

JIM WELLS COUNTY BAIL BOND BOARD

RULES REGULATING BAIL BOND SURETIES

The following rules have been adopted by the Jim Wells County Bail Bond Board, hereafter called the Board, pursuant to its authority under Chapter 1704 (Regulation of Bail Bond Sureties) of the Texas Occupations Code (TOC).

ARTICLE I - Definitions

- (a) "Bail bond" means a cash deposit, or similar deposit or written undertaking, or a bond or other security, given to guarantee the appearance of a defendant in a criminal case.
- (b) "Bail bond surety" means a person who:
 - (1) executes a bail bond as a surety or co-surety for another person; or
 - (2) for compensation deposits cash to ensure the appearance in court of a person accused of a crime.
- (c) "Board" means the Jim Wells County Bail Bond Board.
- (d) "Bonding business" or "bail bond business" means the solicitation, negotiation, or execution of a bail bond by a bail bond surety.
- (e) "Final judgment" means a judgment that disposes of all issues and parties in a case.
- (f) "Person" means an individual or corporation.

ARTICLE II - Licensed Required

Except as provided by Article X of these rules, a person may not act as a bail bond surety or as an agent for a corporate surety in Jim Wells County unless the person holds a license issued by the Board.

ARTICLE III - Eligibility

- (a) An individual, including an agent designated by a corporation in an application, must:
 - (1) be a resident of this state and a citizen of the United States;
 - (2) be at least 18 years of age;

- (3) possess the financial resources required to comply with Article VII of these rules, unless the individual is acting only as agent for a corporation holding a license under these rules; and
 - (4) submit documentary evidence that, in the two years preceding the date a license application is filed, the individual:
 - (A) has been continuously employed by a person licensed under these rules for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed duties that encompass all phases of the bonding business; and
 - (B) completed in person at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an accredited institution of higher education in the state.
- (b) To be eligible for a license under these rules, a corporation must be:
- (1) chartered or admitted to do business in this state; and
 - (2) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code.
- (c) Section (a)(4) of this Article does not apply to the issuance of an original license:
- (1) before the first anniversary of the date the Board was created; or
 - (2) to an individual who applies to operate the bail bond business of a license holder who has died if the individual is related to the decedent within the first degree by consanguinity or is the decedent's surviving spouse.
- (d) A person is not eligible for a license under these rules if, after August 27, 1973, the person commits and is finally convicted of a misdemeanor involving moral turpitude or a felony.

ARTICLE IV - Application Requirements

- (a) To be licensed under these rules, a person must apply for a license by filing an original and ten (10) copies of a sworn application with the Board at least thirty (30) days prior to the date of Board consideration. All applicant's are required to attend the Board meeting at which

their application is being considered.

- (b) The application must:
 - (1) be in a form approved by and contain the information prescribed by the Board;
 - (2) state:
 - (A) the applicant's name, age, and address;
 - (B) if the applicant is a corporation, whether the applicant is:
 - (i) chartered or admitted to do business in this state; and
 - (ii) qualified to write fidelity, guaranty, and surety bonds under the Texas Insurance Code;
 - (C) the name under which the bail bond business will be conducted, including a bail bond business that is conducted by an agent of a corporation;
 - (D) each place, including the street address and municipality, at which the business will be conducted; and
 - (E) the amount of cash or the cash value of a certificate of deposit or cashier's check that the applicant intends to deposit with the county treasurer if the applicant's application is approved or, if the applicant is an individual intending to execute nonexempt real property in trust to the board, the value of the real property;
 - (3) if the applicant is an individual, be accompanied by a list, as required by Article V of these rules, of nonexempt real property owned by the applicant that the applicant intends to execute in trust to the Board if the applicant's application is approved; and
 - (4) be accompanied by:

- (A) the applicant's complete, sworn financial statement;
- (B) the applicant's declaration that the applicant will comply with this chapter and the rules adopted by the Board;
- (C) three letters of recommendation, each from a person who:
 - (i) is reputable; and
 - (ii) has known the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application for at least three years;
- (D) a \$500 non-refundable filing fee;
- (E) a photograph of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in the application;
- (F) a set of fingerprints of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in the application taken by a law enforcement officer designated by the Board;
- (G) if the applicant is or has been licensed under the authority of TOC Chapter 1704 in another county:
 - (i) a list of each county in which the applicant holds a license; and
 - (ii) a statement by the applicant, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from a bail bond executed by the applicant as a surety or as an agent for a surety; and
- (H) if the applicant is a corporation, a statement by the designated agent, as of the date of the application, of

any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from any bond executed by the agent as a surety or as an agent for a surety.

- (c) A letter of recommendation submitted under Section (b)(4)(c) of this Article must:
 - (1) state that the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application has a reputation for honesty, truthfulness, fair dealing, and competency; and
 - (2) recommend that the Board issue the license.
- (d) Until payment of the final judgment, an unpaid final judgment disclosed under Section (b)(4)(G)(ii) or (b)(4)(H) of this Article bars licensure for the applicant unless the applicant has deposited with the court cash or a supersedeas bond in the amount of the final judgment pending:
 - (1) a ruling on a timely filed motion for a new trial; or
 - (2) an appeal.
- (e) A corporation must file a separate corporate application for each agent the corporation designates in Jim Wells County.

ARTICLE V - Real Property List

A list of nonexempt real property required under Article IV(b)(3) of these rules must, for each parcel listed, include:

- (1) a legal description of the property that would be sufficient to convey the property by general warranty deed;
- (2) a current statement from each taxing unit authorized to impose taxes on the property showing that there is no outstanding tax lien against the property;
- (3) at the option of the applicant, either the property's:
 - (A) net value according to a current appraisal made 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, educational program, and professional certification program; or

- (B) value according to a statement from the county from the county's most recent certified tax appraisal roll;
- (4) a statement by the applicant that, while the property remains in trust, the applicant:
 - (A) agrees to pay the taxes on the property;
 - (B) will not further encumber the property unless the applicant notifies the board of the applicant's intent to encumber the property and the board permits the encumbrance; and
 - (C) 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;
- (5) a statement of whether the applicant is married; and
- (6) if the applicant is married, a sworn statement from the applicant's spouse agreeing to transfer to the board, as a part of the trust, any right, title, or interest that the spouse may have in the property.

ARTICLE VI - Board Hearing and Action

- (a) The Board shall meet as needed at the call of the presiding officer. Four (4) members of the Board shall constitute a quorum for the purpose of conducting Board business.
- (b) Before a hearing on an application, the Board or the Board's authorized representative shall determine whether the applicant:
 - (1) possesses the financial resources to comply with Article VII of these rules; and
 - (2) satisfies the other requirements of these rules.
- (c) After making the determinations required by Section (b) of this Article, the Board shall conduct a hearing on the application.
- (d) During the hearing:

- (1) the Board may submit to the applicant or the applicant's agent any questions relevant to the board's decision on the application; and
 - (2) the applicant may present oral and documentary evidence.
- (e) After the hearing under Section (d) of this Article, the Board shall enter an order conditionally approving the application unless the Board determines that a ground exists to deny the application. If the Board determines that a ground exists to deny the application, the Board shall enter an order denying the application.
 - (f) An order issued under Section (e) of this Article conditionally approving an application becomes final on the date the applicant complies with the security requirements of Article VII of these rules.
 - (f) The Board shall give written notice to an applicant of the Board's decision on the application.
 - (g) Once the order issued by the Board under Section (e) of this Article becomes final, the Board shall issue a license to the applicant which shall show on its face the license expiration date and the license number.

ARTICLE VII - Security Requirements

- (a) On receipt of notice under Article VI, Section (f) that an application has been conditionally approved, the applicant, not later than the 90th day after the date of receipt of the notice, must:
 - (1) if the applicant is an individual:
 - (A) subject to Section (b) of the Article, deposit with the Jim Wells County Treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section (b)(2)(E) of Article IV of these rules; or
 - (B) subject to Sections (c) through (f) of this Article, execute in trust to the Board each deed to the property listed on the application under Section (b)(3) of Article IV of these rules; or
 - (2) if the applicant is a corporation, subject to Section (b) of this Article, deposit with the Jim Wells County Treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section (b)(2)(E) of Article IV of these rules.

- (b) A deposit made under Section (a)(1)(A) or (a)(2) of this Article may not be less than \$50,000.00. A corporation must make a separate deposit for each license granted to it in Jim Wells County. The deposit shall be placed in a fund known as the Jim Wells County Bail Security Fund.
- (c) At the option of the applicant, the property executed in trust under Section (a)(1)(B) of this Article must be valued in the amount indicated by:
 - (1) 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, educational program, and professional certification program; or
 - (2) the county's most recent certified tax appraisal roll.
- (d) The total value of the property executed in trust under Section (a)(1)(B) of this Article may not be less than \$50,000.
- (e) A trust created under Section (a)(1)(B) of this Article is subject to the condition that the property executed in trust may, after notice is provided and under the conditions required by the Code of Criminal Procedure, be sold to satisfy a final judgment on a forfeiture on a bail bond executed by the applicant.
- (f) If an applicant is married, the applicant's spouse must execute each deed of trust under Section (a)(1)(B) of this Article that involves community property.
- (g) The Board shall file each deed of trust in the records of each county in which the property is located. The applicant shall pay the filing fee.
- (h) The certificate of authority to do business in this state issued under Section 861.102, Insurance Code, to an applicant that is a corporation is conclusive evidence of:
 - (1) the sufficiency of the applicant's security; and
 - (2) the applicant's solvency and credits.
- (i) A license holder must maintain the amount of security required by this section during the time the person holds the license.

ARTICLE VIII - Board Powers and Duties

- (a) The Board shall:

- (1) exercise powers incidental or necessary to the administration of this chapter;
 - (2) deposit fees collected under this chapter in the general fund of the Jim Wells County;
 - (3) supervise and regulate each phase of the bonding business in the Jim Wells County;
 - (4) adopt and post rules necessary to implement this chapter;
 - (5) conduct hearings and investigations and make determinations relating to the issuance, denial, or renewal of licenses;
 - (6) issue licenses to qualified applicants;
 - (7) deny licenses to unqualified applicants;
 - (8) employ persons necessary to assist in board functions; and
 - (9) conduct board business, including maintaining records and minutes.
- (b) The Board shall:
- (1) enforce this chapter in the Jim Wells County;
 - (2) conduct hearings and investigations and make determinations relating to license suspension and revocation;
 - (3) suspend or revoke a license for a violation of this chapter or a rule adopted by the board under this chapter; and
 - (4) require a record and transcription of each board proceeding.
- (c) The Board may:
- (1) compel the appearance before the Board of an applicant or license holder; and
 - (2) 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.

- (d) The Board shall post a rule adopted or an action taken by the Board in an appropriate place in the county courthouse for the ten (10) days preceding the date the rule or action takes effect.
- (e) The Board shall post in each court having criminal jurisdiction in the Jim Wells County, and shall provide to each local official responsible for the detention of prisoners in Jim Wells County, a current list of each licensed bail bond surety and each licensed agent of a corporate surety in the county.
- (f) A list of each licensed bail bond surety and each licensed agent of a corporate surety must be displayed at each location where prisoners are examined, processed, or confined.
- (g) The Board shall immediately notify each court and each local official responsible for the detention of prisoners in Jim Wells County of:
 - (1) the suspension or revocation of a license issued under this chapter;
and
 - (2) the revocation of the authority of a license holder's agent.
- (h) The Board shall promptly notify the Texas Department of Insurance if a corporation fails to pay a judgment of forfeiture as provided by TOC Section 1704.204(a).

ARTICLE IX - License Expiration and Renewal

- (a) A license issued or renewed under these rules expires on the second anniversary after the date the license is issued or is to expire, as appropriate, if the license:
 - (1) has been issued for less than eight consecutive years; or
 - (2) has been suspended.
- (b) To renew a license, a license holder must file with the board an application for renewal not later than the 30th day before the license expiration date and not later than thirty (30) days before the date of a scheduled Board meetings..
- (c) An application for renewal must comply with the requirements for an original license application under Article IV of these rules, including the \$500 filing fee requirement.
- (d) The Board shall approve an application for renewal if:
 - (1) the applicant's current license is not suspended or revoked;

- (2) the application complies with the requirements of these rules; and
 - (3) the Board does not determine that a ground exists to deny the application.
- (e) 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 these rules or the provision of TOC Chapter 1704 and who complies with the requirements of these rules may renew the license for a period of 36 months from the date of expiration if the Board:
- (1) knows of no legal reason why the license should not be renewed; and
 - (2) determines that the applicant has submitted an annual financial report to the Board before the anniversary date of the issuance of the applicant's license.
- (f) A license renewed under Section (e) of this Article may be renewed subsequently each 36 months in a similar manner.
- (g) The Board may disapprove an application only by entering an order.

ARTICLE X - Attorney Exemption

- (a) Except as provided by this Article, a person not licensed under this chapter may execute a bail bond or act as a surety for another person in Jim Wells County if the person:
- (1) is licensed to practice law in this state; and
 - (2) at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record.
- (b) A person executing a bail bond or acting as a surety under this section may not engage in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation. If the Board determines that a person has violated this section, the Board may suspend or revoke the person's authorization to post a bond under this section or may bar the person from executing a bail bond or acting as a surety under this section until the person has remedied the violation.
- (c) A person executing a bail bond or acting as a surety under this section is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the

criminal case.

ARTICLE XI - Record Requirements

- (a) A license holder shall maintain:
 - (1) a record of each bail bond executed by the license holder; and
 - (2) a separate set of records for each county in which the license holder is licensed.

- (b) The records required to be maintained under this Article must include for each bail bond executed and enforced:
 - (1) the style and number of the case and the court in which the bond is executed;
 - (2) the name of the defendant released on bond;
 - (3) the amount of bail set in the case;
 - (4) the amount and type of security held by the license holder; and
 - (5) a statement of:
 - (A) whether the security held by the license holder is:
 - (i) for the payment of a bail bond fee; or
 - (ii) to assure the principal's appearance in court; and
 - (B) the conditions under which the security will be returned.

- (c) The records required under this section shall be:
 - (1) made available for inspection and copying at the Board's expense on demand by the Board or an authorized representative of the Board;
 - (2) maintained at the license holder's office location in Jim Wells County; and,

- (3) maintained for not less than four years after the conclusion of the case for which the bond was given.

ARTICLE XII - Bail Bond Limit; Additional Security

- (a) The Jim Wells County Sheriff's Department shall maintain for each license holder the total amount of the license holder's current liability on bail bonds.
- (b) A license holder may not execute a bail bond if the amount of the license holder's current total liability on judgments nisi in Jim Wells County equals or exceeds twice the amount of security deposited or executed by the license holder under Article VII of these rules.
- (c) A license holder, at any time, may increase the limits prescribed by this section by depositing or executing additional security.
- (d) This Article does not apply to a license holder that is a corporation.
- (f) A bail bond surety who holds a license issued under these rules, and who:
 - (1) has been licensed for fewer than two years or has had a license under this chapter suspended or revoked may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section (a)(1)(A) of Article VII of these rules plus five times the value of property held in trust under Section (a)(1)(B) of Article VII of these rules;
 - (2) has been licensed for at least two years and fewer than four years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section (a)(1)(A) of Article VII of these rules plus six times the value of property held in trust under Section (a)(1)(B) of Article VII of these rules;
 - (3) has been licensed for at least four years and fewer than six years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section (a)(1)(A) of Article VII of these rules plus eight times the value of property held in trust under Section (a)(1)(B) of Article VII of these rules; or
 - (4) has been licensed for at least six years may not execute, and a person may not accept from the license holder, bail bonds that in the

aggregate exceed 10 times the value of property held as security under Section (a)(1)(A) of Article VII of these rules plus 10 times the value of property held in trust under Section (a)(1)(B) of Article VII of these rules.

- (g) If a bail bond surety is subject to Section (f)(1) of this Article because the person has had a license under this chapter suspended or revoked and is also subject to Section (f)(2), (3), or (4) of this Article, the prohibition imposed by Section (f)(1) of this Article controls.

ARTICLE XII - Payment of Final Judgment

- (a) A person shall pay a final judgment on a forfeiture of a bail bond executed by the person not later than the 31st day after the date of the final judgment unless a timely motion for a new trial has been filed. If a timely motion for a new trial or a notice of appeal has been filed, the person shall:
 - (1) pay the judgment not later than the 31st day after the date the motion is overruled, if the motion is overruled; or
 - (2) deposit with the court cash or a supersedeas bond in the amount of the final judgment, if an appeal is filed.
- (b) If a license holder fails to pay a final judgment as required by Section (a) of this Article, the judgment shall be paid from the security deposited or executed by the license holder Article VII of these rules
- (c) If a final judgment on a forfeiture of a bail bond is paid from the security deposited or executed by a license holder under Article VII of these rules, the license holder shall deposit or execute additional security in an amount sufficient to comply with that section.

ARTICLE XIII - Withdrawal of Security

- (a) A license holder may withdraw the security deposited or executed under Article VII of these rules, and the security shall be returned to the license holder or the license holder's heirs or assigns, if:
 - (1) the license holder:
 - (A) ceases to engage in the bonding business;
 - (B) ceases to maintain the license; and
 - (C) presents a release by the board; and

- (2) no judgment or bond liability, actual or potential, is outstanding against the license holder.
- (b) The security returned to a license holder under Section (a) of this Article is equal to the amount of security deposited or executed under Article VII of these rules minus the amount of security:
 - (1) depleted under Section (b) of Article XII of these rules to pay a judgment; and
 - (2) necessary to secure any unexpired obligation on a bail bond executed by the license holder.

ARTICLE XIV - Corporate Power of Attorney

- (a) A corporation shall, before executing any bail bond, file with the County Clerk of Jim Wells County a power of attorney designating an agent of the corporation authorized to execute bail bonds on behalf of the corporation.
- (b) An agent designated by a power of attorney under Section (a) of this Article for a corporation holding a license under these rules must be designated by the corporation in the corporation's application for a license.
- (c) An agent designated by a power of attorney under Section (a) of this Article is not required under these rules to obtain a general property and casualty agent license under Chapter 4051, Texas Insurance Code.
- (d) A corporation may limit the authority of an agent designated under Section (a) of this Article by specifying the limitation in the power of attorney that is filed with the County Clerk and the Board.

ARTICLE XV - Effect of Default by Corporation; Notice Required

- (a) A corporation may not act as a bail bond surety if the corporation is in default on five or more bail bonds.
- (b) If a corporation defaults on a bail bond, the clerk of the court in which the corporation executed the bond shall deliver a written notice of the default to:
 - (1) the sheriff;
 - (2) the chief of police; or

- (3) another appropriate peace officer.
- (c) For purposes of this Article:
 - (1) a corporation is considered in default on a bail bond beginning on the 11th day after the date the trial court enters a final judgment on the scire facias and ending on the date the judgment is satisfied, set aside, or superseded; and
 - (2) a corporation is not considered in default on a bail bond if, pending appeal, the corporation deposits cash or a supersedeas bond in the amount of the final judgment with the court in which the bond is executed.
- (d) A deposit made under Section (c)(2) of this Article shall be applied to the payment of a final judgment in the case.

ARTICLE XVI - Office Location

- (a) A license holder shall maintain an office in Jim Wells County.
- (b) Not later than the seventh day after the date a license holder opens a new office or moves an office to a new location in Jim Wells County, the license holder shall notify the Board of the location of the office.

ARTICLE XVII - Investigation

- (a) The Board, on its own motion, may investigate an action of or a record maintained by a license holder that relates to a complaint that the license holder has violated these rules.
- (b) The Board shall investigate an action of or a record maintained by a license holder if:
 - (1) the Board receives a sworn complaint providing reasonable cause to believe that a violation of this chapter has occurred; or
 - (2) a court requests an investigation.

ARTICLE XVIII - Discretionary License Suspension or Revocation: Grounds

After notice and hearing, the Board may revoke or suspend a license if the license holder:

- (1) violates TOC Chapter 1704 or these rules;

- (2) fraudulently obtains a license under TOC Chapter 1704 or these rules;
- (3) makes a false statement or misrepresentation:
 - (A) in an application for an original or renewal license; or
 - (B) during a hearing conducted by the Board;
- (4) refuses to answer a question submitted by the Board during a hearing relating to the license holder's license, conduct, or qualifications;
- (5) is finally convicted under the laws of this state, another state, or the United States of an offense that:
 - (A) is a misdemeanor involving moral turpitude or a felony; and
 - (B) is committed after August 27, 1973;
- (6) is found by a court to be bankrupt or is insolvent;
- (7) is found by a court to be mentally incompetent;
- (8) fails to pay a judgment in accordance with Article XII of these rules;
- (9) pays commissions or fees to or divides commissions or fees with, or offers to pay commissions or fees to or divide commissions or fees with, a person or business entity not licensed under this chapter;
- (10) solicits bonding business in a building in which prisoners are processed or confined;
- (11) recommends to a client the employment of a particular attorney or law firm in a criminal case;
- (12) falsifies or fails to maintain a record required under TOC Chapter 1704 or these rules;
- (13) fails to promptly permit the Board, or a representative or an agent of the Board, to inspect a record required under TOC Chapter 1704 and these rules;
- (14) acts as a bail bond surety under a suspended or expired license;

- (15) fails two or more times to maintain the amount of security required Article VII of these rules; or,
- (16) misrepresents to an official or an employee of the official the amount for which the license holder may execute a bail bond for purposes of obtaining the release of a person on bond.

ARTICLE XIX - Mandatory License Suspension or Revocation: Grounds

- (a) The Board shall immediately suspend a license if the license holder fails to maintain the amount of security required by Article VII of these rules. The Board is not required to provide notice or a hearing before suspending a license under this section. A license suspended under this section shall be immediately reinstated if the license holder deposits or executes the amount of security required by Article VII.
- (b) After notice and hearing as provided by Article XXI of these rules, the Board shall revoke a license if:
 - (1) the license holder fails to pay a judgment in accordance with Article XII of these rules; and
 - (2) the amount of security maintained by the license holder under Article VII of these rules is insufficient to pay the judgment.

ARTICLE XX - Failure to Pay Final Judgment by Bail Bond Surety

- (a) The Board or its authorized representative shall immediately notify the sheriff if a bail bond surety fails to pay a final judgment of forfeiture as provided by Article XII of these rules.
- (b) After receiving notification, the sheriff may not accept any bonds from the bail bond surety until the surety pays the judgment.
- (c) The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.
- (d) A board is not required to provide notice or a hearing before making the notification required by this section.

ARTICLE XXI - Notice and Hearing

- (a) Notice of a hearing to suspend or revoke a license under these rules must:
 - (1) be sent by certified mail to the last known address of the license

holder not later than the 11th day before the date of the hearing;

- (2) state each alleged violation of these rules; and
 - (3) include a copy of any written complaint on which the hearing will be based.
- (b) The hearing is limited to each alleged violation stated in the notice.
- (c) During the hearing, the license holder:
- (1) is entitled to an opportunity to be heard; and
 - (2) may present and cross-examine witnesses.
- (d) The hearing shall be recorded. A license holder may obtain a copy of the record on request and payment of the reasonable costs of transcription.

ARTICLE XXII - Appeal; Venue

- (a) An applicant or a license holder may appeal an order of the Board denying an application for a license or renewal of a license, or suspending or revoking a license, by filing a petition in a district court in Jim Wells County not later than the 30th day after the date the person receives notice of the denial, suspension, or revocation.
- (b) An appeal filed under this Article is an action against the Board. An applicant or a license holder may not bring the action against an individual Board member.
- (c) The Board may not assert a reason on appeal for an action by the Board that differs from the reasons specified in the Board's notice of hearing under Article XXI of these rules.

ARTICLE XXIII - Effect of Board Order

- (a) A Board order denying an application for a license or renewal of a license, or suspending or revoking a license, becomes final on the 31st day after the date the applicant or license holder receives notice of the order unless the applicant or license holder files an appeal under Section Article XXII of these rules.
- (b) A Board order appealed under Article XXII of these rules has full force and effect pending determination of the appeal.

ARTICLE XXIV - Return Of Security

A bail bond surety may not hold security for the payment of a bail bond fee or to assure the principal's appearance in court for more than 30 days after the date on which the owner of the security:

- (1) requests return of the security in writing; and
- (2) submits to the bail bond surety written evidence of the conclusion of:
 - (A) the payment agreement; or
 - (B) all of the criminal cases for which the security was given.

ARTICLE XXV - Prohibited Referrals of or Employments With Bonding Business

- (a) A person in the bonding business may not directly or indirectly give, donate, lend, or contribute, or promise to give, donate, lend, or contribute, money or property to an attorney, police officer, sheriff, deputy, constable, jailer, or employee of a law enforcement agency for the referral of bonding business.
- (b) A person may not accept or receive from a license holder money, property, or any other thing of value as payment for the referral of bonding business unless the records of the Board show that the person is an agent or employee of the license holder.
- (c) A person may not accept or receive from a license holder money, property, or any other thing of value as payment for employment with a bonding business if, within the preceding 10 years, the person has been convicted of a misdemeanor involving moral turpitude or of a felony.

ARTICLE XXVI - Bail Bond Surety Activity

- (a) A person required to be licensed under these rules may not execute a bail bond unless the person holds a license issued under these rules.
- (b) A person may not advertise as a bail bond surety in a county unless the person holds a license issued under these rules in Jim Wells County. A person does not violate this subsection if the person places an advertisement that appears in more than one county and:
 - (1) the advertisement clearly indicates the county or counties in which the person holds a license issued under TOC Chapter 1704; and

- (2) any local telephone number in the advertisement is a local number only for a county in which the person holds a license issued under TOC Chapter 1704.

ARTICEL XXVII - Prohibited Recommendations or Solicitations

- (a) A bail bond surety or an agent of a bail bond surety may not recommend or suggest to a person for whom the bail bond surety executes a bond the employment of an attorney or law firm in connection with a criminal offense.
- (b) A bail bond surety or an agent of a bail bond surety may not solicit bonding business in a police station, jail, prison, detention facility, or other place of detainment for persons in the custody of law enforcement.
- (c) A person may not place a device in a place of detention, confinement, or imprisonment that dispenses a bail bond in exchange for a fee.

ARTICLE XXVIII - Bail Bond Receipt and Inspection

- (a) A bail bond surety or an agent of a bail bond surety may not receive money or other consideration or thing of value from a person for whom the bail bond surety executes a bond unless the bail bond surety or agent issues a receipt to the person as provided by Section (b) of this Article.
- (b) The receipt must state:
 - (1) the name of the person who pays the money or transfers the consideration or thing of value;
 - (2) the amount of money paid or the estimated amount of value transferred;
 - (3) if the person transfers consideration or a thing of value, a brief description of the consideration or thing of value;
 - (4) the style and number of the case and the court in which the bond is executed; and
 - (5) the name of the person receiving the money, consideration, or thing of value.
- (c) A bail bond surety or an agent of a bail bond surety shall retain a duplicate copy of a receipt issued under Section (a) of this Article. The copy of the receipt shall be made available for

inspection by:

- (1) a representative of the Board; and
- (2) an appointed representative of any court in Jim Wells County which the bail bond surety executes bail bonds.