

Minutes

Bail Bond Advisory Committee Meeting

October 21, 2010

10:00 – 12:00 Noon

Division of Insurance

1560 Broadway Ste 850 Room B

Denver Co 80202

Members Present:	Lieutenant Patrick McCosh, Law Enforcement Mike Gray – Surety Bail Agent Dave Hyatt, Surety Company Representative Richard Gonzales, Surety Bail Agent Mark Spensieri, Professional Cash Agent
Members Absent	Dave Hyatt, Surety Company Representative
Members – Call In	Glen Younger, Cash Bail Agent Steven J. Titus, Surety Bail Agent
Division of Insurance Personnel:	Paula Sisneros, Director of Compliance and Investigations Beth Ham, Senior Investigator
Public Attendees:	Marcia Carden, Crystal Keim, Donna Wood, Sharon Winfrie, Cindy Knight, Steven Mares

Agenda topics

1.	Call to Order	Beth Ham
Discussion:		
<ul style="list-style-type: none">Meeting was called to order.		
Conclusions:		
Action items: None		
Person responsible:		Deadline:

2.	Attendance Requirements	Director Paula Sisneros
<ul style="list-style-type: none">Review Attendance Requirements		
Discussion:		
<ul style="list-style-type: none">Members were notified that if they are unable to attend a committee meeting and wish to call in, they must contact the Division of Insurance at least a week prior to the meeting.Mike Gray announced he was resigning from the Committee. Members and attendees were notified to provide a resume if interested in filling the vacant position. Resumes will be reviewed by the Commissioner.		

Conclusions:		
Action items: None	Person responsible:	Deadline:

3.	Approval of the Minutes of July 15, 2010	Committee Members
Discussion:		
<ul style="list-style-type: none"> Minutes were approved by all committee members present. Minutes will be posted to the Division of Insurance website. 		
Conclusions:		
Action items: Post minutes to website	Person responsible:	Deadline:
	Beth Ham	None

4.	Committee Duties and Requirements	Committee Members
<ul style="list-style-type: none"> Meeting structure Selection of Committee officers Direction of Committee Best practices of the industry 		
Discussion:		
<ul style="list-style-type: none"> Committee members stated that no subcommittees had been established and no meetings had been held. Tabled until January 20, 2011 meeting. Committee members were notified that if they want to suggest changes to Division Regulation 1-2-14, they need to establish a subcommittee, and provide suggested amendments to the Committee on January 20, 2011. 		
Conclusions:		
Action items: Add to agenda	Person responsible:	Deadline:
	Beth Ham Committee Members	January 20, 2011

5.	Committee Discussions - Standards and Industry Practices	Committee Members
<ul style="list-style-type: none"> Update - court training regarding forfeiture process- Dave Hyatt 		
Discussion:		

- Tabled until January 20, 2011 meeting,

Conclusions:

Action items: Add to agenda

Person responsible:
Beth Ham

Deadline:
January 20,
2011

6. Committee Members Agenda Items Committee Members

- **Immigration issue - Discuss premium forfeiture payment to the court set forth in § 16-3-503(1)(c), C.R.S. Discuss if cost can be passed on to the consumer.**
- **Review of extradition costs set forth in § 16-4-108(1)(b.5)(I) and (I), C.R.S.**

Discussions:

- Committee discussed immigration issue: premium forfeiture payment to the court being passed on to the consumer. The Division of Insurance initial position is that it does not appear that the cost can be passed on to the consumer. Division of Insurance to provide answer at next meeting.
- Committee also discussed the requirement on the appearance bond which requires the bail bonding agent state the premium charged for the posting of the bond.
- Committee discussed extradition costs and reviewed § 24-9-104(2)(d), C.R.S.

Conclusions: Revisit Immigration issue at January 20, 2011 meeting.

Action items: Add Immigration Issue to January 20, 2011 agenda

Person responsible:
Beth Ham

Deadline:
January 20,
2011

7.	New Business	Director Paula Sisneros
<ul style="list-style-type: none"> • Promissory Notes • Contract requirements Between Insurers and Licensees • Fiduciary Accounts 		
Discussions:		
<ul style="list-style-type: none"> • Committee discussion regarding Promissory Notes requirements: <ul style="list-style-type: none"> Marking promissory notes "satisfied" Notification requirements to the defendant/third party indemnitor Maintenance of records. <p>Committee Members were notified that if they want to suggest changes to Division Regulation 1-2-14, they need to meet and present suggested amendments at January 20, 2011 meeting.</p> <ul style="list-style-type: none"> • Members and attendees were notified that Colorado insurance law requires a direct contract between the insurance company and each bail bonding agent writing bonds for the insurance company. They were also notified that Colorado insurance law requires the insurance company to appoint each bail bonding agent and provide such notification to the Division of Insurance. • Members and attendees were notified that Colorado insurance law requires the registration of an assumed name with the Commissioner, prior to use. Registration with Secretary of State and/or Department of Revenue does not comply with the requirement to register with the Commissioner of Insurance. • Director Sisneros presented the requirements set forth in Colorado insurance law mandating fiduciary accounts and compliance. Questions were answered regarding the requirements. • Director Sisneros reminded the members and attendees that their annual reports were due to the Division of Insurance on November 1, 2010 and notified the members and attendees that the filing requirements as set forth in Division Regulation 1-2-14 and 1-2-13 require mandatory electronic filing. Questions were answered regarding the process, and the acceptance and rejection of reports. 		
Conclusions: Committee Members may meet and provide suggested amendments to Division Regulation 1-2-14 related to promissory notes at January 20, 2011 meeting.		
Action items: Committee Members may meet and provide suggested amendments regarding promissory notes to Division Regulation 1-2-14 at January 20, 2011 meeting.	Person responsible: Committee Members	Deadline: January 20, 2011

8.	Agenda Items for Next Meeting	Committee Members and Director of Compliance and Investigations
Discussion:		
<ul style="list-style-type: none"> • Below agenda items will be added to January 20, 2011 agenda: <ul style="list-style-type: none"> Bail Bond Advisory Committee meeting structure, selection of members as Committee officers and creation of bylaws. Immigration issue – Division of Insurance to present position regarding forfeiture payment to the court set forth in § 16-3-503(1)(c), C.R.S. Regarding cost passed on to the consumer. Promissory Note requirements set forth in Division Regulation 1-2-14 – Committee presentation of 		

suggested amendments.
Committee Duties and requirements.

Conclusions: Agenda items to be added to January 20, 2011 agenda

Action items: Add proposed agenda items to January 20, 2011
Agenda

Person responsible:
Beth Ham

Deadline:
January 20,
2011

9. Public Portion of Meeting is Adjourned Committee Members
Complaint review and Discussion

Discussion: No discussion was held by Committee

Conclusions:

Action items: None

Person responsible:

Deadline: