollars have been satisfied.

(b) Where any person is a bondsman by reason of making three or more bail bonds in a twelve month period but is exempt under 3(b) of the Act, the Sheriff may require that such person make a deposit in an amount equal to the largest bond outstanding in similar form as the deposit required by Sec. 6(d)1 or in the alternative a trust deed to property twice the value of the largest bond outstanding in similar form as the trust deed required in Sec. 6(d)2.

(c) Where persons other than bondsmen (either licensed or exempt) undertake to post bail, the Sheriff may either require cash bond, trust deed as described in Sec. 6(d)2, or affidavit of ownership as allowed by general law.

5. Licensee Fees

(a) For the purpose of Section 12 of the Texas Occupations Code, Chapter 1704, where goods or services have been received for the posting of bail, the value of such fee shall be the amount agreed upon between the principal and the surety, or the fair market value of such goods or services, whichever is greater.

(b) Where goods or services have been received by a licensee for the posting of bail in violation of any section of the Texas Penal Code, said licensee's license shall be revoked upon the filing of an affidavit detailing such violation at the office of the Board. Said affidavit may be filed by any prosecuting attorney of Willacy County. The revoked licensee may appear before the next regular meeting of the Board and disprove the allegations of the affidavit in order to be re-licensed.

6. Cash Bail Interest

(a) Where cash be posted in connection with a license and placed on time deposit, the interest there from shall be deposited in the general fund of the county.

7. Board Creation Regulations

(a) As soon as practicable following the organizational meeting of this Board, the Board by resolution shall establish an effective date for the implementation of the procedures outlined by the Act and these Rules and Regulations.

(b) All bail bonds outstanding at that time shall continue in full force and effect.

(c) Bail shall be posted in accordance with usual custom until the effective date.

8. Savings Clause

(a) The rules and regulations promulgated by the Board are in addition to the Texas Occupations Code, Chapter 1704, and in case of a conflict, the statute will prevail.

9. Release of Surety-Cause Disposed

(a) After the effective date of these rules, the clerk of any court governed by these rules shall forward to the Bail Bond Board Administrator a copy of all releases of sureties which are filed in that court; and the Bail Bond Board Administrator shall, as soon as possible, forward the same to the general counsel for this Board. The Affidavit for Release of Surety shall be on the applicable form.

10. Acknowledgment Form

(a) ALL license applicants and their agents must sign and return the Notarized Acknowledgement Form stating that they have read and understand these rules.

APPROVED AND ENTERED this the ____ day of _____, 200____.

Larry Spence, Chairman of the Board