

Bail Bond Advisory Committee

July 21, 2011
10:00am-11:45am
Division of Insurance
1560 Broadway, Suite 850
Conference Room B
Denver, CO 80202

Committee Members: Dave Hyatt (Surety Co. Rep), Lt. Patrick McCosh (Law Enforcement), Mark Spensieri (Prof Cash Agent), Steven Mares, Jr., (Surety Bail Agent), Tom Remy (Surety Bail Agent), Steven Titus (Surety Bail Agent)

Division of Insurance Personnel: Paula Sisneros (Director, Compliance & Investigations), Beth Ham (Sr. Investigator), Caryn Berumen (Investigator), Lauren Keast (Unit Assistant)

Others: Bryan Jameson, Department of Regulatory Agencies (Policy Analyst), Angela Hunt, Attorney General's Office (Assistant Attorney General)

Meeting Minutes

Administrative Matters

Opening Comments:

- Director Sisneros informed that on Monday, June 27, 2011, Gov. John Hickenlooper announced Representative Jim Riesberg will be the state's new Commissioner of Insurance. He resigned his House seat June 30 and started work July 1, 2011.
- Director Sisneros introduced Angela Hunt, Attorney General's Office

Membership:

- Director Sisneros welcomed Tom Remy, Surety Bail Agent, recently appointed committee member.

Open Member Seats: Director Sisneros reiterated there is one cash seat open on the BBAC. There are only 3 cash agents (1) Mary Ellen Pollack, (2) Dick Jordan, and (3) Glen Younger, whose term expired. No applications were received by the due date, May 31, 2011.

Meeting Minutes from May 5, 2011: Approved by motion from Dave Hyatt and second from Steve Titus.

Committee Duties & Requirements

Selection of Committee Officers: Director Sisneros recommended the committee appoint a Chairman and Vice-Chairman who will be responsible to formulate meeting agendas, liaison with other committee members and facilitate the meetings.

- Dave Hyatt was approved as Chairman by motion from Steven Mares and second from Steven Titus.
- Steven Mares was approved a Vice-Chairman by motion from Dave Hyatt and second from Steven Titus.

Bail Industry: Dave Hyatt, Pioneer General, discussed a meeting held a week ago with the Jefferson County District Attorney's Office & Commissioners. Jerry Watson, International Fidelity Insurance Company, and Jay Labe, Attorney at Law, participated at the meeting.

Best Practices: Director Sisneros recommended the Dave Hyatt and Steve Mares formulate list of best practices for issues not specifically defined by statute.

By Laws: Director Sisneros recommended committee members review Title Advisory Council and Producer Advisory Council by laws to align Bail Bond Advisory Committee with same. By laws development scheduled for discussion at October meeting.

Standards & Industry Practices

Court Training Forfeiture Process: Update to be provided at next meeting.

Immigration Issue: Director Sisneros discussed the Division's position and the issuance of a bulletin on the premium forfeiture payment to the court as set forth in §16-3-503(1)(c), C.R.S. be pended until legislative changes are known. This issue will be removed from the agenda.

New Business

- **Immigration, Car Impound and Appeal Bonds:** Require an Insurance Producer license with Property & Casualty lines of authority.
- **Regulations 1-2-13 and 1-2-14:** Amendments will be tabled until review of the Bail Sunset Report to be published October 17, 2011.
- **Professional Liability & Health Insurance:** Dave Hyatt advised there is an insurance company out of Washington who are offering professional liability & health insurance to bail recovery or bail bonding agents.
- **Annual Reports:** Although the deadline for timely filing is November 1, the Division encourages agents to submit their reports via fax or email as soon as possible after the June 30, 2011 period end date.
- **Stipulation & Final Agency Order for Minnesota Surety and Trust Company (MSTC):** Prohibits issuance of any Consent of Surety by any bail agent on any bond underwritten by MSTC. No extensions of a MSTC bond can be made. The Division of Insurance notified the State Court Administrators Office, Colorado Courts advising of the Stipulation and Final Agency Order .
- **Release of Cash/Professional Cash Qualification Bond:** The Division of Insurance has received requests for release of qualification bonds. It is imperative the bail agent (1) keep good records, (2) pay taxes, and (3) provide affidavits of no liability from all courts; municipal, county, or district.
- **Self Disclosures:** Are required by statute § 10-2-801(4) C.R.S. "Within thirty days after the initial pretrial hearing date, a producer or business entity shall report to the commissioner any criminal prosecution of the producer in any jurisdiction. The report shall include a copy of the initial complaint, the order resulting from the hearing, and any other relevant legal documents."
- **Credit Reports:** It is illegal to charge a consumer for a credit report.
- **Records Retention:** Three (3) years from the date of the release of the bond and three (3) years from the date of return of collateral.

Agenda Items for Next Meeting (New or Continued Business)

- Bylaws – Committee members to identify attendance & dial-in requirements, schedule of meetings, etc.
- Regulations 1-2-13 and 1-2-14 discussion of proposed changes by committee
- Dave Hyatt and Steven Mares – prepare list of best practices.

Action Items

- ❖ Committee members read Bail Sunset Report to be published October 17, 2011 prior to next scheduled meeting October 20, 2011.
- ❖ Publish agenda for October 20, 2011 (Beth Ham).