

# FORT BEND COUNTY



## BAIL BONDS BOARD LOCAL RULES

ADOPTED  
DECEMBER 20, 2023

REVISED  
DECEMBER 12, 2012  
FEBRUARY 13, 2013  
JANUARY 21, 2015  
OCTOBER 21, 2015  
JULY 17, 2019  
NOVEMBER 20, 2019  
JUNE 16, 2021

**FORT BEND COUNTY  
BAIL BOND BOARD LOCAL RULES**

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**FORT BEND COUNTY  
BAIL BOND BOARD LOCAL RULES**

**SECTION 1 - GENERAL PROVISIONS**

**1.1 AUTHORITY AND SCOPE OF RULES**

These Rules are adopted by the Fort Bend County Bail Bond Board as authorized by Texas Occupations Code, Section 1704.101

**1.2 PURPOSE**

The purpose of these Rules is to supervise and regulate each phase of the bonding business within the geographic boundaries of Fort Bend County and to adopt and post rules necessary to implement the Texas Occupations Code, Section 1704.101

**1.3 COMPUTATION OF TIME**

- A. The computation of time shall be calendar days rather than business days, unless otherwise required by statute.
- B. Unless otherwise required by statute, in computing time periods prescribed by these Rules, the period shall begin to run on the day after the act, event, or default in question. The day of the act, event, or default on which the designated period of time begins to run is not included in the computation. The period shall conclude on the last day of the designated period.
- C. Any deadline imposed pursuant to these Rules, shall extend to the next business day thereafter in the event that the stated date falls on a day that Fort Bend County or the United States Postal Service is not open for business.

**1.4 DEFINITIONS**

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise.

- A. Agent: an independent contractor licensed in Fort Bend County as a bail bondsman and contracted by a Corporate Surety to issue bail bonds on behalf of the Corporate Surety.
- B. Applicant: a person seeking to obtain or renew a Corporate Surety, Corporate Surety's Agent or Individual Surety License in Fort Bend County.
- C. Board: means the Fort Bend County Bail Bond Board.
- D. Bond: cash deposit and any other similar deposit or written undertaking to assure appearance.
- E. Company: an entity engaged in the bail bond business.
- F. County: means Fort Bend County.
- G. Employee: any person who for hire or for any compensation performs work with or on behalf of a Licensee including but not limited to: meets and negotiates with members of the public for the purpose of selling bail bonds; receives money as a fee or money or property as collateral for bail bonds; presents bonds to the Sheriff's Office for approval; and/or interviews or takes information from persons who have been released from jail pursuant to a bond provided by the Licensee.
- H. Licensee: a person licensed hereunder either as an Individual Surety or as Corporate Surety's Agent.
- I. Person: an individual or corporation.
- J. Rules: the Fort Bend County Local Bail Bond Rules

## **SECTION 2 - BAIL BOND BOARD**

### **2.1 MEMBERS**

- A. Board Members shall serve from January 1 through December 31 of each year.
- B. The Board shall elect a chair and vice chair at each January meeting or at the next called meeting upon resignation of the chair or vice chair.

### **2.2 ELECTED BOARD MEMBERS**

- A. The following positions on the Bail Bond Board shall be decided by secret ballot:
  - 1. Licensed Bail Bond Surety representative
  - 2. Criminal defense attorney representative
  - 3. Justice of the Peace representative
- B. Nominations for any Elected Board Member Position shall be submitted to the Bail Bond Administrator beginning November 1 through 5:00pm November 10 of each year.
- C. The Bail Bond Administrator shall make all ballots available online and for pick up beginning November 15 of each year.
- D. Vote Casting is permitted as follows:
  - 1. Each individual licensed in the county as a bail bond surety or as an agent for a corporate surety is entitled to cast one vote for each license held to elect the Board member who is a surety or agent for a corporate surety.
  - 2. Each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the board member who is a criminal defense attorney.
  - 3. Each elected justice of the peace in the county who is not legally prohibited from voting in an election for the purpose is entitled to cast one vote to elect the board member who is a justice of the peace

- E. Executed ballots shall be returned to the Bail Bond Administrator in a plain, unmarked envelope which shall be placed in an exterior envelope signed by the person submitting the ballot. Upon receipt, the Bail Bond Administrator will separate the sealed, unmarked envelope from the exterior envelope and place it in a ballot box. All ballots shall be returned to the Bail Bond Administrator no later than 5:00pm on November 30 of each year.
- F. The Nominee with largest number of the votes for each Elected Board Member Position will be selected as the representative to serve beginning at the following January meeting.
- G. The Board shall use a random selection method to resolve any ties for an Elected Board Member Position.
- H. In the event that an Elected Board Member Position is not filled by named by December 1, the current representative may elect to serve for the next term or vacate the position. If vacated, the position will remain unfilled until such time that the Bail Bond Administrator receives a nomination for the position. The named nominee shall be submitted for approval by the Board at the next regularly scheduled meeting.

### **2.3 BAIL BOND BOARD ADMINISTRATOR**

- A. Pursuant to Occupations Code Section 1704.101, and to the extent funded by Fort Bend County, the Bail Bond Board shall employ a Bail Bond Board Administrator to assist in performing those functions necessary to exercise Board Powers and Duties.
- B. The Bail Bond Board Administrator has the authority to perform the following actions on behalf of the Board:
  - 1. Receive, review, and process all applications for licenses and employee cards;
  - 2. Receive and monitor monthly reports from bondsmen;
  - 3. Compile monthly reports for the Board;
  - 4. Maintain a current total of each bondsmen's potential liability on outstanding bonds;
  - 5. Monitor each bail bondsmen's security and administer mandatory suspensions and reinstatements under Occupations Code Section 1704.253;
  - 6. Conduct periodic inspections of the premises and records of licensed bail bond companies to assure compliance with these rules of the Texas Occupations Code;
  - 7. Receive complaints filed concerning any aspect of the bail bonding business, including initiating investigations based on personal observation of believed violations of law or Local Rules, without requirement of formal complaint being filed;
  - 8. Track case dispositions;
  - 9. Prepare reports required by law to be provided to any other governmental agency (if any);
  - 10. Assist and advise the Board with regard to bond forfeitures and needed action;
  - 11. Assist in preparation of agendas for Board meetings; preparation of agendas; the transcripts of proceedings; the maintenance of records and minutes of meeting; publication or postings or notices;
  - 12. Assist the Board or the County in any other way in order to facilitate the regulation and monitoring of the bail bond business in Fort Bend County;
  - 13. Perform general office activities not otherwise specifically assigned by these rules and regulations.

- C. As funding allows, additional staff may be employed to support the work of the Bail Bond Board Administrator.

## **2.4 MEETINGS**

- A. At the Board's December meeting, a schedule shall be adopted specifying the date, time and place of its regular meetings for the next calendar year.
- B. The Bail Bond Administrator shall post all meeting agendas in compliance with the Texas Open Meetings Act.
- C. Any interested person may request an item to be placed on the Agenda by presenting the request in writing to the Bail Bond Administrator no later than 10 days before the Board Meeting at which it is desired to be discussed and acted upon. The decision to place an item on the meeting agenda shall only be made by a member of the Board.
- D. Any requests for special or emergency meetings shall be by written request to the chair or vice chair of the Board and shall be accompanied by all pertinent data including a written statement of why a special or emergency meeting should be called. Notice for a special or emergency meeting shall comply with the Texas Open Meetings Act. The determination of the need for a special or emergency meeting shall be made at the sole discretion of the chair or vice chair.
- E. Failure to timely submit all necessary documents will result in the matter not being placed on the agenda to be heard by the Board until such time as the item has been submitted timely and in complete form.
- F. Attendance at Meetings
  - 1. Licensees shall accompany their agents to each Bail Bond Board meeting where the Board will consider agent applications, agent renewal applications, complaints, security withdrawals, and any other item for which the board may take action and request a special appearance by the Licensee.
  - 2. Local agents shall accompany their employees to each Bail Bond Board meeting for which the board will consider issuing the employee an identification card.
  - 3. Appearances of licensees and agents may be in person or virtual.

## **2.5 COMMITTEES**

The Board shall approve the creation of any committees and shall select the members to be appointed in accordance with requirements of the Open Meetings Act.

## **2.6 CHANGES TO RULES**

These Rules may be adopted, altered, amended or repealed by majority vote of all the members present at a regularly scheduled meeting of the Board, provided that at least 10 days written notice is given of the proposed adoption, alteration, amendment or repeal, by posting the proposed rules in the same manner as posting notice of meetings of the Board.

## **2.7 LICENSED BAIL BOND SURETY LIST**

- A. The Bail Bond Administrator shall maintain and distribute a Licensed Bail Bond Surety List monthly, or upon Board action on a suspension or revocation.

- B. The order of the Licensed Bail Bond Sureties shall rotate on a monthly basis such that the current first Surety shown shall be the last Surety shown for the next month, with all other listed Sureties being advanced one place.

### **SECTION 3 - APPLICATION**

#### **3.1 INDIVIDUAL LICENSE**

- A. All sureties and co-sureties who execute security bonds in Fort Bend County shall ensure that a properly completed application for a bail bond license is received by the Bail Bond Administrator no later than thirty (30) days before the application will be considered by the Board.
- B. Applications shall be submitted to the Bail Bond Administrator in the following manner
  - 1. The original application shall be mailed or hand delivered to the Bail Bond Administrator; and
  - 2. A copy of the completed application shall be emailed or hand delivered to the Bail Bond Administrator.
  - 3. The physical, mailing and email address for the Bail Bond Administrator shall be listed on the Fort Bend County website.
- C. Required attachments not submitted with the application must be received by the Bail Bond Administrator prior to posting the Board Agenda for the monthly meeting at which the application will be considered.
- D. Applicant shall submit to a TCIC/NCIC criminal background report performed by a federal, state or local Fort Bend County law enforcement agency. This report shall be sent directly from the law enforcement agency to the Bail Bond Administrator.
- E. All letters of recommendation required by the Texas Occupations Code shall include the author's printed name, address, phone number, title, and relationship to the applicant. A Board approved recommendation form is included in the application materials.
- F. Applicant shall submit a passport qualifying photograph with their submitted application to be used for the identification card.
- G. The Bail Bond Administrator shall issue an identification card to all Licensees approved by the Board.

#### **3.2 AGENT LICENSE**

- A. An agent authorized to issue bail bonds on behalf of the Corporate Surety shall ensure that a properly completed application for a bail bond license, along with all required attachments is received by the Bail Bond Administrator no later thirty (30) days before the application will be considered by the Board.
- B. Applications shall be submitted to the Bail Bond Administrator in the following manner
  - 1. The original application shall be mailed or hand delivered to the Bail Bond Administrator; and
  - 2. A copy of the completed application shall be emailed or hand delivered to the Bail Bond Administrator.

3. The physical, mailing and email address for the Bail Bond Administrator shall be listed on the Fort Bend County website.
- C. Required attachments not submitted with the application must be received by the Bail Bond Administrator prior to posting the Board Agenda for the monthly meeting at which the application will be considered.
- D. Agent shall submit to a TCIC/NCIC criminal background report performed by a federal, state or local Fort Bend County law enforcement agency. This report shall be sent directly from the law enforcement agency to the Bail Bond Administrator.
- E. All letters of recommendation required by the Texas Occupations Code shall include the author's printed name, address, phone number, title, and relationship to the applicant. A Board approved recommendation form is included in the application materials.
- F. When submitting an application for a Corporate License, an authorized corporate representative shall sign the application and include his/her title. Additionally, a letter of authorization from the corporate officer shall be included with the application, designating the individual who will answer and act on behalf of the corporation.
- G. Applicant shall submit a passport qualifying photograph with their submitted application to be used for the identification card.
- H. The Bail Bond Administrator shall issue an identification card to all Agents approved by the Board.
- I. No Agent shall execute bonds for any Corporate Surety unless such Agent is individually licensed pursuant to the Regulation of Bail Bond Sureties. Such Agent shall also be specifically designated in the Surety's license application.
- J. A Corporate Surety may appoint more than one Agent; however for each such Agent, a separate application shall be filed and all requirements of an individual Licensee shall be met with respect to application fees and security deposits.

### 3.3 BAIL BOND EMPLOYEE

- A. Except as noted in 3.03 (B), all employees of a Licensee shall submit an employee approval application to the Bail Bond Administrator to be placed on the Bail Bond Board agenda no later than the next regularly scheduled Board meeting following the employee hiring date.
- B. An independent contractor performing services outside the usual scope of the bail bond business is not required to be approved by the Board.
- C. Applications shall be submitted to the Bail Bond Administrator in the following manner:
  1. The original application and an additional paper copy of the completed application shall be mailed or hand delivered to the Bail Bond Administrator; and
  2. A copy of the completed application shall be emailed to the Bail Bond Administrator.
  3. The physical, mailing and email address for the Bail Bond Administrator shall be listed on the Fort Bend County website.
- D. Applicant shall ensure that a TCIC/NCIC criminal background report is performed by a federal, state or local Fort Bend County law enforcement agency. This report shall be sent directly from the law enforcement agency to the Bail Bond Administrator. Criminal background reports will not be accepted from the applicant.
- E. Applicant shall submit a passport qualifying photograph with their submitted application to be used for the identification card.



- F. The Licensee shall accompany their employee(s) at each Board meeting in which any employee application will be considered.
- G. Upon request of the Licensee, approved employees shall be issued an identification card by the Bail Bond Administrator which will be labeled with the Licensee's license number.

### 3.4 FEES

Unless otherwise approved by Commissioners Court, application fees are non-refundable once deposited in Fort Bend County's general fund<sup>1</sup>

### 3.5 FILING DBA (assumed name)

Each Licensee who uses an assumed name shall submit to the Board a valid assumed name certificate or certified copy thereof properly filed with the Fort Bend County Clerk's office, and shall list names of all owners or principles. Upon Board approval of a company name change, a new DBA shall be filed no later than the next business day.

### 3.6 ADDRESS/PHONE NUMBER

- A. Licensee and Corporate Surety Agents shall use the business address and business phone number that is listed on the original license application to be entered on the Licensed Bail Bond Surety List, unless otherwise approved by the Board.
- B. Licensee and Corporate Surety Agents shall send written notification of all location and/or phone number changes to the Board Administrator within 30 days of said change.
- C. Requests must be submitted to the Bail Bond Board Administrator identifying the new location and/or phone number and stating the proposed effective date before the request will be placed on the next meeting agenda.

### 3.7 EFFECTIVE DATE

- A. Any license approved by the Board shall become effective upon the later date of: ten calendar days after approved by the Board or the date on which security is first posted.
- B. An employee identification card is effective ten calendar dates after approved by Board and shall expire on the expiration date of the Bail Bond Licensee's expiration date.

## **SECTION 4 - RENEWAL**

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<sup>1</sup> See Occ. Code 1704. 101 (2) *A board shall deposit fees collected under this chapter in the general fund of the county;* and Local Govt. Code Sec. 113.041 (c) *The county treasurer may not disburse money out of the county treasury without an order for payment from an officer who is authorized by law to issue the order.*

#### 4.1 PROCESS

- A. The application for renewal shall have the same form and content as an application for the original license. The applicant shall include a copy of any certificate of deposit and a copy of a recorded CD assignment. If real property is pledged the applicant shall include a copy of the recorded deed of trust and all other documents pertaining to real property that are required in an original application.
- B. It is the responsibility of the Licensee to ensure that a license is renewed prior to the expiration of the current license. If a renewal application is not timely filed and the current license expires, the Licensee shall not execute bail bonds until a new license is issued.
- C. Applications for renewal will be accepted no later than the 31st day before the license expiration date and may be filed up to 90 days prior to the license expiration date.
- D. If a renewal application is not timely filed, an original application is required. If the application is granted, the Licensee has the same Bail Bond Limits as any other newly licensed individual, as identified in Texas Occupations Code, Section 1704.203 (f) (1) with no credit given for the expired prior license.

#### 4.2 FEES

The fee to renew a license is the same as an original license application. Unless otherwise approved by Commissioners Court, all fees are non-refundable once deposited in Fort Bend County's general fund.

### **SECTION 5 - WITHDRAWAL OF APPLICATION/LICENSE**

Any application may be withdrawn by the Applicant or Licensee without penalty prior to the posting of the Board's Public Meeting Agenda. Any application posted on the Board's Public Meeting Agenda that is not approved at the scheduled meeting is void and will require the Applicant to submit a new application with a new filing fee. It is the sole responsibility of the Applicant to confirm the posting date with the Bail Bond Administrator for purposes of withdrawing an application.

### **SECTION 6 - ATTORNEY BONDS**

- 6.1 An attorney that posts a bail bond pursuant to Texas Occupations Code Section 1704.163 is exempt from the licensing and security requirements imposed by this Board and the Occupations Code. However, attorneys should be aware of the requirements of Texas Code of Criminal Procedure Article 17.11 stating, "Every court, judge, magistrate or other officer taking a bail bond shall require evidence of the sufficiency of the security offered; but in every case, one surety shall be sufficient, if it be made to appear that such surety is worth at least double the amount of the sum for which he is bound, exclusive of all property exempted by law from execution, and of debts or other encumbrances; and that he is a resident of Texas, and has property therein liable to execution worth the sum for which he is bound."
- 6.2 The Board has the authority to prohibit an attorney from executing a bail bond or acting as a surety under the Attorney Exemption if the Board determines that the attorney has engaged in conduct involved with that practice that would subject a bail bond surety to license

suspension or revocation. The Board may also bar the person from executing a bail bond or acting as surety under this section until the person has remedied the violation.

- 6.3 An attorney posting a bail bond pursuant to Texas Occupations Code Section 1704.163 is required to submit a completed “AFFIDAVIT OF REPRESENTATION BY ATTORNEY-SURETY IN FORT BEND COUNTY” for each bail bond. A copy of the completed Affidavit must be submitted to the Sheriff’s Office with the bond. Failure to submit the Affidavit is evidence that the attorney has acted as a surety outside section 1704.163(a)(1)'s limited parameters for which the Board is authorized to disqualify an attorney who has engaged in such conduct. (Effective February 1, 2024)

## **SECTION 7 - DEPOSIT AND WITHDRAWAL OF COLLATERAL**

### **7.1 REAL PROPERTY**

- A. Before a Licensee can rely on non-exempt, non-homestead real property as collateral (in whole or in part), the Deed of Trust shall be presented to the Board for approval. If the Board votes to accept the deed of trust, the Board will issue a value for the property for the sole purpose of determining the bail bond limit for the Licensee. B. The Deed of Trust shall:
1. Be submitted only on a form approved by the Board; and
  2. Name the Board as trustee.
- C. The Bail Bond Administrator shall record a copy of the deed of trust with the County Clerk of the County where the property is located. Licensee shall reimburse the Board for the actual cost to file the deed of trust before the property may be added to the Licensee’s Bail Bond Limits.
- D. The original recorded Deed of Trust will be held by the Board.
- E. If the subject property is (or becomes) subject to any liens of any kind, the Licensee shall provide a certified copy of the lien document to the Board no later than the 15th day after the Licensee learns of the lien.

### **7.2 CASH OR CERTIFICATE OF DEPOSIT**

- A. A Licensee that relies upon collateral other than real property, shall submit at least Fifty Thousand dollars (\$50,000.00) in cash, or cash equivalent styled in the name of the Fort Bend County Treasurer and issued by a financial institution insured by the federal government in one of the following forms:
1. A cashier’s check which shall be cashed and deposited by the Fort Bend County Treasurer.
  2. A Certificate of Deposit that
    - a. is automatically renewable, and
    - b. is a negotiable instrument.
- B. A signed and completed Assignment of Security form approved by the Board shall accompany all Certificates of Deposit. The Bail Bond Administrator shall submit a copy of the assignment to the issuing bank and the Fort Bend County Treasurer.
- C. All Certificates of Deposit are subject to being confirmed with the issuing bank for validity.

### 7.3 COMBINATION

Licenses are not permitted to meet the minimum security requirement by using a combination of security deposits. Upon meeting the statutory minimum, a licensee can post any amount of additional security in the form of cash, real property or a combination of both.

### 7.4 WITHDRAWAL

Licensee shall withdraw security only as provided by Texas Occupations Code Section 1704.210, or by these Rules.

- A. No Licensee shall withdraw security from deposit, or make changes to the nature, location, identification or amount of security deposited, without the Board's knowledge and approval.
- B. If Licensee's liability, actual or potential, falls below the amount of security pledged, the Licensee may, with the Board's approval, withdraw security to the extent that the remaining security is sufficient to cover the license holder's liability.
- C. The Licensee may, with Board approval, substitute one form of security for another, provided that the security remains sufficient to cover the license holder's actual or potential liability.

## **SECTION 8 –ACTIVITY OF LICENSEE/AGENT/EMPLOYEE**

### 8.1 BOND FORMS

- A. Any Surety bond form filed in Fort Bend County shall show on its face the date of expiration of the license and the license number.
- B. All information on bonds shall be typed, not handwritten.
- C. Any licensee executing a bond issued under corporate power of attorney is required to attach a copy of the power of attorney authorization to the bond presented to the Sheriff's Office. The power of attorney authorization must be in an amount equal to or in excess of the bond amount.

### 8.2 USE OF EMPLOYEE IDENTIFICATION CARD

The only credential authorized by the Board to permit a Licensee or employee to perform bail bond business is the identification card issued by the Bail Bond Administrator. A Bail Bond Delivery Affidavit may be used in limited cases but the Affidavit shall only be in the form approved by the Board. Presentment of any other type of document not named in Rule 7.2 is prohibited, including but not limited to an "Assignment of Authority" document.

### 8.3 ACTIVITY REPORTS

- A. Licensees shall submit a completed monthly activity report to the Bail Bond Administrator's office no later than the 3rd day of the month by 12:00 noon on a form approved by the Board. If Licensee had no activity during the month, a blank report shall be submitted stating "NO ACTIVITY."
- B. The Bail Bond Administrator shall review the monthly reports to determine whether a Licensee has exceeded the statutory bond writing limits of the security posted.
- C. Late reports
  - 1. Licensees who fail to timely submit a complete activity report shall receive one written warning per year. And be directed to submit their reports within 48 hours of the written warning being received.
  - 2. Licensees who fail to timely submit a complete activity report after having received a written warning will be placed the bottom of the Licensed Bail Bond Surety List for the longer duration of two consecutive months or until their report is finally received.

#### 8.4 **BAIL BOND LIMITS**

- A. All bonds, issued in Fort Bend County will be subtracted from a Licensee's security for purposes of the Licensee's Bail Bond Limits, including bonds executed in Fort Bend County and transferred to another county. It is the responsibility of the Licensee to provide government issued verification to the Bail Bond Administrator when a case has been dismissed or a defendant is deceased in order to update the amount of security available to the Licensee.
- B. The Bail Bond Administrator shall notify the Sheriff of any Licensee that has executed a bond in excess of the Licensee's Bail Bond Limits.
- C. The Bail Bond Administrator shall notify the District Attorney's Office that the Licensee's bonds may be insufficient in the event that a Licensee is deceased or becomes incapacitated.
- D. If a Licensee is suspended by the Board for any reason, the Licensee will be removed from the Licensed Bail Bond Surety List. Upon reinstatement of the license, the company will be placed at the bottom of the List.

#### 8.5 **JUDGMENTS**

- A. Upon notification that a Licensee or attorney has failed to pay a final judgment, the Bail Bond Administrator shall notify the Sheriff as provided by Texas Occupations Code, Section 1704.204(a).
- B. The Bail Bond Administrator shall also send notification of the failure to pay a final judgment to the County Treasurer, the County Auditor and any other County department that issues payment.<sup>2</sup>

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<sup>2</sup> See LGC 154.025 and LGC 262.0276

## 8.6 SECURING PRESENCE OF DEFENDANT WHO FAILS TO APPEAR

A Licensee shall not contract with or employ an individual to secure the appearance of a defendant accused of failure to appear/bond jumping unless the individual is licensed or endorsed as is required by law.<sup>3</sup>

### SECTION 9 - COMPLAINTS TO BOARD

- A. Any member of the public and/or member of the bond community may submit a sworn complaint to the Bail Bond Administrator on a form approved by the Board. All complaints requesting action must be sworn, except as provided herein. No anonymous complaints will be accepted.
- B. County staff may refer an incident to the Bail Bond Administrator without a sworn complaint provided that the matter referred was observed in the course of the employee's work duties.
- C. The Bail Bond Board Administrator will call the Licensee within one business day of when a complaint is received to advise that a complaint was filed and that a copy of the complaint will be emailed (or mailed if no email) to the Licensee and Corporate Surety (where applicable).
- D. The Bail Bond Board Administrator will give the Licensee (7) business days to remedy a complaint, unless the complaint alleges a violation of law. On the eighth business day after they have contacted a Licensee regarding a specific complaint, the Bail Bond Board Administrator will call the complainant and Licensee to see if the complaint has been resolved.
  - If the complaint **has been resolved** by the sixth day contact, no further action will be taken except to log the complaint as resolved.
  - If the complaint has not been resolved by the sixth day contact, the Administrator will advise that a written response to the complaint is required no later than 5 business days after the Administrator was advised that the complaint was not resolved. The written response shall address the information stated in the complaint and identify whether the allegations are true.
- E. The Bail Bond Administrator will forward the complaint and the written response to the Complaint Committee members for review who shall determine whether the complaint should be placed on the Board's agenda to set for a hearing.
- F. If the Board votes to set a hearing, the hearing date will be set for the third subsequent regularly scheduled meeting that follows<sup>4</sup>. Within 5 business days of the Board vote, a written Notice of Hearing will issue to the Licensee in accordance with Attachment 1 to these Local Rules. A Licensee may request a continuance in writing any time before the hearing which will be considered at the next regularly scheduled hearing of the Board and granted if the Board votes that good cause has been shown. A Licensee may still

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<sup>3</sup> See Texas Occupations Code 1702.3863

<sup>4</sup> Example: if the Board votes at a January meeting to set a hearing, the hearing would be held at the April meeting.

conduct bail bond business in the usual manner unless and until the Board makes a decision to suspend or revoke the license.

- G. The Board may request or may appoint any member of the Board, or make a request of any other Fort Bend County Office to investigate the claims alleged in the complaint to be presented at the hearing
- H. The Board shall appoint a member to present the evidence to the board during the hearing.
- I. The Board shall direct such investigation into the complaint as it deems necessary. This may include a request for affidavits, a request to produce evidence or a request that an agent of the Board interview
- J. the Licensee or their agents. Provided, however, that nothing herein shall operate to abrogate or diminish the Board's statutory right to inspect on demand, whether in person or via a representative, the records a Surety must keep pursuant to the Occupation Code.
- K. The Board may meet in closed session to seek legal counsel from the Board's attorney about the complaint in accordance with the Texas Open Meetings Act. However, the Board Member appointed to present the evidence at the hearing should not participate in closed session deliberations or in any other capacity in closed session as a regular member.
- L. The Bail Bond Board Administrator shall keep a Complaint Log. The Complaint Log shall include the following complaint information:
  - Bail Bond Company & License Number or Name and State Bar Card Number
  - Name & Phone Number of Complainant
  - Date Received  Complaint Received by:
  - Outcome:

## **SECTION 10 – LICENSE HEARINGS**

- A. Hearings to suspend or revoke a license may be set at the Board's own motion or as a result of a sworn complaint received by the Board. Hearings shall be conducted pursuant to Section 1704.254 of the Occupation Code.
- B. Once notice of a Section 1704.254 hearing has been provided, the Administrator shall provide the Licensee against whom the complaint is directed a copy of the investigative materials to be presented to the Board at the Section 1704.254 hearing. The Administrator shall provide the copy of said investigative materials to the Licensee whom the complaint is directed no later than seven (7) calendar days prior to the date scheduled for the Section 1704.254 hearing. The materials may be provided electronically. Should the Board or the Administrator identify or receive additional investigative materials to be presented at the Section 1704.254 hearing within seven (7) calendar days of the scheduled Section 1704.254 hearing, the Licensee against whom the complaint is directed shall be given an opportunity to review the additional materials prior to the Section 1704.254 hearing. If the Licensee whom the complaint is made against requests a continuance to review investigative materials received within seven (7) calendar days of the scheduled 1704.254 hearing and the Board determines that said surety or agent has not had a reasonable opportunity to review the additional materials, then the Board may continue the matter until the next scheduled Bail Bond Board meeting. This rule does not abridge or extend any statutory deadlines.

- C. Before the hearing begins, a member of the Board shall advise the Licensee about the right against self-incrimination.
- D. Both the complainant and the Licensee who was the subject of the complaint shall be sent written notice of the Board's decision. The Administrator shall also immediately notify each court and each local official responsible for the detention of prisoners in the county of the suspension or revocation of the license.

## **SECTION 11 - ADOPTION OF RULES**

These Rules shall be in full force and effect ten (10 ) days after approval by the Board. All prior Local Rules in conflict with these Rules are hereby repealed.

PASSED AND APPROVED this the 20<sup>th</sup> day of December 2023; and

REVISED this the 10<sup>th</sup> day of October, 2012; and

REVISED this the 12<sup>th</sup> day of December 2012; and

REVISED this the 13<sup>th</sup> day of February 2013; and

REVISED this the 21<sup>st</sup> day of October 2015; and

REVISED this the 17<sup>th</sup> day of July 2019; and

REVISED this the 20<sup>th</sup> day of November 2019 (reformatted when published); and

REVISED this the 21<sup>st</sup> day of June 2021

### **FORT BEND COUNTY BAIL BOND BOARD**

***SIGNATURE ON FILE***

\_\_\_\_\_  
Bill Rickert  
Fort Bend County Bail Bond Board Chair

**ATTEST:**

***SIGNATURE ON FILE***

\_\_\_\_\_  
Bail Bond Administrator  
Sara Rosas



# EXHIBIT A

## Notice of Hearing



# Fort Bend County Bail Bond Board

1422 Eugene Heimann Circle  
301 Jackson Street (Mailing) Richmond, Texas 77469  
Phone: 281-341-4540 Fax: 281-344-3920  
Email: **update for administrator**

*DATE*

**CMRRR**

**NAME, Licensee, License #  
ADDRESS**

## **NOTICE OF HEARING AND ORDER COMPELLING APPEARANCE**

*Dear Licensee,*

You are hereby advised that a hearing will be held on *DATE and TIME.*, to determine whether cause exists to suspend or revoke your Bail Bond License *Number \_\_\_\_* issued by the Fort Bend County Bail Bond Board in accordance with Texas Occupations Code Chapter 1704. This Notice is being sent in accordance with Section 1704.254 and a copy of the written complaint forming the basis of this hearing is enclosed. The hearing is being held and be will conducted in accordance with TEX. OCCUPATIONS CODE §1704.102(a)(2), §1704.251(b)(1), §1704.254 and the RULES AND REGULATIONS OF THE FORT BEND COUNTY BAIL BOND BOARD.

As authorized by TEX. OCCUPATIONS CODE §1704.102(b)(1), you are compelled and hereby **ORDERED** to appear before the Fort Bend County Bail Bond Board at such hearing. The alleged violations are as follows:

- (1) *SPECIFY in violation of TEX. OCCUPATIONS CODE § and/or local rule;*
- (2) *SPECIFY in violation of TEX. OCCUPATIONS CODE § and/or local rule;*
- (3) *Repeat as needed*

You are advised that if it is determined at the hearing that you have violated the TEXAS OCCUPATIONS CODE and/or RULES AND REGULATIONS OF THE FORT BEND COUNTY BAIL BOND BOARD as set forth above, the Fort Bend County Bail Bond Board may revoke or suspend your license pursuant to TEX. OCCUPATION CODE §1704.252, in conjunction with §1704.102(a)(2)-(3).

At the hearing, you are entitled to be heard and may present evidence and cross-examine witnesses, which will be recorded and/or videotaped in accordance with TEX. OCCUPATION CODE §1704.254(c). You have the right to hire an attorney to represent you at your own expense; however, you are not required to have an attorney or other representative at the hearing. If you fail to attend the hearing, the factual allegations listed in the notice could be deemed admitted and your license may be suspended or revoked by default.

You are expressly warned and admonished that your failure to attend, and/or answer questions submitted by the Board during this hearing, and/or produce the records ordered by the Board, could also serve as the basis for further action by the Fort Bend County Bail Bond Board pursuant to TEX. OCCUPATION CODE §1704.102(b)(1)-(2), §1704.252(4), and all other applicable provisions of the TEXAS OCCUPATIONS CODE Chapter 1704 et. seq. and/or RULES AND REGULATIONS OF THE FORT BEND COUNTY BAIL BOND BOARD.

However, please further take notice that because the complaint filed with the Fort Bend County Bail Bond Board may contain sworn allegations of criminal conduct, these same facts may also be under investigation by any law enforcement agency with investigatory jurisdiction, as deemed appropriate and approved by the Board. At the hearing, you will be provided warnings about self-incrimination in the event that any criminal charges follow.

The Fort Bend County Bail Bond Board expects your compliance with this NOTICE AND ORDER COMPELLING APPEARANCE AND PRODUCTION OF DOCUMENTS and full cooperation during the hearing to be conducted *on DATE and TIME*. In the event that you hire an attorney to represent you, you are encouraged to provide a copy of this Notice to your attorney and request that the attorney contact the Bail Bond Administrator at 281-341-4540 for instructions.

Very truly yours,

*NAME OF CHAIR*

FBC BBB Chair