
FRANKLIN COUNTY, TEXAS

BAIL BOND BOARD

LOCAL RULES & REGULATIONS

BAIL BOND BOARD ESTABLISHED March 15, 2019

A 3D purple geometric graphic, possibly a stylized letter 'E' or a similar shape, with a date stamp '04/2019' on its right side. The graphic has a slight shadow and is positioned at the bottom of the page.

04/2019

FRANKLIN County Bail Bond Board

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ARTICLE I: Board Membership, Meetings, and Duties

A. Definitions

1. "Bail Bond Act" refers to article 1704 of the Texas Occupations Code.
2. "Bail Bond Surety" means a person who executes a bail bond as a surety or cosurety for another person for compensation to ensure the appearance in court of a person accused of a crime.
3. "Board" means the FRANKLIN County Bail Bond Board.
4. "Bonding Business" or "Bail Bond Business" means the solicitation, negotiation, or execution of a bail bond by a bail bond surety.
5. "Company" includes corporations and other business entities.
6. "Employee" means any person employed by a licensee to perform any lawful acts necessary to secure or perfect a bail bond, including, but not limited to: meeting and negotiating in person, by telephone, or other means, with members of the public for the purpose of arranging a bail bond; receiving money as a fee or money or property as collateral for bail bonds; presenting a bond to the FRANKLIN County Sheriff's Office; or interviewing or receiving information from persons who have been released from jail pursuant to a bond provided by the licensee. Nothing in these rules shall be read to prevent a licensee, agent, or employee of one bonding company from acting as a temporary employee for another bonding company licensed by FRANKLIN County.
7. "Licensee" means a person licensed by the Board pursuant to its statutory and regulatory authority to grant bail bonding licenses.
8. "Multiplier value" of property means the total actual value of property placed in security with the Board, plus the additional increase security value permitted by the Act.
9. "Person" means an individual or corporation.
10. "The Act" refers to Article 1704 of the Occupations Code.
11. "Final Judgment" means a judgment that disposes of all issues and parties in a case.

B. Name

FRANKLIN County shall establish a bail bond board known as the "FRANKLIN County Bail Bond Board," hereinafter "Board."

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C. Declaration of Board Policy

The purpose of the Board's rules is to facilitate the smooth and efficient operation of the Board and the orderly regulation of the bail bonding business in FRANKLIN County.

D. Board Composition

The Board shall consist of the following individuals as listed in the Act:

1. The Sheriff or a designee who is the Sheriff's administrator or a deputy with at least the rank of sergeant;
2. A District Judge 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, or a designee approved by the Commissioner's Court;
4. A County Court at Law Judge in a county having jurisdiction over criminal matters and designated by commissioners court or a designee of the judge who is approved by the commissioners court;
5. The Criminal District Attorney or an Assistant Criminal District Attorney designated by the district attorney;
6. A Justice of the Peace;
7. A Licensed Bail Bond Surety or Agent for a corporate surety in the county elected under Section 1704.0535, or a bail bond agent for a corporate surety licensed in the county who is designated by the elected surety agent ;
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. The person designated by the Commissioner's Court as having the duties of a county treasurer specifically delegated the duty of serving on the Board in that specific capacity; and
11. 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.

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E. Meeting Times and Location

1. At a minimum, the Board shall meet quarterly on the third Friday in January, April, July and October at 1:30 PM in the County Court Room of FRANKLIN County Courthouse located at 200 North Kaufman Street, Mount Vernon, TX 75457.
2. The Board shall also meet at other times at the call of the presiding officer.
3. By request of three (3) or more members of the Board, the presiding officer shall call a special meeting at any time in accordance with the posting requirements of the Texas Open Meetings Act.
4. All notices of meetings shall be posted near the rear entrance on the Public Information Board just outside of the entrance on the North side entrance of the Franklin County court House.

F. Quorum

1. Four members of the Board constitute a quorum.
2. The Board may take action only on a majority vote of the board members present.

G. Board Officers, Board Officer Elections, Board Officer Duties

1. The Board shall nominate and elect its officers at the regular January meeting of each year.
2. The bonding company representative elected to serve during the calendar year shall be eligible to run for any Board officer position.
3. The President shall preside over all meetings and shall serve until the next annual election, unless disqualified. The President shall insure that timely notice of all meetings is publicly posted. The Board President shall insure that all Board proceedings not governed by statute or Board rule are conducted in accordance with an orderly form of parliamentary procedure, preferably as detailed in Roberts Rules of Order. The President will create all election ballots.
4. The Vice-President shall act in the temporary absence of the President. In the event that the President is disqualified or resigns prior to the expiration of the term, the Vice-President shall automatically become the President. In such event, or if the Vice-President becomes disqualified or resigns, at the next regular meeting a new Vice-President shall be elected.

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5. In the absence of both the President and the Vice-President, the Board members present may designate a temporary President for that meeting only.
6. The Secretary, or any named person by the Board, shall be responsible for maintaining the records of the Board. The Secretary shall record all Board meetings and prepare the minutes of each Board meeting. The Secretary shall also be responsible for routine administrative affairs as directed by the President, Vice-President, temporary President, or the Board; these duties are not limited to those specifically assigned by these rules and regulations.
7. Nominations and elections of new officers shall take place during the first regularly scheduled Board meeting in January of each year. The terms of all offices shall be for one calendar year, except the President of the preceding year shall preside over officer elections during the January meeting of the year following his or her election.
8. The Board may choose/employ a **Coordinator**, who need not be a member of the Board, who shall be responsible for:
 - a. Supervising the receipt of applications;
 - b. The preparation of agendas;
 - c. The publication and/or posting of notices; and
 - d. The general office affairs not otherwise specifically assigned by these rules and regulations, but shall not have authority to bind the Board.

H. Election of Bail Bond Surety, Criminal Defense Attorney and Justice of the Peace.

1. At the regular October meeting of each year, the Board shall conduct a secret ballot election to elect the member of the Board who serve as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys.
 - a. The representative of the licensed bail bond sureties must be a licensed bail bond surety or agent for a corporate surety in Franklin County. Each individual licensed in Franklin County as a bail bond surety or agent for a corporate surety is entitled to cast one (1) vote for each licensed held.
 - b. The representative of the criminal defense attorneys must be a criminal defense attorney who is practicing in Franklin County. Each attorney who has a principal place of business located in Franklin County and who is not legally prohibited from representing criminal defendants in Franklin County is entitled to cast one (1) vote.
 - c. If no clear winner can be determined after three (3) secret ballot elections, the seat of the representative will remain unfilled for the following year.
 - d. Franklin County, having only one Justice of the Peace, by default is placed on the Board as the Justice of the Peace representative.

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I. Powers and Duties of the Board

1. The Board's administrative authority shall include the rights to:
 - a. Deposit fees collected under Article 1704 of the Texas Occupations Code in FRANKLIN County's general fund;
 - b. Supervise and regulate each phase of the bail bonding business in FRANKLIN County,
 - c. Adopt and post rules necessary to implement Article 1704 of the Texas Occupations Code;
 - d. Conduct hearings and investigations and make determinations relating to the issuance, denial, or renewal of licenses;
 - e. Issue licenses to qualified applicants;
 - f. Deny licenses to unqualified applicants;
 - g. Employ persons necessary to assist in board functions; and
 - h. Conduct Board business, including maintaining records and minutes.
 - i. Exercise powers incidental or necessary to the administration of Article 1704 of the Texas Occupations Code.
2. The Board's enforcement authority shall include the rights to:
 - a. Enforce Article 1704 of the Texas Occupations Code in FRANKLIN County;
 - b. Conduct hearings and investigations and make determinations relating to license suspension and revocation;
 - c. Suspend or revoke a license for a violation of Article 1704 of the Texas Occupations Code or a rule adopted by the Board;
 - d. Require a record and transcription of each Board proceeding;
 - e. Compel an applicant's or license holder's appearance before the Board ; and
 - f. During a hearing conducted by the Board, administer oaths, examine witnesses, and compel the production of pertinent records and testimony by a license holder or applicant.

ARTICLE II: Licensure of Bonding Companies

A. Application for Licensing

1. To become a Bail Bond Surety licensed by the Board, a person must apply for a license by filing a sworn application with the Board, and that completed application must be approved by the Board.
2. The application must be the in the form and manner most recently prescribed and adopted by the Board, and must conform to the requirements of the Act and its amendments.

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3. If the applicant proposes to do business under an assumed name, the applicant shall provide proof showing registration of the proposed assumed name with the County Clerk of FRANKLIN County, Texas.

B. Application Requirements

1. Applications shall be submitted to the County Judge with an original paper copy. The application should be accompanied by a payment of \$500.00, non-refundable application fee.
2. A licensee shall maintain an office in Franklin County. Not later than the tenth day after the date a licensee opens a new office or moves an office to a new location, the licensee shall notify in writing the Secretary of the Board of the new location.
3. Applications must be received not later than 45 days prior to the next regular quarterly meeting named in E-1 at which the application is to be considered.
4. The application must be accompanied by a recent passport-sized photograph of the applicant (or corporate agent listed in the application if the company is an insurance company).
5. A DPS certified copy of applicant's criminal history, and a set of fingerprints, except on renewals, of the applicant taken by a law enforcement personal on a form approved by the Board and provided by the Sheriff shall be attached to the application.
6. If the applicant is, or has been, licensed to write bail bonds in another Bail Bond Board county, the application must include a list of each county in which the applicant holds or has held a license and a statement by the applicant that, as of the date of the application, the applicant has no unpaid final judgments on any bond executed by the agent.
7. If the applicant is a corporation, the applicant must provide a statement by the designated agent of any unpaid final judgments of forfeiture on any bond executed by the agent.
8. Any real property that is placed with the Board as security to write bail bonds must be owned by the applicant and must not be "homestead property" or other "exempt property" defined under the laws of the State of Texas. Any renewal application must include a re-appraisal of the real property dated within one hundred twenty (120) days preceding the submission for license renewal, a current tax statement from all taxing entities, and any and all necessary documents to support the property valuation as provided in these rules and the Bail Bond Act.

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C. Time for Filing Application

1. Applications and renewal of applications must be received not later than 45 days prior to the next regular quarterly meeting named in E-1 at which the application is to be considered. The burden is on the bond companies to keep up with when their license will expire and request the agenda item in advance to make sure that the board has received the application/renewal form and reviewed it and can place it on the agenda for vote. Failure to submit the application with the agenda request in ample time, as the new rule stipulates may result in the request not being reviewed by the board before the license expires.
2. Failure to submit the application with the agenda request as the new rule stipulates may result in the request not being reviewed by the board before the license expires. **It is the sole responsibility of the applicant to ensure that the original or renewal application is complete, timely, and submitted in the proper form.**

D. Hearing on Application

1. Once an application is received, and before a hearing by the Board on the application, the Board's authorized representative shall determine whether the application complies with the security requirements of the Act and the Board's Rules and Regulations.
2. Upon completion of such investigation, the Board's authorized representative will furnish a copy/digital copy of the application, proof of fees paid, and all reports of the findings of the investigation to each member of the Board when the agenda is posted for the upcoming meeting at which the application is to be considered.
3. After making this determination, the Board shall conduct a hearing on the application. During the hearing:
 - a. The Board may submit to the applicant or the applicant's agent any questions relevant to the Board's decision on the application, and
 - b. The applicant may present oral and documentary evidence.

E. Application Consideration, Approval, or Denial

1. Each applicant shall appear in person, or in the case of a firm or corporation by designated representative, before the Board on the date the application is to be considered for such interrogation under oath as the Board or any of its members shall

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deem proper. The Board shall not approve an application unless the applicant has appeared before the Board on at least one occasion.

2. Discussion of the application shall be in open session of the Bail Bond Board.
3. The Board may not approve an application unless the applicant has complied with the requirements of the Texas Occupations Code and these Rules.
4. After a hearing on an application, the Board shall vote on each application by open role call vote. The Board shall enter an order conditionally approving the application if the Board determines that grounds do not exist to deny the application. This order becomes final on the date the applicant complies with the security requirements of the Texas Occupations Code and of those prescribed by these rules.
5. If the Board determines that a ground exists to deny the application, the Board shall enter an order denying the application. The order shall specify the grounds for denial.
6. The Board shall give written notice to the applicant of the Board's decision on the application.

E. Tentative Approval of License and Security Requirements

1. The Board shall vote on each application. The Board shall not approve an application unless the applicant has complied with the requirements of the Act and the Rules.
2. Upon notice from the Board that an application has been tentatively approved, the applicant shall then:
 - A. Deposit with the Franklin County Treasurer a cashier's check, an automatically renewable certificate of deposit (which shall include an assignment, on a form approved by the board, of the principal to the *Franklin County Bail Bond Board*), cash, or cash equivalent in the amount indicated in the licensee's application, but in no event less than \$50,000.00, to be held in a special fund to be called the *bail Security Fund*, subject to the provisions of the Act regarding deposits in excess of \$250,000.00 and FDIC deposit insurance coverage;
 - B. Execute to the file on behalf of the Board deed(s) of trust to the property listed by the applicant on the application, which property shall be valued in the amount indicated on an appraisal by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, education program and professional certification program, but in do event be less than \$50,000.00 valuation. The conditions of the trust shall be that the deed(s) may be recorded to satisfy any final judgement forfeitures that may be made in bonds on which the licensee is surety after such notice and upon such conditions as are required

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by the Code of Criminal Procedure, in bond forfeiture cases. The deed(s) of trust, duly acknowledged, shall be filed in the Deed Records of the County in which the property is located. The applicant shall swear in such deed(s) of trust that the property is free and clear of any and all liens and encumbrances, and that the applicant will keep said property clear of any and all liens and encumbrances so long as it is used as security hereunder. Applicant shall pay the filing fee for the filing of the instrument(s); or

- C. If the applicant is a corporation, it may, in lieu of cash or other cash equivalent, furnish to the Sheriff an irrevocable letter of credit to satisfy any final judgement of forfeiture that may be made on any bonds on which the corporate licensee is surety. The corporation shall file a power of attorney, designating and authorizing the named agent of such corporation to execute bail bonds, with the County Clerk and present a certified copy of the power of attorney to the Secretary of the Board. It is the corporation's responsibility to notify the Board and the Sheriff in writing if/when a power of attorney has been withdrawn for a specific individual.
- 3 Failure of the applicant to keep the property described in 2B above free and clear of any and all liens and encumbrances shall be ground for revocation of the bondsman's license. The Board may waive certain liens and encumbrances which, in its discretion, it views as having an inconsequential impact upon the value of the property used as security.
 3. Applicant may, from time to time, request substitution of security. The Board, in its discretion, may approve the substitution of security for good cause.
 4. Applicant may present additional security in support of a license at any time. Applicant must deposit additional security in the same manner as described in "2" above. In the event that a licensee present additional automatically renewable certificate of deposits in support of a license in excess of \$250,000.00, the licensee shall ensure that the automatically renewable certificate of deposit accounts are maintained at separately chartered banks in order to meet the requirements of the FDIC's \$250,000.00 deposit insurance coverage. In no event shall a licensee's automatically renewable certificate of deposit held by the Franklin County Treasure increase the licensee's deposits at any one bank, or the branches or offices of the same bank, beyond the limit of the FDIC's \$250,000.00 limit. The treasurer shall maintain a list of securities held on behalf of licensees, clearly indicating the total security on deposit for each licensee, and present a copy of the list to the Jail Administrator and the Secretary of the Board immediately following the approval of a license and following any change in the security amount.
 5. Full or partial withdrawals of security by both current and former licensees must be in accordance with the Texas Occupations Code. All requests for withdrawal of security must be submitted in writing to the Board Secretary, and must disclose all outstanding judgments or bond liabilities, weather actual or potential, or state that there are no outstanding judgments or bond liabilities. After receipt of such a request, the Board

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Secretary shall coordinate with both the Sheriff's office and the County Treasurer to ensure that the requested withdrawal complies with the Texas Occupations Code and the local rules. If so, the Board Secretary may authorize the withdrawal of security and will report that action to the Board at its next meeting. Bail Bondsmen are limited to two requests for withdrawal per year.

G. Issuance of License and ID Card(s)

1. Each employee of a licensed bonding company must have an identification ("ID") card issued by the Board or the Board's designee. Each employee may apply for an ID card by completing the approved application form and complying with its requirements. The Board or the Board's designee shall then issue the ID card unless the applicant has, at any time, either before or after the effective date of this rule, had an ID card or a bonding license revoked, suspended, or denied, and the employee does not have permission of the Board to apply for an ID card or the employee does not meet other requirements as provided herein. Unless it specifies otherwise, an order of the Board granting the bonding company license also grants the ID cards to the employees whose personal information sheets are attached to the license application. An employee's ID card expires when the license of the bonding company expires.
2. The Board may revoke or suspend an employee's ID card if the employee has at any time, either before or after the effective date of this rule, violated the Bail Bond Act or these rules, provided that the part of the Act or the rule so violated was in effect when the violation occurred. An order of the Board revoking or suspending a bonding company's license revokes or suspends the ID cards for the company's employees, unless the Board otherwise specifies in its order. The procedure for suspension or revocation of an ID card shall be the same as for suspension or revocation of a bonding company's license.
3. Each license shall indicate the Bonding Company's name, the agent or applicant's name, any assumed name, the date of expiration, and a license number.
6. The Board may issue temporary licenses to cover operations from time of approval until such time an official license and identification card can be provided.
7. A license/ID card must be provided to the Sheriff, Deputy Sheriff, or designee upon request. A licensee, agent, or employee who may from time to time work as a temporary agent or employee of another licensed bonding company need not be issued an additional license/ID card for that other licensee.

H. License Expiration

1. A license issued or renewed under this chapter expires on the second anniversary after the date the license is issued or is to expire, if the license has been issued for less than eight consecutive years or has been suspended.

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2. A person who applies to renew a license that has been held by the person for at least eight consecutive years without having been suspended or revoked under this chapter and who complies with the requirements of this chapter may renew the license for a period of 36 months from the date of expiration

I. License Renewal

1. To renew a license, a license holder must file with the Board an application for renewal not later than the 45th day before the license expiration date. Time calculation shall be made from the date of personal delivery to the Board's presiding officer or the official U.S. Postal mark on the envelope containing the submitted application.
2. The renewal application must comply with the requirements set forth by the Occupations Code and by the Board for an original license application, including the \$500 filing fee requirement.
3. A Board may approve an application for renewal if:
 - a. The applicant's license is not suspended or revoked,
 - b. The application complies with the requirements of the Occupations Code and the Board's Rules and Regulations, and
 - c. The Board does not determine that a ground exists to deny the application.
4. All renewal applications that have real property in trust for security must have an appraisal completed for each piece of real property according to the requirements set forth in the Occupations Code and the Board's Rules and Regulations.
5. In the event that the Board fails, for any reason, to act upon a timely filed renewal application prior to the expiration date of the license, the Board's presiding officer shall issue a temporary license pending final action on the renewal application by the Board.
6. Renewal licenses shall bear the same number assigned to the original license.

J. Change of Information

1. All licensees shall provide the Board with written notice of any change in the information contained in the original or renewal application within ten business days of the change.
2. A licensee shall inform both the Board's presiding officer and the FRANKLIN County Sheriff in writing if the licensee ceases to be actively engaged in the bail bonding business.

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ARTICLE III: Employee Requirements

1. The Board may not prohibit the employment by a bonding company of persons who have been convicted of felonies or crimes of moral turpitude so long as such employees are not authorized to sign bonds.

ARTICLE IV: Giving and Making Bail

A. Bail Bond Form

1. Bail bonds shall be posted on a form approved by the Board.
2. Each bail bond shall be legible and shall, if known, include the style of the case and the cause number.
3. Each bail bond shall include the surety's signature, printed name, and legibly printed mailing address.
4. Each bail bond shall include, in legible print, the principal's full legal name, mailing address, a phone number, and, if available, either the principal's driver's license number or social security number. Each bail bond shall also include, in legible print and if available at the time of making bond, an alternative mailing address for the principal.
5. A copy of the bond shall be given to the principal by the surety at the time of making bond.

B. Bond Requirements

1. Except for attorneys currently licensed by the Supreme Court of Texas and for persons making cash bonds, only a bonding company licensed by the Board may execute a bail bond in FRANKLIN County.
2. All bonds must be signed by and in the name of the licensee or corporate agent authorized by the Board.
3. Cash bail bonds shall be posted with the FRANKLIN County Sheriff, who shall receipt the bond and thereafter timely transfer those bonds which have cases filed to the FRANKLIN County Clerk's Office or FRANKLIN County District Clerk's office, as applies, for safe keeping and accounting.

C. Bondsman and Employee Restrictions

1. No licensee, corporate agent, or employee may, by any means, recommend or suggest to any person whose bail has been posted the name of any particular attorney or firm of attorney in connection with the criminal offense.

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2. No licensee, corporate agent, or employee may promise to provide an attorney to any person seeking bail.
3. No licensee, corporate agent, or employee may solicit business in a police station, jail, prison, detention facility, or other place of detainment for persons in the custody of law enforcement.
4. No licensee or agent may solicit business in or on the property of the FRANKLIN County Courthouse. [or] No licensee or agent may solicit business on behalf of a bonding company in or on the property of the FRANKLIN County Courthouse square.
5. No person or entity who is not licensed by the Board may use a phone number, address, or advertising of any kind to solicit or refer bail bonding business to a licensee. This provision shall not prevent one licensee from referring business to another licensee, but in no case may one licensee solicit business on behalf of another licensee.
6. No police officer, sheriff, deputy, constable, jailer, employee of a law enforcement agency, judge, court employee, public official, or employee of any related agency may recommend a particular bail bond surety to another person.
7. No bonding agent, employee, or representative may contact the trial court judge either in person or by phone, regarding a civil bond forfeiture matter pending for that judge without:
 - a. Notifying the attorney for the State prior to attempting to contact the judge
 - i. regarding the subject matter that the agent, employee, or representative wishes to discuss with the judge, and
 - ii. permitting the attorney for the State to accompany the agent, employee, or representative to a joint meeting before the judge, or receiving notice, in writing, from the State's attorney waiving the State's appearance at the meeting between the judge and the agent, employee, or representative.
 - b. This rule does not apply to hearings under Article 1704.207 of the Texas Occupations Code regarding surrender contests.
 - c. This rule does not apply to attempts by the bonding agent, an employee, or a representative to have the trial court approve an affidavit of sureties or affidavit of incarceration.
 - d. The purpose of this rule is to prevent *ex parte* communications between bonding companies and the judges who preside over the civil bond forfeiture cases.

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ARTICLE V: Exemptions from Licensure Requirement

A. Attorney Bonds Exemption & Certificate of Attorney-Client Relationship

1. Attorneys posting bail shall certify in writing to the Sheriff that an attorney-client relationship arose under conditions not in violation of the Canons and Rules of Professional Ethics or the published rules and regulations of the State Bar of Texas.
2. Attorneys currently licensed by the Supreme Court of Texas shall be exempt from the Board's licensure requirements.

B. A person executing a bail bond or acting as a surety under Sec. 1704.163 of the Bail Bond Act is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

C. [Space Reserved for Future Expansion]

D. Other Exemptions

1. The Board may exempt other non-licensed persons from the Board's licensure requirements where permitted by State law.
2. A person posting bail under an exemption shall certify that he or she is not currently in default with any county for a bail bond.

ARTICLE VI: Licensee Records of Bonds

1. License holders shall maintain for not less than four years after the conclusion of the case for which the bond was given:
 - a. A record of each bail bond executed by the license holder, and
 - b. A separate set of records for each county in which the license holder is licensed.
2. Each record shall contain:
 - a. The style, cause number, and court in which the bond is executed,
 - b. The full, legal name of the defendant released on the bond,
 - c. The amount of bail set in the case,
 - d. The amount and type of security held by the license holder, and
 - e. A statement by the licensee (1) of whether the security held by the license holder is for the payment of the bail bond fee or the assurance of the principal's appearance in court and (2) under what conditions the security will be returned.
3. The records required under this section shall be made available for inspection on demand by the Board or an authorized representative of the Board.

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ARTICLE VII: Complaints

A. COMPLAINANT REQUIREMENTS

The board may, on its own motion, and shall, on receipt of sworn complaint providing reasonable cause to believe that a violation of the Act or the Rules has occurred, or on request of a Court, investigate the actions and records relating to such a complaint against any bondsman it has licensed. All Complaints, other than those considered by the Board on its own motion or at the request of a Court, shall be made under oath and be in writing.

B. FILING A COMPLAINT

The Secretary of the Board is designated as the agent of the Board for the receipt of complaints.

C. PROCESSING A COMPLAINT

Upon receipt of a complaint, the Secretary shall send a copy to each member of the Board. The Board shall consider said complainant at the next regularly scheduled meeting of the Board, unless considered earlier at a special or emergency session called by the Chairman of the Board, and shall make such orders as it deems appropriate respecting the investigation and prosecution of said complaint.

D. NOTICE OF COMPLAINT

The Secretary shall give notice to the accused licensee by certified mail at least ten days prior to the date of a hearing on the complaint. The notice shall specify the charges of violation made against the licensee, and the hearing shall be limited to those charges.

E. DISQUALIFICATION

If the complaint relates to a licensee who is also a member of the Board, said licensee shall be disqualified as a member of the Board to consider said complaint. The Chairman shall call a special session of the Board as soon as practicable for the purpose of election by a majority of the licensees present at said meeting of a licensee to serve as a member of the Board in the place and stead of the licensee Board member complained against. The newly elected licensee Board member shall serve at all meetings of the Board respecting such complaint and shall, upon a vote of the majority of the members of the Board, serve as the bail bondsmen's representative on the Board at all meetings of the Board pending the final disposition of the complaint.

F. SUBPOENAS

The Board vest authority to issue subpoenas upon the request of any interested person in the Chairman, vice Chairman or Secretary of the Board.

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ARTICLE VIII: Automatic Suspension

A. Security Requirements

1. Other than a corporation, no licensee may execute a bail bond that, in the aggregate with other bail bonds executed by the license holder in that county, exceeds the multiplier value of the security deposited with the Board.
2. Other than a corporation, no licensee may execute a bail bond if the licensee's current total liability on judgment's nisi (Orders of Bond Forfeiture), then pending in civil action in FRANKLIN County courts, exceeds twice the amount of security deposited with the Board.
3. A licensee may increase the limits prescribed herein at any time by depositing additional security with the Board.
4. It shall be the duty of each licensee to keep account of the bail bonds executed by the license holder and to keep account of the amount of judgments nisi (Orders of Bond Forfeiture) outstanding against the license holder so as to insure compliance with these requirements.

B. Record of Outstanding Bonds

1. The Sheriff shall maintain a current total of all licensee's potential liability on bonds in force.
2. The FRANKLIN County Clerk shall maintain a current total of all licensee's liability for judgments nisi (Orders of Bond Forfeiture) for misdemeanor bond forfeitures.
3. The FRANKLIN County District Clerk shall maintain a current total of all licensee's liability for judgments nisi (Orders of Bond Forfeiture) for felony bond forfeitures.

C. Violation of Security Requirements

1. If a licensee exceeds the security-to-bond or security-to-nisi ratio, the Board shall immediately suspend the license. No prior notice or hearing is necessary. An emergency meeting of the Board may be called for the purpose of determining whether a licensee has exceeded the proper ratio.
2. Once the proper ratio is regained, and assuming there is no other cause for suspension, the suspension shall be immediately lifted by written order of the Board's presiding officer that the license is no longer in violation of the security requirements.

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3. If the licensee continues to execute bonds during a period of license suspension, and after having received notice of such suspension, such conduct shall be grounds for license revocation.

ARTICLE IX: Licensee & Employee Information

A. Bonding Company List

1. The Bail Bond Board representative, after receiving the Boards approval of the list at the quarterly meeting, shall post in each court having criminal jurisdiction in the county, and shall provide to each local official responsible for the detention of prisoners in the county, a current list of each licensed bail bond surety and agent of the bail bond surety in the county.
2. A list of each licensed bail bond surety may be displayed where prisoners are examined, processed, or confined.
3. No mark may be permitted to be made on any of the posted lists. If the published list is marked, it shall be immediately removed and replaced with an unmarked list for display.
4. No unlicensed person or company, even those exempt from licensing, may be placed on the list.
5. The bonding company representative is responsible for preparing the bonding company list. The list will be updated on a monthly basis. The bonding company representative shall submit the list to the Board President or the President's designee by the 1st Thursday of each month and it shall be posted on the 2nd Thursday of each month.

B. Advertising

No advertising will be allowed at Franklin County Law Enforcement Center or the Franklin County Court House or on their properties.

The only exemption would be during events such as Franklin County CountryFest.

C. Surrender of Principal

1. No licensee may surrender the principal for whom the bond is executed unless the license holder executes and files with the court having jurisdiction over the case an affidavit of surety stating the date the bond was executed, the fee paid for the bond, and the reason for the surrender. The court must give written approval of the affidavit of surety before the surety may surrender the principal.

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2. If the principal, attorney for the state or the accused, or an agent of the Board determines that a reason for surrender was without reasonable cause, that person may contest the surrender in the court that authorized the surrender.
3. If the court finds that a contested surrender was without reasonable cause, the court may require the person who executed the bond to refund to the principal all or part of the fees paid for the execution of the bond. The court shall identify the fees paid to induce the person to execute the bond regardless of whether the fees are described as fees for execution of the bond.
4. Nothing in these rules shall prohibit the principal from voluntarily surrendering to a law enforcement agency. Should the principal voluntarily surrender to law enforcement agents, the surety may, with the trial court's permission, be excused from the bond obligations.

ARTICLE X: Miscellaneous

A. Effective Date

These Rules shall take effect April, 26, 2019. Any amendments shall be effective ten days after being approved and posted by the Board.

B. Severability

If any provision of these Rules or the application thereof to any person or under any circumstance is held invalid, such invalidity shall not affect either provisions or applications of these Rules which can be given effect without the invalid provision, and to this end, the provisions of these Rules are declared severable.

C. Conformity Clause

It is the purpose of these Rules to conform in their entirety with the letter and spirit of the Article 1704 of the Texas Occupations Code. If there be any conflicts between these Rules and Article 1704, Article 1704 shall control.